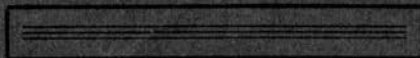


Property of City of Bend.

CHARTER
and
ORDINANCES
of
The City of
BEND

CROOK COUNTY
OREGON



A CHARTER
FOR THE
CITY OF BEND

COUNTY OF CROOK
STATE OF OREGON

TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF
SAID CITY OF BEND, FOR THEIR APPROVAL OR
REJECTION AT A SPECIAL ELECTION TO BE
HELD AT THE HOSE HOUSE IN SAID CITY
Between the Hours of 8 A. M. and 7 P. M.

ON WEDNESDAY, THE TWENTY-SECOND DAY OF
NOVEMBER, A. D., 1911.

Proposed by Initiative Petition filed in the office of the Recorder of said City of Bend on the 23rd day of August, A. D., 1911, ordained by the Common Council of the said City of Bend on the 31st day of August, A. D., 1911, and by said Common Council ordered referred to the people of said City of Bend, for their approval or rejection, at a special election to be held for that purpose, all in accordance with the provisions of Section 2 of Article XI of the Constitution of the State of Oregon, and amendments thereto and as further provided by the Code and Laws of said State.

Printed in pursuance of Section 3480 of Lord's Oregon Laws.
RECORDER, CITY OF BEND.

THE FOLLOWING IS THE FORM IN WHICH THE QUESTION WILL BE
PRINTED UPON THE OFFICIAL BALLOT AND THE NUMBERS THEREON.

Proposed by Initiative Petition; ordained by the Common Council of the City of Bend, and referred to the People by said Common Council for their approval or rejection.

The purpose of this measure is to submit to the qualified electors of the City of Bend, County of Crook, State of Oregon, a proposition to adopt or reject a charter for said City, defining its boundaries, specifying its officers, their powers and duties, providing for their election or appointment and to promote the general peace, health, safety and welfare of the inhabitants thereof. Vote YES or NO.

PLACE AN X BETWEEN THE NUMBER AND THE WORD.

300 YES

301 NO

Property of City of Bend.

BE IT RESOLVED, by the Common Council of the City of Bend, Oregon: That the following proposed charter be and the same is hereby approved, ordained and ordered submitted to the qualified electors of said city for their adoption or rejection at a special election to be held for that purpose on Wednesday, November 22, 1911, between the hours of 8 a. m. and 7 p. m. of said day, said election to be held at the hose house, the usual polling place in the City of Bend.

CHAPTER I.

Incorporation and Boundaries of the City of Bend.

Section 1. That the inhabitants of the City of Bend, County of Crook and State of Oregon, and their successors within the limits hereinafter described, be, and they are, hereby created and established a body corporate, under the name and style of "City of Bend," and by that name shall have perpetual succession and as such shall have the right to sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of said state or of the United States; to purchase and hold property, both real and personal, within and without the limits of said municipality; to sell, lease, use or otherwise dispose of said property for the common benefit of said city; to have and to use a seal and to alter the same at pleasure; to borrow money by the issuance of bonds or otherwise, provided said corporation shall not create any voluntary debts or liabilities which shall, in the aggregate, exceed one (1) per cent on the dollar of the total assessable property within the corporate limits as shown by the last county assessment roll, except as hereinafter provided.

Sec. 2. All property, both real and personal, belonging to the City of Bend, as heretofore created and existing, established and bounded, shall, upon the adoption of this charter become the property of and be vested in the City of Bend, as created, established and bounded by this charter.

Sec. 3. The corporate limits of said City of Bend shall be as follows, to-wit: Beginning on the township line between Townships seventeen (17) and eighteen (18), south at the southwest corner of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section thirty-two (32), in Township seventeen (17) south, Range twelve (12) east, Willamette Meridian, Crook County, Oregon; thence west on said township line to the Deschutes River; thence in a northeasterly direction along the said easterly shore line of the Deschutes River to the north line of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section twenty-nine (29), Township seventeen (17) south, Range twelve (12) east, Willamette Meridian; thence east to the northeast corner of the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section twenty-eight (28), Township seventeen (17) south, Range twelve (12) east, Willamette Meridian; thence south to the northeast corner of the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section thirty-three (33), Township seventeen (17) south, Range twelve (12) east, Willamette Meridian; thence west to the northwest corner of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section thirty-two (32), Township seventeen (17) south, Range twelve (12) east, Willamette Meridian; thence to the place of beginning.

Sec. 4. The municipality of Bend shall constitute and be known as Bend Road District No. 3 and all property situated therein shall be exempt from county road tax and the jurisdiction of the County Court, but subject to local road tax for the improvements of its roads and streets, which tax may be included in its general city levy or as otherwise provided by ordinance or state laws governing special road tax within a road district, and said municipality shall not be included in any road district or districts created by the County Court of the county in which the City of Bend is situated.

CHAPTER II.

Government of the City.

Section 1. The power and authority given to the municipal corporation of the City of Bend by this charter is vested in a Mayor and Common Council and their successors in office, to be exercised in the manner hereinafter prescribed.

Sec. 2. The Common Council of the City of Bend shall be composed of six

Councilmen, three of whom shall be elected each year by the qualified electors of said city, as hereinafter provided, and they shall hold their respective offices for the term of two years, commencing on Tuesday after the first Monday in January subsequent to their election, or until the election and qualification of their successors, as hereinafter provided.

Sec. 3. The Mayor and Treasurer shall compose the remainder of the elective offices of said city. They shall be elected for a term of one year each, at the regular annual city election, and each shall hold his office until his successor is elected and qualified, except as hereinafter provided.

Sec. 4. No person shall be eligible to any elective office within the City of Bend who is not, at the time of his election, a qualified elector under the laws of the State of Oregon, and who has not been a resident of said city for at least six months immediately preceding such election.

CHAPTER III.

Elections.

Section 1. There shall be held on Tuesday after the first Monday in December of each year a general city election within the City of Bend for the purpose of electing a Mayor and Treasurer, who shall hold their respective offices for a period of one year from Tuesday after the first Monday in January next following said election, and until their respective successors are elected and qualified. There shall also be elected at such regular annual election three members of the Council, who shall hold their respective offices for a period of two years from Tuesday after the first Monday in January next following said election, and until their respective successors are elected and qualified; Provided, that at the first election held under this charter six Councilmen shall be elected; the three persons receiving the highest number of votes are to serve for a term of two years and the three receiving the next highest number of votes are to serve for a term of one year.

Sec. 2. The Common Council shall have authority to appoint an Election Board, to consist of judges and clerks; to provide the manner and to designate the place or places of holding elections; to designate the time and purpose of holding all special elections, and to prescribe all other necessary or convenient methods for conducting such elections.

Sec. 3. No person shall be entitled to vote at any election held under this charter who does not possess the qualifications of a legal voter in the State of Oregon.

Sec. 4. All elections within the City of Bend shall be held substantially in accordance with the general election laws of the State of Oregon, so far as the same may be applicable, except as herein provided or as may be hereafter provided by ordinance.

Sec. 5. Within forty-eight hours after the returns shall have been made to the Mayor or Recorder by the Election Board, the Common Council, at a regular or special meeting therefor, shall forthwith proceed to canvass such election returns and immediately declare the results thereof, and cause the same to be entered upon its records, and at any municipal election the Recorder shall, upon demand, make and issue to each person so declared elected to any office, a certificate of election thereof. Such certificate shall be prima facie evidence of the facts therein stated. The Common Council is the judge of the election and qualifications of the Mayor, Treasurer and Councilmen, and in case of a contest between two or more persons claiming to be elected to the same office, must determine the same and their determination is to be final and binding upon all parties.

Sec. 6. The Recorder shall give ten days' notice by publication in some newspaper published in the City of Bend or by posting three notices thereof in three public places in the City of Bend, or both, as directed by the Council, of each general or special election, the object thereof, the date, the hours the polls are to be open, the place or places designated for holding such election, and the names of the judges and clerks thereof.

CHAPTER IV.
Appointive Officers.

Section 1. At the first regular meeting of the Common Council after each annual election the Mayor shall appoint, for a period not longer than until Tuesday after the first Monday of the next ensuing January, one Recorder, who shall be ex officio clerk of the Common Council; and the Mayor may at any time appoint a Chief of Police and such other policemen or watchmen as he may deem necessary. The Mayor, at any time, may also appoint a Fire Marshal, a Street Commissioner, a City Attorney, a City Engineer, a City Physician or such other officers as he may deem necessary or expedient, but none of such appointive officers shall enter upon the duties of his office until his appointment shall have been first approved by a majority vote of all the Councilmen. The duties of such appointive officers and the qualifications of the members of the Police and Fire Departments shall be such as are herein enumerated or as the Council may determine and prescribe by ordinance, and such appointees shall hold their respective offices until Tuesday after the first Monday of the next ensuing January, or until their successors are appointed and qualified, unless sooner removed by a majority of all the Councilmen; Provided, however, that the Recorder must have the qualifications as to residence as prescribed for elective officers above mentioned.

CHAPTER V.
Vacancies.

Section 1. An office, elective or appointive, shall be deemed vacant upon the death, insanity, conviction of a felony, resignation, removal from the city or absence from the city of the incumbent for a period of thirty days without the consent of the Council, or upon the failure of the person elected or appointed to an office, to qualify therefor on or before the day his term of office shall commence, as herein provided.

Sec. 2. A vacancy in an elective office shall be filled by a majority vote of all the Councilmen, by ballot, at any regular or special meeting therefor, and the person so designated shall serve the unexpired term and until his successor is qualified. An officer appointed or elected to fill a vacancy must qualify therefor within forty-eight hours from the time of notice to him of such appointment or election or he shall be deemed to have declined the office.

Sec. 3. In case of the neglect, failure or refusal of the Mayor to make what the Council may deem necessary appointments, to fill an appointive office, the Council may do so by a two-thirds vote of the whole membership thereof.

CHAPTER VI.
Organization of the Council.

Section 1. A majority of the entire Council shall constitute a quorum to do business. It must keep a journal of its proceedings, and on the call of any two of its members must cause the yeas and nays to be taken and entered in the journal upon any question before it, excepting a motion to adjourn. The deliberations and proceedings of the Council must be public. No franchise or order for the payment of money shall be passed at any other time than at a regular meeting and no franchise shall have any validity or effect unless passed by the votes of at least four Councilmen.

Sec. 2. The Council shall, at its first meeting to be held on Tuesday after the first Monday in January, elect one of their number who shall be known as President of the Council. He shall, in the absence of the Mayor or his inability to act, be the Mayor pro tem during such absence or inability; having during such time, the authority and duties of the Mayor. He shall, while exercising the duties of the Mayor have the right to vote as councilman; provided however, that he shall not vote, as Mayor, in case of a tie vote of the Council, nor have power to veto or approve ordinances or franchises.

Sec. 3. The Council may prescribe rules for order and decorum at its meetings, applicable to members of the Council and other persons present, and provide means for enforcing same and for compelling the attendance of absent Councilmen, and to specify penalties for failure of any Councilman or officer to attend meetings when duly notified or required by law or ordinance to be

present.

Sec. 4. The Council shall provide the place of holding its regular meetings and may provide for additional regular meetings by ordinance, adopt rules for the Government of its members and its proceedings.

Sec. 5. All officers elected or appointed under this Charter, before entering upon the duties of their respective offices, must take, subscribe and file with the Recorder an oath of office substantially in the following form: "I,..... do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, and that I will, to the best of my ability, faithfully and diligently perform my duties as..... of the City of Bend during my term of office or until the qualification of my successor, so help me God."

Sec. 6. The Mayor is, ex officio, President of the Common Council and presides over its deliberations when in session. He shall have authority to preserve order, enforce the rules of the Council and determine the order of business, subject to the rules of the Council.

CHAPTER VII.

Meetings of the Council.

Section 1. There shall be held a regular meeting of the Common Council on Tuesday after the first Monday in January of each year and such meeting is so designated and made absolute by this charter.

Sec. 2. There shall be a regular meeting of the Common Council at least once each month during the year and, unless otherwise provided by ordinance, such regular meetings shall be held on Tuesday after the first Monday in each and every month.

Sec. 3. Special meetings of the Council may be called by the Mayor, either upon his own motion or at the request of at least four members of the Common Council, to be held at any time, upon written notice of the time, place and purpose of such meeting to all of the members of the Council then in the city, at least three hours before the time specified for the proposed meeting; provided, however, that no notice shall be necessary in case all Councilmen sign a written waiver of notice of such meeting, its time, place and object, which waiver shall be spread at length in the minutes of such meeting.

CHAPTER VIII.

Powers of the Council.

The Common Council shall have power and authority, as enumerated under the following articles, within the corporate limits of the City of Bend:

ARTICLE A.

General Governmental Powers.

Section 1. To make ordinances, by-laws, regulations and to grant franchises as hereinafter provided, not repugnant to the laws of the State of Oregon or of the United States; provided, that every proposed ordinance or franchise shall receive two readings previous to its being passed and shall not be read more than once on the day of its introduction. A period of at least ten days shall elapse between said first and second readings. The Recorder shall announce before each reading whether it be the first or second reading. Provided further; that in case of an emergency, the Council by yeas and nays duly recorded, may suspend the above provision relative to the ten days interval between the first and second readings of any proposed ordinance and forthwith read such ordinance a second time, and place the same upon its passage, but this provision shall never apply in case of the granting of a proposed franchise. Upon the final passage of every proposed ordinance or franchise the yeas and nays shall be taken and recorded.

Sec. 2. To provide water, light, gas and power systems for the city, both for public and private use, and to charge and collect a reasonable price therefor, as more fully hereinafter set out.

Sec. 3. To divide the city into wards and to prohibit any elector from voting at any city election in any other ward than that in which he resides, and to designate the number of Councilmen in each, provided the total number for the city shall not exceed six.

Sec. 4. To appoint judges and clerks of election, to provide for their compensation and to designate and provide places of holding elections.

Sec. 5. To provide and enforce penalties for the violation of any ordinance which said Common Council is authorized to pass.

Sec. 6. To purchase, take and hold real estate when sold for city taxes or for any improvement ordered by the Council and to sell and dispose of the same.

Sec. 7. To designate the location and regulate the establishment and maintenance of saloons, hospitals, livery stables, market houses, canning factories, tanneries, garages, machine shops, slaughter houses, glue factories, boiler houses, crematories and other like enterprises.

Sec. 8. To purchase real and personal property within or without the corporate limits for water supply, sewer systems, dumping grounds, parks, hospitals, cemeteries, crematories, houses of correction, work-houses for other public and municipal purposes.

Sec. 9. To build and construct buildings and works for public and municipal purposes, and to purchase and hold real and personal property necessary and convenient therefor.

Sec. 10. To provide for the appointment, compensation and tenure of office of a fire marshal, a city attorney, a city engineer, a city physician, a commissioner of streets, judges and clerks of election, pound-master and members of the police force or such other officers as the Council may deem necessary.

Sec. 11. To provide for the compensation of the Recorder, Marshal, Treasurer, City Attorney and others employed by the city.

Sec. 12. To fix and determine a reasonable maximum rate of charge, to be made for the furnishing of electricity, light, water, gas or telephone service within the corporation, to the inhabitants thereof, to be made by any public or quasi public corporation, firm or individual.

ARTICLE B.

Finance and Tax.

Section 1. To levy, assess and collect taxes for municipal purposes not to exceed two per centum upon all property, both real and personal, within the corporate limits which is taxable for County and State purposes, as shown by the last assessment roll.

Sec. 2. To appropriate for any item of city expenditure and provide for the payment of the expenses and debts of the city.

Sec. 3. To borrow money on the faith and credit of the city or loan the credit thereof, or both, or incur a total voluntary indebtedness of not to exceed the sum of one per cent of the total taxable city property as shown by the last assessment roll, except as otherwise specially provided hereafter.

Sec. 4. To issue and sell bonds of the city, for the purpose of supplying the city and its inhabitants with water, light and sewerage system, as herein-after provided.

ARTICLE C.

Health, Welfare and Safety.

Section 1. To prohibit or regulate the hauling of logs or other things of value over or across the streets or alleys of said city in a manner which the Council deem is detrimental to the general welfare of the city of Bend.

Sec. 2. To prohibit the throwing of any filth, garbage or other impurities of any kind into the Deschutes River or any other water, stream or ditch within the limits of the city, or the doing of any other act by which the water supply of the city might be contaminated or the general health of the inhabitants impaired.

Sec. 3. To establish and maintain hospitals within or without the corporate limits of the city of Bend and to prevent the introduction and spread of contagious and infectious diseases in the city and to remove or quarantine persons afflicted therewith.

Sec. 4. To provide means to prevent the introduction and for suppressing contagious or other diseases within the city, to provide for the removal to suitable places within or without the city of all persons suffering from smallpox, cholera, yellow fever, diphtheria, scarlet fever or other contagious or infec-

tions diseases, and to establish regulations for the preservation of the general health of the inhabitants of the city; to provide for the sanitary conditions throughout the city and to make regulations therefor and to provide means for enforcing the same.

Sec. 5. To provide for the establishment, equipment and maintenance of a fire department and fire companies and for their regulation.

Sec. 6. To provide for the prevention and extinguishment of fires, to compel all persons present to aid in the extinguishment of fires and the preservation of property exposed to danger on account thereof, and to prescribe by ordinance such other powers, provisions, rules and regulations as shall be necessary or expedient for such occasions.

Sec. 7. To regulate and control the storage of gun powder, giant power, dynamite, nitro-glycerine and other explosives and combustible materials; the use of lamps and other lights in shops, stables and other places; to prevent, remove or secure any fire-place, stove, stove-pipe, chimney or other apparatus which the Council deem dangerous in causing fires and to regulate the manner of building chimneys, partitions, party walls and fences.

Sec. 8. To determine and prescribe by ordinance the number and size of all places of entrance and exit to and from all public halls, churches, theaters, schools and all other buildings used for public gatherings; also to prescribe the manner of hanging doors thereto.

Sec. 9. To establish fire limits within the city and to prescribe the kind of buildings to be constructed therein; to prohibit and regulate the erection and repair of wooden buildings within such fire limits and to limit the maximum height of buildings within such limits.

Sec. 10. To prohibit and regulate the running at large of domestic animals in the city.

Sec. 11. To regulate the speed of all trains, cars, locomotives, street cars and motor cars, automobiles, bicycles and tricycles or any other means of conveyance and to prohibit fast and furious riding and driving upon the streets and alleys of the city, and to prevent the breaking of horses or other animals on the streets or alleys of the city.

Sec. 12. To control and regulate by ordinance the manner of constructing awnings and advertising signs and sidewalks and to compel repairs and changes in signs, awnings and sidewalks already constructed at the cost of the owner or owners thereof.

Sec. 13. To control and regulate the manner in which public carriers operate and manage their conveyances, hacks, coaches, wagons, carts, drays, omnibuses, motor trucks, automobiles or other vehicles; to fix the maximum rate to be charged for the use of same and to tax and license all persons engaged in operating the same.

Sec. 14. To regulate the weights and measures within the city limits.

Sec. 15. To regulate and prohibit the use of guns, pistols, fire-arms, fire-crackers, fire-works of all kinds, bombs and detonating works of all descriptions; air guns and the discharge of missiles and projectiles of all kinds in said city.

Sec. 16. To prevent or regulate the distribution of handbills, posters, samples, or the erection or maintenance of bill-boards or sign-boards throughout the city and to prohibit or regulate public criers, ringing of bells and all advertising noises, steam whistles, the ringing of locomotive and all other bells or the blowing of whistles and to limit and regulate traffic within the limits of the city.

Sec. 17. To prohibit the exhibition of deformed or crippled persons and to prevent such, or any other persons from begging on the streets and alleys or upon private property within the limits of the city.

Sec. 18. To grant permission, regulate or prohibit the use of dynamite or other explosive within the corporate limits.

ARTICLE D.

Streets and Sewers.

Section 1. To provide for the survey of lots, blocks, streets and alleys of the city; to provide for making and establishing the boundary lines of said

blocks, streets and alleys; to provide for the naming of the streets, the widening, straightening or vacating the same, and to provide for numbering the houses and business places thereon.

Sec. 2. To control and regulate by ordinance the manner of setting out trees or shrubbery and shade trees within the streets or public property or parks of the city.

Sec. 3. To regulate and control by ordinance or otherwise the construction and location or maintenance of all telegraph, electric light and telephone lines and telegraph, telephone and electric light poles and all electric and other apparatus for lighting streets, parks and public or private buildings or places within the city and the laying of conduits, sewers, water or gas mains and pipes.

Sec. 4. To control the manner of constructing and the location of street car lines, the manner of operating the same, and to fix a reasonable maximum rate of fares to be charged thereon.

Sec. 5. To provide for the vacation of any street or alley or part thereof, upon the petition or with the consent of the owners of not less than three-fourths of all the property adjoining or abutting upon such street or alleys or part thereof to be vacated and for filing record of same with the County Clerk, either as provided by the laws of the State of Oregon or as may hereafter be provided by ordinance.

Sec. 6. To build culverts, bridges, sub-ways, viaducts, conduits and sewers.

Sec. 7. To prevent the obstructing of the streets, alleys, cross-walks, side-walks, public parks and other public places; to remove obstructions therefrom; to define what shall constitute an obstruction; to provide for the punishment of persons obstructing the same and to provide for the repairing and cleaning of the same at the expense of the property abutting on such improvement or of the city.

Sec. 8. To permit, allow and regulate the laying of tracks for street cars and other railways upon such street or streets as the Council may designate.

Sec. 9. To provide for the cleaning and sprinkling of the streets and alleys at the expense of the city or of the property abutting thereon, and to assess and make the same a lien upon the property.

Sec. 10. To regulate the width and kind of tires to be used on vehicles and the maximum load to be carried thereon and to license vehicles.

Sec. 11. To provide and construct a system of sewerage or drainage, prescribe regulations therefor and compel property owners to connect therewith.

Sec. 12. To provide for the cleaning of streets, alleys, out-houses and all unclean places within the city, and to provide for the disposition of garbage, refuse, rubbish and manure.

Sec. 13. To establish and maintain a fixed grade for streets, roadways, alleys and sidewalks; provide the manner of grading, graveling, paving or planking streets, roadways, alleys and to prescribe kinds of material, width and manner of constructing sidewalks and crosswalks.

Sec. 14. To regulate the opening of street surfaces, the constructing of water ditches, boxes and flumes, the laying of gas and water mains and pipes, the building and repairing of sewers, the setting, height and size of telephone, telegraph and electric light poles, and the stringing of wires thereon.

ARTICLE E.

Criminal.

Section 1. To prevent, regulate, prohibit and remove nuisances and to declare by ordinance what shall constitute the same and to make the expense of abating such nuisances a lien upon the property where it existed.

Sec. 2. To prevent and restrain any riot, noises, disturbances or disorderly assemblages in any place or places within the city and to regulate and prohibit the carrying of deadly weapons in a concealed manner.

Sec. 3. To prohibit any person or persons within the corporate limits of the City of Bend from selling or giving away any spirituous, malt, vinous or intoxicating liquors to any minor or person under the age of twenty-one years, and to prohibit the owner or keeper of any place where such liquors or any of

them are sold from permitting such minor, person or any female to remain in or loiter about such place, and to prohibit any person or persons from in any manner, directly or indirectly, selling or giving away, through an agent or employe, or otherwise, any cigarette, cigar or tobacco in any form to any minor or person under the age of twenty-one years.

Sec. 4. To define who are common drunkards, to prohibit the sale or giving of any intoxicating liquor or liquors to any such common drunkard, and to fix the penalty.

Sec. 5. To restrain or prohibit the smoking of opium or the running of opium houses or places of smoking opium, to define what is an opium house or place of smoking opium, and to punish the proprietor or keeper thereof and the opium smokers and frequenters of such houses.

Sec. 6. To restrain and prohibit bawdy houses and houses of ill fame or assignation houses and to define the same; to prescribe punishment for whores, lewd women and women of ill repute; to prescribe punishment for any person who loiters or inhabits or frequents a house of ill fame or ill repute or lives with a whore or prostitute or woman of ill repute.

Sec. 7. To define and prohibit unlawful gaming and gambling and to suppress gaming and gambling houses and to punish persons found guilty of gambling or unlawful gaming or keeping or owning such houses.

Sec. 8. To define vagrancy and to provide punishment for vagrants and to provide for the support, restraint, punishment or employment of vagrants and paupers.

Sec. 9. To regulate or prohibit any or all stores, shops, theaters, public halls and places of public entertainment and amusement, billiard, saloons or other business houses or places from keeping open on Sunday, except as provided by the law of the State of Oregon.

Sec. 10. To prevent any and all domestic animals from running at large within the city limits and to impound and sell the same.

Sec. 11. To prevent and punish trespass upon real or personal property.

Sec. 12. To provide for the restraint and punishment of any person intoxicated, quarrelling or creating any disturbance or engaged in any unlawful or indecent practice, and to define what shall constitute the same.

Sec. 13. To prevent, restrain, disperse and punish any riot or riotous assemblage or any person taking part therein.

Sec. 14. To regulate the driving of stock and all domestic animals through the streets and alleys of the city.

Sec. 15. To provide for the punishment of persons who leave horses, mules or other domestic animals in the streets or alleys.

Sec. 16. To prevent cruelty to animals or leaving them exposed unreasonably to severe and inclement weather within the limits of the city, and to make the police force, and others, humane officers.

Sec. 17. To prohibit persons from roaming about the city at unreasonable hours and to define what are unreasonable hours and what constitutes roaming.

Sec. 18. To prevent the erection of bill-boards, signs, scaffolding, structures or other buildings within the city limits which shall be dangerous to the public or passers-by, and to cause such signs, scaffolding, structures or other buildings to be removed or made safe at the expense of the owner of the property upon which the same are situated, and such expense shall be a lien upon the property and be collected in the same manner as for street improvements.

Sec. 19. To prohibit the employment of minors, children and women in factories, sweat-shops or the like.

Sec. 20. To compel all prisoners in the city jail, who may be imprisoned for vagrancy or for violating any city ordinance, to work on public works under the control and direction of the Chief of Police, and if need be to secure said prisoners with ball and chain or shackles while in such employment.

Sec. 21. To provide for imposing, collecting and appropriating fines, penalties and forfeitures for breaches of any ordinance, and for imposing imprisonment for the violation thereof and imposing imprisonment for the non-payment of such fines, not to exceed one day for each two dollars thereof or to impose

both fine and imprisonment, but no fine shall exceed two hundred dollars and no imprisonment imposed shall exceed one hundred days, or both.

Sec. 22. To provide a place for and manner of the confinement of persons found guilty of violating the city ordinances.

ARTICLE F.

Water.

Section 1. To provide for the removal of standing water and other offensive substances and to prevent streams or ditches from overflowing their banks or being obstructed or the flow of water therein being interfered with.

Sec. 2. To fill up or drain any lots or blocks where stagnant water stands and to make the cost thereof a lien upon the property, the same to be collected in like manner as for street improvements, but in such cases the same must be reported to the Council and the necessity thereof declared by said Council after a full hearing thereon.

Sec. 3. To provide for the erection, construction and maintenance of flood-gates on any property in the city, to prevent the overflow of water on any part of the city, and to regulate and control the same.

ARTICLE G.

Light.

Section 1. To provide for the lighting of streets, alleys and public buildings of the city; also to provide lights for the private houses, stores and shops and all other buildings, both public and private, within or beyond the city limits and to charge and collect a reasonable price therefor, as more fully set out hereinafter.

ARTICLE H.

License.

Section 1. To license, tax, regulate or prohibit bar rooms, drinking shops, tipping houses, billiard rooms, bowling alleys, dance houses or other places of amusement and all places where spirituous, malt, vinous or intoxicating liquors are sold, whether wholesale or retail; provided, that no license for the sale of spirituous, malt, vinous or intoxicating liquors shall be issued for any less amount than is or may be provided by the general laws of the State of Oregon in force at the time of the issuance thereof.

Sec. 2. To license, tax, regulate or restrain laundries, junk shops, dealers in junk, dealers in second-hand goods, brokers, pawn brokers, money changers, local drummers, local commercial travelers, hotel runners, auctioneers, tavern keepers, hawkers, peddlers, itinerant vendors, transient dealers and the selling of goods by samples, and to define what shall constitute such occupations.

Sec. 3. To establish, maintain or to license, tax or regulate public or private market places or houses.

Sec. 4. To regulate, license, tax or prohibit the keeping of stallions, jacks, bulls and other animals kept for breeding purposes within the corporate limits.

Sec. 5. To license, tax and regulate the keeping or dogs and other domestic animals within the city and to enforce the collection of such tax or license, and to kill or otherwise dispose of dogs and other domestic animals when such license or tax is not paid and to punish any person harboring or keeping any such animal upon which said license or tax is not paid.

Sec. 6. To license, tax and regulate all such callings, trades, professions or employments as in the opinion of the Council, the public health or good may require to be licensed, taxed or regulated except such as not prohibited by the laws of the State of Oregon or of the United States.

Sec. 7. To license, tax, regulate, restrain, prohibit or suppress all offensive trades, professions or occupations.

Sec. 8. To license, tax and regulate or restrain theatrical and other exhibitions, shows and other public amusements.

Sec. 9. To license and tax all business, professions and occupations which, in the judgment of the Council, should contribute to the revenue of the city.

Sec. 10. To license and tax buildings and halls used in whole or in part for entertainment, balls, gatherings or meetings, when an admission is charged or where rent for said building or hall is paid.

ARTICLE I.
Miscellaneous.

Section 1. To provide for a park and boulevard system and the appointment or election of a Board of Park Commissioners, to be composed of five members, and to prescribe their duties. All members of said board shall be bona fide residents and citizens of the City of Bend.

Sec. 2. To provide details for the levying of a publicity or bonus fund; the advisability, amount and method of expenditure thereof having been determined by a majority vote of all electors who are taxpayers on property in and who reside within said city.

Sec. 3. To grant rights of way and franchises for a period of not more than twenty years over and through the streets, alleys and roads of the City of Bend, to persons and corporations, for the purpose of constructing telephone, telegraph, electric light and other lines, railroads, street cars, water-works and other purposes and enterprises, and regulate the construction, operation and maximum charges to be made by the person, firm or corporation and to purchase light, water, telephone and other service therefrom for public and municipal purposes.

Sec. 4. To enact any and all ordinances, by-laws and regulations not inconsistent with the constitution or laws of this State or of the United States that shall be needful to the peace, good order, health, cleanliness, ornament, prosperity and general welfare of the city, and secure the protection of persons and property therein.

CHAPTER IX.

The Mayor; His Powers and Duties.

Section 1. The Mayor shall be the executive officer of the corporation, and must exercise a careful supervision over its general affairs and over its subordinate officers. He shall have power to call special meetings of the Common Council and shall preside over and at their meetings, but shall not vote except in case of a tie, when he shall cast the deciding vote on all questions. He shall, at least once in each year, at the regular July meeting, report in writing to the Council the conditions, financial and otherwise, and recommend such measures for the peace, health, improvement and prosperity of the city as he may deem expedient. He shall at the first regular meeting of the Council after each annual general election appoint three members of the Council on each of the following committees, to-wit: (1) Police, Fire and Liquor License, (2) Streets, Public Ways and Sewers, (3) Ways and Means, (4) Health, (5) Cemetery and Public Property, (6) Rules, Order of Business and Elections; which shall be and remain standing committees for one year and until their successors are duly appointed and shall have general power and supervision over the different subjects pertaining to their respective departments, and such further powers and duties as may be prescribed by ordinance or assigned them from time to time by the Council. And the members of said respective committees shall be directly responsible to the people for the condition of the affairs existing within the jurisdiction of their respective committees.

Sec. 2. No ordinance passed by the Council shall go into effect or be of any force until approved by the Mayor, except as provided in the following sections.

Sec. 3. Upon the passage of any ordinance the enrolled copy thereof, attested by the Recorder, shall be placed on file by the Recorder and if the Mayor approves the same he shall write thereon "Approved," with the date of such approval, and sign the same officially and thereupon, unless otherwise provided therein, such ordinance shall become a law upon the expiration of 30 days from the date of approval by the Mayor, or within 40 days after its passage by the Council in case the Mayor failed to approve or veto the same then be in force and effect.

Sec. 4. If the Mayor does not approve of an ordinance so passed, he must, within ten days from the passage thereof, deliver to the Recorder his reasons in writing for not approving it, and if the Mayor does not make his return thereupon within ten days, such ordinance shall become a law the same as if he had approved it.

Section 5. At the first meeting of the Council after the return by the Mayor of any ordinance not approved, the Recorder shall present the same to the Council with the objections of the Mayor; all of which must be read to the Council, and such ordinance may then be put upon its passage again and if two-thirds of all members constituting the Council, as then provided by law, shall vote in favor of such ordinance, it shall thereupon become a law without the approval of the Mayor, but not otherwise.

Sec. 6. No person shall be eligible to any office, elective or appointive, in the corporation, who, at the time of his election or appointment is not entitled to the privileges of an elector under the laws and constitution of the State of Oregon and who has not resided in the City of Bend for sixty days next preceding such election or appointment; provided, this section need not apply to the police or fire departments, if the Council otherwise determine by a two-thirds vote of the whole membership thereof.

Sec. 7. The Mayor shall fill all vacancies in the appointive offices of the city as they occur with the approval of a majority of the Common Council and in case of his failure so to do the Council may, by a two-thirds vote of all the Councilmen, fill such vacancies.

Sec. 8. In case of the absence of the Recorder or of his inability to act, the Mayor shall act as municipal judge in all matters relating to the violation of any city ordinance.

Section 9. The Mayor shall countersign all orders on the City Treasurer; he shall sign all deeds, mortgages, notes, bonds, debentures, contracts and writings authorized by this Charter or the Council; he shall approve all official bonds and bonds for licenses, contracts and proposals in writing with the consent and under the direction of the Council. He shall perform such other duties as the Council may direct or ordain.

CHAPTER X.

The Recorder; His Powers and Duties.

Section 1. The Recorder shall be the judicial officer of the city and shall have jurisdiction of all violations of any ordinance of said city. He shall hold court in said city at such place as the Council shall direct, which court shall be known as the Municipal Court, and may impose fines or commit to the city jail any person or persons found guilty of any offense against or violation of any city ordinance within his jurisdiction. He shall have authority to issue process for the arrest of any person or persons accused of any offense against the city or violation of any of its ordinances and may commit such accused to imprisonment or admit them to bail pending trial. He shall have authority to issue subpoenas to compel witnesses to appear and testify on the trial of any cause before him, and to enforce obedience thereto and to issue any and all process necessary to carry into effect the judgment or sentence of said court. The Recorder is authorized to administer any oath required to be taken by any law of this State or any city ordinance.

Sec. 2. All proceedings in the Recorder's Court are governed and regulated by the general laws of the State, governing Justices of the Peace and Justice's Court, so far as the same may be applicable, or unless otherwise provided by ordinance, except that the accused shall not have the right of trial by jury unless the defendant demands the same in open court or in writing, before any witnesses are sworn on the trial of the cause and shall deposit in cash with the Recorder, the jury and trial fees, in the minimum sum of ten dollars or in such sum as the Recorder shall fix, not exceeding one hundred dollars, and the Recorder shall retain from such deposit the amount of costs necessitated by the calling of such jury and return the balance of such deposit to such person, whether convicted or acquitted.

Sec. 3. In the absence of the Recorder or his inability to act, the Mayor shall preside over the municipal court with like powers and authority as the Recorder, and in case of the absence or inability to act of both the Recorder and the Mayor, the President of the Council shall preside over such municipal court.

Sec. 4. No appeal shall lie from the Recorder's Court in any criminal case except in cases where the penalty imposed by the Recorder shall exceed a fine

of forty dollars, or exceed imprisonment in the city jail for twenty days. Otherwise the remedy shall be by Writ of Review to the Circuit Court.

Sec. 5. The Recorder is the custodian of the papers, records and seal of the corporation, and ex officio clerk of the Council. In the absence of the Recorder at the Council meetings the Council shall appoint one of their number as the clerk of the Council pro tem, and while acting as such clerk he shall have all the authority of the Recorder. The Recorder shall file all bills, demands and claims presented to him against the city and present the same to the Council at their next regular meeting. He shall draw and sign all orders on the Treasurer under the direction of the Council and shall attest all notes, bonds, mortgages, obligations, deeds, conveyances, contracts and agreements made or entered into by the city. He shall forthwith pay all moneys collected by him to the City Treasurer, taking a receipt therefor. He shall issue licenses provided for by ordinance or when ordered by the Council upon presentation to him of a receipt from the City Treasurer, of the amount of such license, and subject to the provisions of the ordinance under which the same is imposed. He must keep books of account, showing all moneys collected by him and for what purpose and to whom paid and to what fund. The Recorder shall issue all notices required by this Charter or ordinance hereunder, and make certified copies of records and ordinances for publication or otherwise under this Charter, and shall perform all other duties that may be required of him by any ordinance or rule of the City Council.

Sec. 6. Witnesses for the city shall not be entitled to any compensation unless the Council shall so ordain by ordinance.

Sec. 7. The City Recorder shall give a surety bond, to be filed with the Mayor, to the city in the penal sum of five hundred (500) dollars, conditioned upon the faithful performance of his duties and the satisfactory accounting for all moneys that may come into his hands, provided the City of Bend shall pay the premium upon such bond.

Sec. 8. The further duties and compensation of the Recorder shall be prescribed by ordinance.

CHAPTER XI.

The Treasurer; His Powers and Duties.

Section 1. The City Treasurer shall receive and safely keep all moneys that shall come into his hands belonging to the city and pay the same out only on the order or warrant signed by the Mayor and Recorder, drawn by the order of the Council. He shall keep a book of accounts and shall keep separate the funds created by this Charter or that may be designated by ordinance. He shall pay all orders on the Treasurer from the several funds in the numerical order in which they are presented for payment. Should any order or warrant be not paid for want of funds, he shall so endorse the same with his name and title of office, and give such warrant a registered number and thereafter said warrant shall draw interest at the rate of six per cent per annum until the Treasurer has sufficient funds on hand to meet the same, in which case he shall advertise in a local newspaper, calling in such registered warrants by number; provided however, that no call shall be made until the Treasurer has in his hands at least five hundred (500) dollars available for the payment of such registered warrants and interest thereon.

Sec. 2. The Treasurer shall keep an account with the general fund and a separate account with each special fund that may be raised for any specific object and when a warrant is drawn on any particular fund it can only be paid out of such fund. No claim against the city shall be paid until audited and allowed by the City Council.

Sec. 3. The Treasurer shall make a report of the receipts and expenditures of the city for the quarters ending with the last day of March, June, September and December of each year and file the same with the Recorder within two days from the expiration of each of said quarters respectively; which reports shall be published by the Recorder as may be prescribed by ordinance.

Sec. 4. The Treasurer shall, before entering upon his duties, give a surety bond to the City of Bend for the faithful performance of his duties as such

Treasurer and the satisfactory accounting of the moneys coming into his hands and paid out by him; which said bond, until the further order of this Council, shall be in the penal sum of not less than five thousand (5,000) dollars, the premium upon which bond shall be paid by the city.

Sec. 5. The further duties and compensation of the Treasurer shall be prescribed by ordinance.

CHAPTER XII.

The Chief of Police; His Powers and Duties.

Section 1. The Chief of Police is conservator of the peace and, as such Chief of Police, shall be directly responsible to the Council for the conduct of himself and of the peace officers subordinate to him. He shall be chief jailer and, unless otherwise provided by ordinance, ex officio Street and Sidewalk Commissioner until the city fills said office of Street Commissioner by regular appointment. It shall be his duties to supervise, take care of and account for all city property and tools and to prevent the loss or destruction thereof. He shall attend all meetings of the Council and perform the duties of sergeant-at-arms of that body.

Sec. 2. He shall see that all ordinances of said city are enforced and to this end he is hereby made a peace officer with power to make arrests for a breach of the peace or the commission of a crime or felony within the limits of the City of Bend with or without a warrant of arrest. He shall make monthly reports to the Council at each regular meeting of his acts and doings for the previous month. He shall also act as pound-master and see that all persons liable for license have paid the same and he shall be present or assign some member of the police force to be present as bailiff at all trials in the municipal court, and preserve order and decorum thereat.

Sec. 3. Before entering upon his duties as Chief of Police, he shall file a surety bond in the penal sum of five hundred (500) dollars, or such other amount as the Council may designate, payable to the City of Bend, conditioned that he will well and faithfully perform his duties as Chief of Police and that he will satisfactorily account for all moneys that may come to his hands by virtue of such office; the premium on which bond shall be paid by the city.

Sec. 4. His further duties and compensation shall be such as may be ordained by the Common Council.

CHAPTER XIII.

The City Attorney; His Powers and Duties.

Section 1. The City Attorney shall be a regularly admitted and practicing attorney-at-law in this State. He shall attend all meetings of the Common Council. He shall also attend to all actions, suits and proceedings to which the city is a party or legally interested and attend to all prosecutions of persons charged with the violation of a city ordinance, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor, Council or other city official and draw all ordinances when ordered by the Council. He shall perform such other duties consistent with his office as the Council may by ordinance prescribe. His further duties and compensation shall be fixed by the Council.

CHAPTER XIV.

The Street Commissioner; His Powers and Duties.

Section 1. The Street Commissioner, whether he be the Chief of Police, acting as such or a regular appointee, shall keep himself informed of the condition of all public streets, alleys, roads, bridges, culverts, crosswalks, sidewalks, sewers, drains, cess-pools, surface drains, out-houses, toilets, street lamps, public parks, grounds, public buildings, and works, and see that the same are kept in good repair and condition under the laws and ordinances of the city and the orders and rules of the Common Council. He shall see that all laws and contracts relating to the repairing, construction and building of the same and ordinances relating thereto are strictly enforced and complied with.

Sec. 2. He shall make recommendations from time to time to the Council for such repairs, construction or building as are, in his judgment, proper for the benefit of the city.

Sec. 3. He shall have such other authority and perform such other duties as the Council may direct or prescribe by ordinance.

Sec. 4. The regularly appointed Street Commissioner shall, before entering upon his duties as such, if required by the Council, give to the City of Bend, a surety bond in such penal sum as the Council may prescribe, conditioned that he will well and truly perform his duties and satisfactorily account for all moneys that may come into his hands by virtue of such office; the premium upon which bond shall be paid by the city.

CHAPTER XV.

The City Engineer; His Powers and Duties.

Section 1. The City Engineer shall be a graduate of a recognized engineering school and engaged in the active practice of such profession.

Sec. 2. He shall perform all duties required of him by this charter or by virtue of any ordinance hereinafter enacted. He may, in the discretion of the Common Council, be required to give a surety bond in such an amount as may be designated by said Council; the premium upon which shall be paid by the City of Bend.

Sec. 3. His further duties and compensation shall be such as may be ordained by said Council.

CHAPTER XVI.

The City Physician; His Powers and Duties.

Section 1. The City Physician or Health Officer shall be a graduate of a school approved by the American Federation of Medical Colleges and a licensed physician and surgeon of this State.

Sec. 2. He shall perform the duties of health officer within and for the City of Bend, act as advisor to the Committee on Health and perform all duties incumbent upon him by statute or ordinance. He shall make a written report to the City Council at or prior to the regular July meeting of the City Council each year and such supplemental reports from time to time as he may deem best or the Council may request.

Sec. 3. His further duties and compensation shall be fixed by ordinance.

CHAPTER XVII.

The Police; Its Powers and Duties.

Section 1. The Council may make all necessary or convenient rules and regulations for the organization and conduct of the police force and for the care and management of the city jail, for receiving and hearing complaints against any member of the police force and for the suspension or removal of any member thereof.

Sec. 2. All members of the police force shall possess the same power and authority as the Chief of Police in seeing that all ordinances, rules and orders of the Council are enforced; in making arrests and preventing breaches of the peace. They must exercise a vigilant control over the peace and quiet of the city.

CHAPTER XVIII.

The Fire Department: Its Powers and Duties.

Section 1. It shall be the duty of the Council to provide means for the prevention and extinguishment of fires and conflagrations and for the preservation of property endangered thereby.

Sec. 2. The Council may provide for the organization, regulation, conduct and maintenance of a sufficient fire department; provide all necessary apparatus and equipment for the same, including suitable places and buildings for housing the apparatus and for the different fire companies to hold their meetings; it shall delegate the name and number of companies constituting the fire department and provide for the appointment of a Fire Marshal, who shall be the head of the fire department, and such assistants as may be necessary.

Sec. 3. The Fire Marshal shall be vested with the power and authority of a member of the police force while on duty at a fire.

CHAPTER XIX.

Of Streets, Their Grades and Improvements.

Section 1. The Common Council shall have power and authority whenever it deems it expedient to establish or alter the grades, or improve or repair any

street, alley or public way or any part thereof, now or hereafter laid out or established within the corporate limits of the city; and the kind of improvement or repair shall be such as the Council shall provide; such power and authority shall include the right to improve, build or repair sidewalks, pavement or any street or alley, and to determine and provide for every thing convenient or necessary in such improvement, alteration or repair; to provide for the construction, cleaning and repairing of side and cross walks adjacent to property by the owner thereof, or by the city at the expense of such owner, and that such expense be made a lien upon such property.

Sec. 2. The Common Council may by ordinance, delegate the power to establish the grade of and to improve and repair streets; also to construct, improve and repair side and cross walks hereby given it, to any committee or officer of the city, and prescribe rules and regulations not inconsistent with this Charter for the enforcement of such powers, and for making the expense of such improvements, construction, alteration and repairs a lien upon the property liable therefor; or the Council may proceed in the manner hereafter provided for the improving or repairing of any street or alley.

Sec. 3. The work of improvement of any street, alley or public way shall be let by contract to the lowest responsible bidder, who shall give a bond to the City of Bend in such sum as may be determined upon, by the Common Council, not exceeding the contract price, conditioned for the faithful performance of the work to the satisfaction of the Common Council, and the provisions thereof shall be enforced by action in any court having jurisdiction of that amount in the name of the City of Bend.

Sec. 4. Whenever the Council shall deem it expedient or necessary to improve any street, alley or public way, or any part thereof, it shall require from the City Engineer, plans and specifications for an appropriate improvement and estimates of the work to be done and the probable cost thereof, and the City Engineer shall forthwith prepare the same and shall file such plans, specifications and estimates in the office of the Recorder. If the Council shall find such plans, specifications and estimates to be satisfactory it shall approve the same and shall determine the boundaries of the district benefited and to be assessed for such improvement, and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall, by resolution, declare its purpose of making such improvement, describing the same and including the City Engineer's estimate of the probable cost thereof and also defining the boundaries of the assessment district to be benefited and assessed therefor.

Sec. 5. The resolution of the Common Council declaring its purpose to improve the street, shall be kept on record in the office of the Recorder. It shall be the duty of the Recorder to give notice of the passage of said resolution by causing the same to be published at least once in a newspaper published in the city. The City Engineer, within five days from the first publication of said resolution shall cause to be conspicuously posted at each end of the contemplated improvement, a notice headed, "Notice of Street Improvement," said notice shall contain in legible characters a copy of the resolution of the Council and the date of its adoption and the Engineer shall file with the Recorder an affidavit of the posting of said notice, stating therein the date and the place where the same have been posted.

Sec. 6. If no remonstrance be filed with the Recorder within fifteen days from the date of the posting of the notice, by the Engineer, the Council may proceed to let the contracts for such improvements as herein provided, provided however, that the Council may reject any or all bids.

Sec. 7. If a remonstrance be filed within fifteen days from the date of the posting of the notice by the City Engineer, signed by the owners of two-thirds or more in area of the property within such assessment district, no contract shall be let therefor, until the Council shall consider and determine the necessity of such improvement. If after reconsideration by the Council of the resolution requiring and directing such improvements, two-thirds of all the Councilmen shall vote for the same and the Mayor shall again approve such resolution, the contracts for such improvements may be let as if no remonstrance had been filed

either upon the bids already received therefor or the Recorder may give notice for new bids, as provided in Section 9 of this Chapter, as the Council shall direct.

Sec. 8. The contract price, the right of way and expenses of condemning land and a sum not to exceed 5 per cent of the contract price as the cost of advertising, engineering and superintendence, shall be deemed to be the cost of every street improvement.

Sec. 9. No contract to improve any street, alley or public way shall be let until the Recorder, by order of the Common Council shall have given ten (10) days' notice thereof by publication in some newspaper published in the City of Bend, or by posting notices thereof in three (3) public places in said city not less than ten (10) days prior to the time of letting such contract.

Sec. 10. Such notices shall state the time and place when and where bids for such contract or contracts shall be opened and considered, shall refer to the resolution providing for such improvement by number and by date of passage, and shall specify what part of such improvement or repairs shall be let in one contract, and the time within which the same shall be required to be completed.

Sec. 11. The City Engineer taking the cost of the street improvement as estimated in Section 8, shall apportion the cost thereof (except the share to be paid in case of street improvement by railroad or street railway company by reason of their use of the streets) upon the lots, parts of lots and parcels of land benefited thereby in the assessment district, and when the City Engineer shall have ascertained what he may deem a just apportionment of said cost, in accordance with the special and peculiar benefits derived by each lot, or part thereof, or parcel of land, the same shall be a proposed assessment and he shall file the same with the City Recorder, and the Recorder shall, thereupon, cause to be published in a newspaper published in the city, a notice stating that said proposed assessment has been apportioned and is on file in the office of the City Recorder and subject to examination, and that any objection to such apportionment that may be made must be made in writing to the Common Council and filed with the City Recorder within ten (10) days from the publication of such notice and that the same will be heard by the Common Council before the passage of any resolution assessing the cost of said improvement.

Sec. 12. After the time specified in said notice has lapsed, the Council shall consider said proposed assessment and the objections made thereto, if any, and shall have the power in its discretion and without any further notice to consider, ascertain and determine the amount of the special and peculiar benefit accruing to each lot, part of lot, or parcel of land as assessed by reason of such improvement, and if the amount apportioned by the City Engineer to any lot or part thereof, or parcel of land shall not be in just proportion to such benefits, the assessment against such lot or part thereof, or parcel of land, shall be so reduced or increased by the Council, that it shall be in just proportion to such benefits. After the Council shall have ascertained the just apportionment of said cost in accordance with the special and peculiar benefits derived by and accruing to each lot, or part thereof, or parcel of land, the said Council shall declare said assessment by resolution and direct the Recorder to enter in the docket of city liens a statement thereof containing,

1. A description of each lot, part of a lot, or acreage property liable for such improvement.
2. The name of the owner or reputed owner thereof, or that the name of the owner is unknown.
3. The sum assessed upon the said property, and the day of entering the same in the said docket of city liens; but such date need be given but once for all the entries made therein on the same day.

Sec. 13. The docket of the city liens is a public writing, and the original, or a copy of any matter authorized to be entered therein, certified by the City Recorder, are entitled to the force and effect of a judgment, and from the time of the entry therein of an assessment against any property, the sum so entered is to be deemed a tax levied and a lien against such property, which

liens shall have priority over all other or subsequent liens or incumbrances whatever upon the property against which the cost of said improvements or repairs is assessed, and shall be enforced in the manner in this chapter provided.

Sec. 14. If any assessment levied pursuant to this chapter is not paid within twenty (20) days after the same is entered in the docket of city liens, it shall be the duty of the City Recorder to issue a warrant for the collection of the same, directed to the Chief of Police, or any person authorized to collect delinquent taxes due the city, which warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this chapter specially otherwise provided.

Sec. 15. Such warrant shall require the person to whom it is directed to forthwith advertise in the manner provided by law for sale of real property under executor, the property against which such assessment was made, and sell the same as herein provided, and return the proceeds of such sale to the City Treasurer, and the warrant to the City Recorder, with his doings endorsed thereon, together with the receipts of the City Treasurer for the proceeds of such sale.

Sec. 16. The person executing such warrant shall, in front of the city hall, on the day fixed in the notice, sell the several tracts or parcels of real property embraced in said warrant in the manner and form as upon a sale of real property under execution, except as herein otherwise specially provided. Each parcel shall be sold to the person who offers to pay the taxes, costs, interest and accruing costs and interest thereon, and take a certificate at the lowest rate of interest; provided, however, the maximum rate shall not exceed ten per cent. The person executing the warrant may continue the sale from day to day until the list of property in the warrant is exhausted.

Sec. 17. The City Recorder shall keep a record of the returns of all sales for taxes and assessments so made, showing the description of the property so sold, the date of the sale, for what tax or assessment the sale was made, the name of the owner or reputed owner, the amount of the cost of advertising and making such sale, the amount of the tax, and the name of the purchaser.

Sec. 18. Immediately after the sale the person executing the warrant shall issue to the purchaser of each of the tracts or parcels of land mentioned in the warrant a certificate of sale, which shall bear interest from the date of issue until redeemed, at the rate of interest bid by the purchaser, and shall be presumed regular and done in pursuance of law, and shall be prima facie evidence that the property described therein was subject to the assessment made thereon for the improvement for which it was assessed; that the assessment was duly and regularly made; that the assessment was a valid lien thereon; that all the acts and proceedings requisite to a valid and regular sale of the real property described have been duly done and had, and such presumption and such prima facie evidence shall not be disputed or avoided except proof of either.

1. Fraud in the assessment of the tax or assessment.

2. That the property was sold for taxes, for which the owner of the property at the time of sale was not liable, and that no part of the tax was levied or assessed upon the property sold.

Such certificate shall state that the property was sold by virtue of a warrant of the City of Bend, and the date thereof, for a delinquent tax or assessment. It shall contain a description of the property assessed, and the improvement for which it was assessed, the name of the owner of said property, amount of the assessment and interest due thereon, and costs of sale, the amount of interest to be borne by the certificate, and that the property may be redeemed within one year from date of the certificate. The style for the warrant for the collection of delinquent assessments shall be: "In the name of the City of Bend."

Sec. 19. Within one year of the date of such sale the owner, his successors in interest, or any person having a lien by judgment, decree, mortgage, or otherwise on the property so sold, or any part thereof, may redeem the same in the manner hereinafter provided.

Sec. 20. When any tax or assessment or lien of any kind becomes delin-

quent any person having a lien thereon by judgment, decree, mortgage or otherwise may at any time before sale of such property pay the same, and such payment shall discharge the property from the effects of the tax, assessment or other lien thereon; and the amount of such delinquent assessment, or lien, and all accruing costs and charges, if any, so paid is thereafter to be deemed a part of the said judgment, decree, mortgage, or other lien, and shall bear like interest, and may be enforced and collected as part thereof.

Sec. 21. Any person holding a certificate of sale for taxes or assessments may pay any such subsequent delinquent assessment or tax, either city, county, state or school, taking duplicate receipts therefor, and upon filing one of the said receipts with the City Recorder, the Recorder shall immediately note the amount so paid on the same page with the records or abstract of the original sale, together with the date of such payment, and from the time of such entry the amount so paid shall become as and be deemed a part of the original purchase price bid at the sale thereof.

Sec. 22. Real property which has been sold under the provisions of this charter may be redeemed at any time before the issuance of a deed therefor by payment in legal tender of the United States to the Recorder of the City of Bend, for the benefit of the holder of the certificate of sale, of the whole amount paid for the purchase thereof, with interest on said sum at the rate bid by the purchaser thereof from the date of the issuance of said certificate of sale until the redemption thereof. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after the issuance of such certificate of sale and paid by the holder of such certificate, or his assignee, together with interest on such payment at the rate hereinbefore mentioned from the date the same was paid; and on making such redemption the Recorder shall note on the record of the return of sale the fact, amount, and the date thereof, and issue to the party redeeming a certificate of redemption, and any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited. The real estate of minor heirs may be redeemed by them within one year after arriving at majority; and the purchaser, his heirs or assigns, if he shall have received a deed, shall reconvey the premises upon repayment by the heir as required by other redemptioners, with interest at ten per centum per annum, after the expiration of one year from the date of the certificate of sale, on the amount required in other cases to redeem.

Sec. 23. That any purchaser or his successors in interest shall, from and after the delivery to him of the certificate of sale, have the right to the possession, rent and profits of such property, and such rights may be enforced under the general laws of Oregon, applicable thereto.

Sec. 24. At any time after one year from the date of the certificate of sale, the person holding the said certificate, his heirs or assigns, shall be entitled to a deed to the property described in the certificate of sale, provided, however, that before making application for the deed, the person named therein, his heirs or assigns, as the case may be, shall serve a notice of his intention to make application to the Recorder for the deed at the expiration of sixty days from the service thereof, the notice shall be directed to the owner of the land as the same appears of record in the county in which Bend is situated, and shall be served by the applicant for a deed by delivering the notice to the owner in person, if he resides in the City of Bend, and if the owner does not reside in the City of Bend, the notice shall be served on the party in possession of the premises, or if they be in the possession of the holder of the certificate of sale, the notice shall be served by depositing the same in the postoffice at Bend, postage prepaid, directed to the owner at his last known postoffice address; the service shall be deemed made at the time of the delivery to the owner or to the party in possession of the premises, or the date of the deposit in the postoffice, and the affidavit of the person serving the notice or depositing the same in the postoffice at Bend showing that

notice had been given as herein provided, shall be conclusive evidence that such notice has been duly given. After the expiration of sixty days from the service of the notice, the holder of the certificate may apply to the Recorder for a deed to the premises. He shall file with his application a copy of the notice and the affidavit of person serving the notice, showing that the notice provided for herein has been served. Upon filing the application the Recorder shall make, execute and deliver to the holder of the certificate a deed to the premises described in the certificate of sale. The deed shall contain a description of the land as described in the resolution levying the assessment for which the same was sold, the number and date of the resolution levying the assessment, for what improvement the same was assessed; shall state that the assessment has not been paid and that the land has not been redeemed from the sale thereof; and such deed shall vest in the purchaser all the right, title, interest and estate of the former owner, lien holder, claimants, or other persons interested in the land, and also the right, title, interest and claim of the City of Bend thereto, and shall be prima facie evidence in all the courts in this state in all controversies in relation to the right of the purchaser, his heirs and assigns, to the land thereby conveyed, of the following facts:

1. That the real property conveyed was subject to the assessment for which the same was sold.

2. That the assessment was not paid at the time of sale.

3. That the assessment has been levied according to law.

4. That the property has not been redeemed from sale.

5. That the property has been duly advertised for sale.

6. That the property has been sold for the assessment as stated in the deed.

7. That the improvement for which the assessment was levied was made.

And such prima facie evidence shall not be disputed or avoided except proof of either

1. Fraud in the assessment or collection of the tax or assessment.

2. Payment of the tax before sale or redemption after sale.

3. That the payment or redemption was prevented by the fraud of the purchaser.

4. That no part of the tax was levied or assessed upon the property sold.

And such deed shall be conclusive evidence of the following facts:

1. That the manner in which the improvement was made, the assessment was levied, the entry in the docket of the city liens was made, and the levy, notice and sale conducted was in all respects according as the law directed.

2. That the grantee named in the deed was the purchaser.

3. That all the prerequisites of law were complied with by all the officers who had, or whose duty it was to have had, any part in the transaction relating to or effecting the title conveyed or purported to be conveyed by the deed, both inclusive, and that all things whatsoever required by law to make a good and valid sale and vest the title in the purchaser were done, except in regard to the points named in this section wherein the deed shall be presumptive evidence only. And in all controversies and suits involving the title to real property claimed and held under and by virtue of a deed executed substantially as aforesaid by the Recorder, the person claiming title adverse to the title conveyed by such deed will be required to prove, in order to defeat the said title, either that the said real property was not subject to the assessment for the improvement named in the deed, that the assessment has been paid before the sale; that the property had been redeemed from the sale according to the provisions of this charter and that such redemption was had or made for the use and benefit of the person, or persons, having the right of redemption under the law; or that there had been an entire omission to assess the property, or to give notice of sale, or to sell the property, or that the improvement had not been made; but no person shall be permitted to question the title acquired by the deed without first showing that he, or the person under whom he claims title, had title to the property at the time of the sale and that all assessments due upon the property have been paid by such person, or the

person under whom he claims title as aforesaid; provided, that in any case where a person has paid the assessment and through mistake made in the Treasurer's or Recorder's books, or in the receipt, the land upon which the assessment was paid was afterward sold, the deed shall not convey title; provided further, that in all cases where the owner of the lands sold for assessments shall resist the validity of title, such owner may prove fraud committed by the officer selling the same, or in the purchaser, to defeat the same; and if fraud is so established such sale and title shall be void.

Sec. 25. The term "street," as used in this charter, shall be construed to mean any street, avenue, boulevard, alley, lane or public way, which is now, or may hereafter be opened or dedicated to public use in the corporate limits of the City of Bend.

Sec. 26. The terms "improve" and "improvement," as used in this charter, in reference to streets, alleys or other public ways, shall be construed to include the establishment of grades, grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling or regraveling, repairing and the matter of bridge work and street improvement with repairs and all matters of constructing or repairing sidewalks, cross walks, gutters or curbs within any of the streets of the City of Bend, or any part of any such street, or other public way.

CHAPTER XX.

Establishing, Altering or Changing Streets.

Section 1. The Council of the City of Bend is hereby granted power and authority within the limits of said City of Bend whenever it may deem it expedient, to open, lay out, establish, widen, alter, extend or close streets, and to appropriate and condemn private property therefor.

Sec. 2. Whenever the Council shall deem it expedient to open, lay out or establish a new street, by widening, altering or extending the same, it shall, by resolution, direct the City Engineer to make a survey of such street or change, and make a plat of the same, and a written report containing a full and complete description of such street or change, and of the boundaries thereof, and of the portions of each lot and tract of land to be appropriated therefor. The City Engineer shall make such survey, report, plat and file the same with the Recorder of the City of Bend within twenty days from the date the same was ordered by the Council, unless said Council grant him further time. Should the Council deem said survey, plat and report satisfactory it shall adopt the same by resolution embodying such report.

Sec. 3. Hereafter and within sixty days from the adoption of such report the Council shall appoint three disinterested freeholders of the City of Bend possessing the qualifications of jurors of the Circuit Court of the county in which Bend is situated, to view such proposed street or change and make an assessment of damages and benefits, as provided in the next following section of this chapter, and shall assign a day and place for them to meet, and shall cause a notice to be given by publication for two successive weeks in a weekly newspaper published in the city or by posting notices thereof in three public places in the city of the appointment of such viewers, with their names and the time and place appointed for them to meet, and specifying with convenient certainty the boundaries and termini of the proposed street or change, and the boundaries and description of the private property to be appropriated for such purpose, and the Recorder shall send by mail, postpaid, a copy of such notice to each of the property owners whose property is proposed to be appropriated, or to the agent of such owner, when the postoffice address of such owner or agent is known to him, and if such postoffice address be unknown, then such notice shall be directed to such owner or agent at Bend, Oregon. The published notice herein provided for shall be deemed conclusive notice to all owners of property whose property shall be appropriated for such purpose.

Sec. 4. The Recorder shall at least five days before the day set for such meeting cause said viewers to be notified of their appointment and of the time and place of such meeting, and said viewers shall meet at the time and place designated. They shall then, or on any subsequent day to which they

may adjourn (which adjournment shall not exceed one week at a time), proceed to view the proposed street or change, and to determine and assess how much, if any, less valuable the lands or other property, or any part thereof through or over which the proposed street is to be opened, laid out, established or changed, will be rendered thereby, and shall also ascertain the respective interests of all persons claiming to be the owners of the lands, or other property aforesaid, or of the improvements thereon, or to have any interest in such lands or improvements and the damages that each of the said owners respectively will sustain. But the right and title of the owners of such improvement shall not be affected by such proceedings and the appropriation of such lands, if such owner shall within sixty days after the appropriation of such lands shall be completed, or within such further time as the Council shall allow therefor, remove such improvements from said lands; otherwise such improvements shall become and be the property of the City of Bend. Said viewers shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of the said proposed street or change, to the respective owners, and other persons interested in all lands, or other property, which said viewers shall deem specially benefited by such opening, laying out, establishing or changing. Said viewers shall thereafter, at their earliest convenience, report the assessment for damages and benefits as required in this section to the Council. But any failure to state the name of any owner, or a statement of a name other than that of the true owner, in such report, assessment, or in the resolution adopting such report, or in the docket of the city liens where the name is entered, or in any notice required by this charter, shall not render void nor in any way affect the lien of such assessment upon the property assessed. The viewers shall receive as compensation for their services such an amount per day for each day actually engaged in said service as the Council may determine to be paid by the city and charged as costs, and assessed as part of the benefits by said viewers.

Sec. 5. Upon the filing of said report of the viewers with the Recorder he shall immediately cause ten days notice to be given by publishing in a newspaper published in the city, or by posting the notice in three public places in the city, of the filing of said report, giving the date when the same will be considered by the Council, describing with convenient certainty the boundaries of the district assessed, to present in writing their objections to said report, if any they have, and said objections, if any there be, together with said report, shall be heard and determined by the Council. It shall also be the duty of the Recorder forthwith to send by mail, postpaid, a notice of each assessment, stating the date when the same will be considered by the Council, and directing all persons to present in writing their objections to said report, if any they have, to the owner (if known) of each lot or part thereof, or tract of land assessed; any part of which is appropriated for the proposed street, or to the agent of such owner, when the postoffice address of such owner or agent is known to him, and if such postoffice address be unknown to him, then such notice shall be directed to such owner or agent at Bend, Oregon. If such report shall appear to the Council to be in all respects reasonable and just, it may be adopted by resolution embodying such report, or if it shall appear to the Council that the damages or benefits assessed are unreasonable, unjust, or insufficient in any respect the Council may send the same back to the same viewers for further consideration and the viewers may alter and revise the same as they shall deem just, and again report the same to the Council, who may thereupon adopt or reject the same; or said Council may appoint new viewers with like powers, duties and obligations as the first viewers, to make such assessment and awards, and to report the same to the Council, which shall have the same power over such report as over that of the original.

Sec. 6. The owner or owners of any lot or part thereof so to be appropriated as aforesaid, or of the improvements thereon, or any person having an interest therein, or any person against whom an assessment of benefits has been made, may appeal to the Circuit Court of the State of Oregon for the county in which Bend is situated from such report and assessment of damages

and benefits. Any number of persons may join in such appeal, and the only question to be determined by such appeal shall be the question of the excess of damages over benefits or the excess of benefits over damages suffered and received by each person joining in such appeal.

Sec. 7. An appeal shall be taken by serving notice of appeal within twenty days from the adoption of the report of the viewers by the Council upon the Mayor, Recorder, or Attorney of the city, and filing an undertaking, with one or more sureties, who shall possess the qualifications of bail upon arrest in a civil action, and shall justify in like manner, conditioned that the appellant will pay all costs and disbursements that may be awarded against him on appeal, not exceeding five hundred and no one-hundredths (\$500.00) dollars, together with the proof of service of such notice in the office of the clerk of the Circuit Court.

Sec. 8. The city shall be considered the plaintiff, and such appeal shall be conducted and be heard and determined, and the judgment thereon enforced, as far as practicable, in the same manner as an action at law. The jury may view the proposed street, the property to be appropriated, and the property against which benefits are assessed, and evidence of damages and benefits may be introduced by the city and the appellants, but the issues, testimony and verdict upon such appeal shall be confined to the parties appealing, and the jury shall not reassess any damages or benefits as appealed from. The jury in making the reassessment of damages or benefits shall, in its apportionment of the same, be governed by the same laws as in this charter provided for the action of viewers. The verdict of the jury shall be a final and conclusive determination of such assessment, unless the judgment rendered in such case shall be reversed or modified on appeal. An appeal to the Supreme Court of the state may be taken from such judgment in the same manner as from other judgments of said Circuit Court, and with like effect. On an appeal from the report and assessment of damages and benefits, the fact that one called as juror is a taxpayer of the City of Bend shall not disqualify him from sitting as such juror.

Sec. 9. If any appellant fails to recover greater damages or to secure a more favorable assessment of benefits, as the case may be, than were assessed by the viewers, judgment shall be rendered against him and his sureties on appeal for his proportion of the cost of such appeal, to be pro rated according to the respective amount of damages and benefits assessed.

Sec. 10. The same fees and costs shall be taxed and paid upon such appeal as are allowed in other actions.

Sec. 11. In all actions, suits and proceedings concerning the opening, laying out, establishing or changing of any street, under the provisions of this charter, all proceedings had for that purpose shall be presumed to have been regularly and legally taken until the contrary is shown.

Sec. 12. The Council, at the expiration of the time limited for appeal, if no appeal be taken, or immediately after judgment is rendered on appeal, if an appeal be taken, and if it still deem it advisable to open, lay out, establish, vacate or change said street, in pursuance of said judgment, shall by resolution direct the Recorder to enter in the docket of city liens the respective sums of benefits or damages so assessed, upon each particular lot or parcel of land, and the names of the owners or other parties in interest in the land or other property benefited and assessed, in like manner as assessments for street improvements are entered in said lien docket, and when so docketed said sums shall be a lien or charge upon the estate and interest of the respective owners and parties interested in such lands or other property, and in case no appeal or other proceedings in court be taken as to any such assessment of benefit or damages, the said excess so assessed shall be paid to the Treasurer of the City of Bend, within ten days from the time of entering the same on the docket of city liens, or the same shall be deemed delinquent; and thereupon shall be collected in like manner as provided for the collection of other delinquent assessments by this charter, excepting that if all the property upon which assessments are due and delinquent is not sold at any sale, proceedings

may be begun for a subsequent sale immediately after the returns of a sale are made. All moneys arising from such assessment of benefits shall be kept in a separate fund and be applicable to the satisfaction of the excess of damages over benefits assessed to owners and other persons interested in the property taken or damaged for the purpose of laying out, establishing or changing the street in the manner in which said benefits are assessed, and for the payment of expenses incurred by the city for surveying, advertising and viewing in said proceedings.

Sec. 13. Whenever the Common Council shall order the same, warrants shall be drawn on the Treasurer payable out of the fund to be provided for that purpose, for the amount of excess of damages, or excess of damages and costs assessed, and in favor of the owner or owners, or other persons in interest, and when said warrants are drawn and ready for delivery to the parties entitled to the same such property shall be deemed appropriated for the purpose of such street, and not otherwise; provided that no process of any court shall issue to compel any appropriation for damages or the issuing of warrants for the same. And unless said warrants are so drawn and ready for delivery within nine months after the termination of the time limited for appeal, if no appeal be taken, or within nine months from date of the rendition of final judgment on appeal, if any appeal be taken, all acts and proceedings under such survey and view shall be null and void.

Sec. 14. And when said warrants are drawn and ready for delivery to the parties entitled to the same, the property required for public use, as shown in the report of the City Engineer, shall be deemed appropriated for the purpose of the street, and the Council shall, by resolution, declare such street to be opened, laid out, established, or changed, and within thirty days after the adoption of said resolution the City Engineer shall file for record with the County Clerk of the county in which Bend is situated a copy of said resolution, and an accurate plat of said street, and of the property so appropriated for public use.

Sec. 15. The power and authority granted to the Council by this charter is granted to the municipal corporation of the City of Bend, to be exercised according to the provisions of the charter creating such corporation, unless otherwise specially provided therein. The power to approve and adopt the survey of any street must be exercised by ordinance and not otherwise.

Sec. 16. The Council may provide by ordinance any regulations as to the manner of opening, laying out, establishing, vacating or changing streets not in conflict with this charter, or the laws of Oregon, and may provide by ordinance anything convenient and necessary for the effectual carrying out of the spirit and intent of this charter.

Sec. 17. The "Record of the City Surveys" is a book or books in which must be entered by the Recorder the report and the plat of the City Engineer of any survey made by him under the direction of the Council in the matter of opening, laying out, establishing, widening, vacating or straightening any street or alley, the date of the filing thereof with the Recorder, the date of the publication or posting the notice thereof, and the final action of the Council in relation to such street or alley or change, with the date thereof, and the report of such other surveys made by the City Engineer as the Council may direct.

Sec. 18. The "Record of the City Surveys" is a public writing, and the original, or copies, thereof, certified by the Recorder, of any matter authorized to be entered therein are entitled to the force and effect thereof.

Sec. 19. The Common Council has authority and is hereby authorized, when it shall deem it expedient, to open, establish and locate streets upon the roadbed of and upon and across any county road or public highway within the corporate limits of the City of Bend, and when so located or established said county road or public highway shall be and become public streets of said city, and subject to the jurisdiction and control of the Council, the same as though such streets had been dedicated by the owners in the usual way.

CHAPTER XXI.
Waterworks, Lights and Sewers.

Section 1. The Common Council shall have power and is hereby authorized to construct or purchase, acquire or maintain, own, manage, lease and operate a complete system of water works, with all necessary implements and appliances, and such real property within or without the city as may be necessary or convenient therefor, for the supply of water to the city and citizens of the City of Bend and vicinity, to be constructed at such time and in such manner as shall seem to the Council most practicable; and the water therefore may be taken from any stream, spring, well or wells, cisterns, or other supply which shall be determined upon by the Council, or the said Council may, in lieu of constructing such a system anew, acquire by purchase, condemnation or otherwise any water works in or for the supply of the city now or hereafter, in operation or contemplation, with the equipment thereof, either within or without the city.

Sec. 2. The Common Council shall have power, and is hereby authorized to construct, erect, acquire, own, maintain, manage and operate a complete system of electric or gas lights, or both, for the purpose of lighting the streets and public buildings of the city and furnishing lights and power for private citizens; including the erection upon the streets, alleys, and public grounds of the city and along the public highways adjacent thereto, of all necessary and convenient poles, wires, pipe lines and other appliances; the purchase and construction of the necessary buildings, power dynamos, machinery and all other things necessary to the complete equipment and operation of such electric light or gas plant or system; and to acquire real property and water power either within or without the city, and to condemn land therefor; or, instead of the construction of a new system of either electric lights or gas lights, the Council may acquire by purchase, condemnation or otherwise any electric light or gas plant with the equipments thereof now in existence or that may hereafter be constructed, and operate the same as herein provided either within or without the city.

Sec. 3. The Common Council shall have power, and is hereby authorized, to construct or repair and lay down all necessary sewers and drains of a character and capacity sufficient to provide a complete system of sewerage, and to declare by resolution before doing the same whether the cost thereof or any part of such cost, and if so, what part, shall be assessed against the property directly benefited by such drains or sewers; and what part shall be paid out of the sewer fund, hereinafter provided for, and the determination of the Council concerning the payment for the construction of any sewer or drain shall be final.

Sec. 4. If the Council declare that a proposed sewer or drain shall be constructed, laid down, or repaired at the expense, in whole or in part, of the property directly benefited thereby, thereafter, the proposed sewer, or drain, as to that part of the expense thereof to be assessed against the property benefited, shall be deemed an improvement, and the Council shall proceed in all respects, and with the same authority and power, as in the improvement of a street, as provided in Chapter XIX of this charter, except that the committee on streets or any other committee appointed by the Common Council for that purpose shall view the street and location of any proposed drain or sewer, and ascertain and determine what property is directly benefited by such sewer or drain, and the extent and portion of such benefit to and upon each lot, part of lot or acreage property so directly to be benefited compared with all other property to be benefited, and report the same to the Council in writing; which said report shall be filed with the City Recorder.

Sec. 5. Upon the report provided for in the preceding section being filed with the Recorder, he shall give notice thereof by publication for ten days in some newspaper published in the said city, or by posting notices thereof in three public places in said city for said period of ten days, which notice shall specify with convenient certainty the streets or part thereof on which said sewer or drain is proposed to be located, and the property ascertained and

determined by said committee to be directly benefited by such sewer or drain, and the extent and portion of such benefit.

Sec. 6. Within six days from the final publication of such notice, or completion of the time of posting the same, the owner of any property ascertained and determined by said committee to be directly benefited by said sewer or drain, may file with the Recorder any objection he or she may have to the finding or determination of said committee.

Sec. 7. At the next regular meeting of the Council, after the expiration of the time provided in the preceding section, for filing objections to said report the Recorder shall present the same, with the objections thereto, if any, to the Council, and it shall thereupon proceed to examine and consider said report and the objections thereto, if any, and may adopt said report in whole or in part, modify or reject the same; provided, that the Council may, by motion or resolution, postpone the consideration of said matter, and thereafter at any special or regular meeting of the Council may consider said matter.

Sec. 8. Should the Council adopt said report, either in whole or in part, or as modified, it shall proceed to ascertain the probable cost of constructing such sewer or drain, in like manner as provided in the above Chapter XIX, and shall assess upon each lot, or part of lot, or other property liable therefor, its proportionate share of such cost, and shall declare the same by resolution, as provided in Chapter XIX of the charter of the City of Bend, relating to the improvement of streets; and all further proceedings in relation to such sewer or drain, and the collection of such assessments shall be the same as in said Chapter XIX of said charter, relating to the improvement of streets.

Sec. 9. Should the Council declare that the cost of any proposed sewer or drain should be paid out of the sewer fund, such sewer or drain may be constructed, laid down, or repaired as the resolution may provide, and be paid for accordingly.

Sec. 10. In the construction of water works, sewer or drain, the City of Bend shall have the right to use and divert from its natural course any and all creeks and streams running through the city.

Sec. 11. The Council has power, and is hereby authorized, whenever it may deem it expedient or necessary, in order to provide a complete system of water works, sewerage or drainage for said city, to lay down and construct pipes, mains, sewers and drains outside of the corporate limits of said city, to regulate the manner of such constructions, and to expend the funds of the city therefor, as if the same were constructed, laid down or repaired within said corporate limits; provided, all pipes, mains, sewers or drains or repairs thereto laid down or constructed outside of the corporate limits of said city, shall be paid for out of the water or sewer funds hereinafter provided for.

Sec. 12. The City of Bend, through its Mayor and Common Council, shall have power and authority to acquire, by purchase, condemnation or otherwise, own and possess real property, water rights, water power and appurtenances, and appropriate water and construct dams and canals for water power within or without the city, as in the judgment of the Council may be deemed necessary, to provide for the city a complete system of water works, electric or gas lights and sewerage, and it shall have the right to enter upon any land between the termini of any proposed drain, sewer, water pipe, main or gas pipe, either within or without the city, for the purpose of examining, locating and surveying the line for such water pipes, main, sewer, drain or gas pipes, doing no unnecessary damage thereby, and it may appropriate or condemn so much of said lands as may be necessary or convenient for the construction or laying down of such pipes, mains, sewers or drains, and may make all necessary cuts and excavations which shall be filled again as soon as practicable after making the same.

Sec. 13. Should the Council be unable to agree as to the compensation to be paid, with the owner of the lands which the city may require for any of the purposes mentioned in this charter, and for which the power is given to the city to condemn for said purposes, the city may bring an action to condemn said lands for said purposes in the Circuit Court under the general laws

of Oregon, or the Common Council may/proceed in so far as applicable in the manner herein provided for condemning land for street purposes.

Sec. 14. The Common Council shall have the power and authority to compel all persons erecting or maintaining privies, water closets, sinks, drains or cesspools upon any property abutting on any street or alley in which a sewer has or may hereafter be constructed, to connect the same therewith at his own cost and expense, and to provide by ordinance that when the person erecting or maintaining said privies, water closets, cesspools, sinks or drains neglects or refuses, after thirty days' notice in writing by the Recorder or Marshal, to so connect the same with said sewer, the city may make such connections and assess the cost thereof against the property upon which such privy, closet, cesspool, sink or drain is situated.

Sec. 15. For the purpose of securing a complete and adequate water plant or system for the City of Bend, and its inhabitants, including real estate, rights of way and easements in lands and water rights whether within or without the city limits, necessary for the construction and operation of said system, and for collecting, conducting and distributing said water, and all dams, reservoirs, pipes, conduits, structures and appliances of every kind, reasonable and necessary to said system, the said city is authorized to issue and sell its negotiable bonds to the amount necessary for such purpose, but not exceeding in the aggregate sum of one hundred thousand dollars, and the said Common Council is hereby authorized to maintain such suits, actions and proceedings as may be necessary to secure by condemnation or otherwise the lands, interests in lands, rights of way, easements and water rights hereinbefore mentioned, and to make payment for the same. The bonds hereby authorized may be in such form, of such denominations, and be due as to principal and interest at such times and places as the Common Council may deem most likely to enhance their value and insure their saleability. They shall bear a rate of interest not greater than six per cent, and shall be sold for not less than their par value. They shall be issued and sold at such times as said Common Council may direct, but not so as to make the aggregate amount thereof exceed one hundred thousand dollars in par value. All water bonds of said city wherever issued shall be deemed concurrent and shall be without priority as to each other. In addition to being a general obligation of said city, they shall be a first and exclusive lien on all lands, rights of way, easements, water rights, pipe lines, structures and appliances of every kind composing the water system so to be secured with money derived from the sale of said water bonds.

None of said bonds, nor any of the money derived from the sale thereof, shall be used in purchasing any existing water works or portion thereof, unless the said purchase shall first be approved by a majority vote of the voters of said city voting thereon at a general or special city election at which the proposition of such purchase shall have been submitted.

For the purpose of securing a complete and adequate system of sewerage for the City of Bend, and its inhabitants, including real estate, rights of way and easements in lands, and water rights, whether within or without the city limits necessary for the construction and operation of said system, and all dams, reservoirs, pipes, conduits, structures and appliances of every kind, reasonable and necessary to the successful construction, operation and maintenance of said system, and said city is authorized to issue and sell its negotiable bonds, to be denominated sewer bonds, to the amount necessary to such purpose, but not exceeding in the aggregate sum of one hundred and fifty thousand dollars. And the said city is hereby authorized to maintain such suits, actions, proceedings as may be necessary to secure, by purchase, condemnation or otherwise, the lands, interest in lands, rights of way, easements and the water rights hereinbefore mentioned, and to make payment for the same. The bonds hereby authorized may be in such form, of such denominations, and be due as to principal and interest at such times and places as the Council may deem most likely to enhance their value and insure their saleability. Said bonds shall bear a rate of interest not greater than six per cent per annum and shall be sold for not less than ninety per cent of their par

value. They shall be issued and sold at such times as said Common Council may direct, but not so as to make the aggregate amount thereof exceed one hundred and fifty thousand dollars in par value. Said sewer bonds shall not be issued or sold until the proposition of their issue, or the proportion thereof then proposed to be issued shall have been approved by a majority vote of the voters of said city voting upon such proposition at some general or special city election. All sewer bonds of said city issued hereunder shall be and are hereby made a general obligation of said city.

For the purpose of securing a complete and adequate lighting and power system, either electric or gas, for the City of Bend and its inhabitants, including real estate, rights of way and easements in land, and water rights, whether within or without the city limits necessary for the construction or operation of said system, and all dams, reservoirs, structures and appliances of every kind reasonable and necessary to said system, the said city is authorized to issue and sell its negotiable bonds to the amount necessary to such purpose, but not exceeding the aggregate sum of fifty thousand dollars, and the said Common Council is hereby authorized to maintain such suits, actions and proceedings as may be necessary to secure, by purchase, condemnation or otherwise, the lands, interest in lands, rights of way, easements, structures, appliances and water rights hereinbefore mentioned and to make payment therefor. The bonds hereby authorized may be in such form and of such denominations, and to be due as to principal and interest at such times and places as the Common Council may deem most likely to enhance their value and their saleability. They shall bear a rate of interest not greater than six per cent per annum and shall be sold for not less than their par value. They shall be issued and sold at such times as said Common Council may direct, but not so as to make the aggregate amount thereof exceed fifty thousand dollars in par value. Said light bonds shall not be issued or sold until the proposition of their issue or a part thereof then proposed to be issued shall have been approved by a majority vote of the voters of said city voting thereon at some general or special city election. All light bonds of said city shall be deemed concurrent and shall be without priority as to each other. In addition to being a general obligation to said city they shall be a first and exclusive lien on all lands, rights of way, easements, structures, water rights and appliances of every kind composing the light system so to be secured with money derived from the sale of said light bonds. None of said bonds nor any of the money derived from the sale thereof shall be used in purchasing any existing light plant or portion thereof unless the said purchase shall first be approved by a majority vote of the voters of said city voting thereon at a general or special city election at which the proposition of said purchase shall have been submitted.

Sec. 16. Before disposing of any of the bonds provided for in this chapter the Council shall require the Recorder to advertise for sixty days, in at least one newspaper of this state, for sealed proposals to purchase said bonds, or any part thereof, which said advertisement shall state the amount of bonds to be sold, the time the same will become due, the date at which proposals will be opened and considered, and that the bonds are issued and disposed of under the provisions of this charter.

Sec. 17. At the time specified in the notice provided for in the preceding section, the Council shall proceed to open all proposals received for the purchase of the bonds offered to be disposed of, and shall sell the said bonds to the person or persons making the best offer or offers therefor; provided, the Council shall have authority to reject any and all bids or proposals.

Sec. 18. The fund arising from the sale or disposal of all bonds provided for in this charter shall be known as the water fund, light fund, or sewer fund, according to which purpose the said bonds are sold for, and shall be kept separate and apart from all other funds of the city, and shall only be used to pay the costs and expenses that may be incurred by the city in and about the construction or purchase of the system of water works, erection and maintenance of such light system or systems, or the construction and laying down of such sewers and drains, as the case may be.

Sec. 19. The Common Council of the City of Bend shall include in its general annual tax levy a sufficient special levy to meet the interest on all sewer bonds outstanding and to provide a sinking fund sufficient for the payment of the principal thereof at maturity. The money so set aside shall be used for that purpose only and shall be invested as provided in Section twenty of this charter.

The income derived from any water plant owned and operated by the City of Bend shall be disposed of in the following order and manner:

(1.) In the payment of the reasonable costs and expenses of operating said plant, including needed repairs thereon, and collecting its revenues.

(2.) In the payment of the interest accruing on the outstanding bonds issued to secure such plant.

(3.) In the making of extensions to and improvements upon said plant.

(4.) In the accumulation of a sinking fund for the payment of outstanding bonds issued to secure such plant, the amount so to be set aside yearly to equal $2\frac{1}{2}$ per cent of the then outstanding bonds.

(5.) In the payment of the bonds issued to secure such plant.

The income of such plant and the operation, maintenance, extension and improvement thereof, after said plant shall be so far completed as to be ready for operation, shall be in the hands and control of a commission to be known as the Bend Water Board, which shall be composed of not less than three freeholders of the City of Bend, whose salary, duties, term of office and appointment shall be fixed by the Common Council of the city by ordinance at or before the time when said plant is ready for operation. Said water board shall have entire control of all water funds and the disbursement thereof, and shall so keep the same as at all times to show the true cost of said system, its extension and yearly operation, the amount of outstanding water bonds and current bills, and the disposition of the revenues of said system, and shall make annual reports to the Common Council, of the same and such other reports as may be called for by said Common Council. The members of said water board shall each give a bond to the City of Bend in such sum as the Council shall determine for the faithful performance of their duties and the accounting of all moneys that shall come into their hands by virtue of said office, the premium on said bond to be paid by the City of Bend.

The income derived from any electric light or power plant or gas light or power plant owned and operated by the City of Bend shall be disposed of in the following order and manner:

(1.) In the payment of the reasonable costs and expenses of operating said plant, including needed repairs thereon, and collecting its revenues.

(2.) In the payment of the interest accruing on the outstanding bonds issued to secure such plant.

(3.) In the making of extensions to and improvements upon said plant.

(4.) In the accumulation of a sinking fund for the payment of outstanding bonds issued to secure such plant, the amount so to be set aside yearly to equal $2\frac{1}{2}$ per cent of the then outstanding bonds.

(5.) In the payment of the bonds issued to secure such plant.

The income of such plant and the operation, maintenance, extension and improvement thereof, after said plant shall be so far completed as to be ready for operation, shall be in the hands and control of a commission to be known as the Bend Light and Power Board, which shall be composed of not less than three freeholders of the City of Bend, whose salary, duties, term of office and appointment shall be fixed by the Common Council of the city by ordinance at or before the time when said plant is ready for operation. Said light board shall have entire control of all light funds and the disbursement thereof, and shall so keep the same as at all times to show the true cost of said system, its extension and yearly operation, the amount of outstanding light bonds and current bills, and the disposition of the revenues of said system, and shall make annual reports to the Common Council, of the same and such other reports as may be called for by said Common Council. The members of said Light and Power Board shall each give a bond to the City of Bend in such sum as the

Council shall determine for the faithful performance of their duties and the accounting of all moneys that shall come into their hands by virtue of such office, the premium on said bonds to be paid by the City of Bend.

Whenever the Common Council shall deem the income derived from any water plant owned and operated by the City of Bend or the income of any electric light and power plant or gas light and power plant owned and operated by the City of Bend insufficient to accomplish the respective purposes hereinbefore mentioned to which said incomes are to be applied, it may include in its general annual tax levy a sufficient special levy to meet the various payments hereinbefore mentioned and authorized to be paid out of said income.

Sec. 20. The money belonging to the sinking fund provided for by the preceding section of this charter shall be by said city invested from time to time in interest-bearing bonds of the United States, or of this state, or of some municipal corporation therein, or, by order of the Council, may be invested in county warrants, or used in purchasing any outstanding bonds of the city disposed of under this charter.

CHAPTER XXII.

Miscellaneous Provisions.

Section 1. All present existing ordinances of the City of Bend are hereby declared to be regularly passed, approved and enacted ordinances of the City of Bend as created by this charter, until otherwise ordained by the City Council, except such ordinances as may be in conflict with the provisions of this charter.

Sec. 2. The enacting clause of all ordinances hereafter passed by the Council shall be "Be it ordained by the Common Council of the City of Bend."

Sec. 3. No money shall be paid out by the City Treasurer or any fund therein, except upon a warrant duly ordered by the Council, signed by the Recorder and approved by the Mayor.

Sec. 4. All existing outstanding and unpaid warrants, orders or demands and all lawful claims and obligations of the City of Bend, shall upon the adoption of this charter, become valid warrants, orders, demands, claims and obligations against the City of Bend as created by this charter.

Sec. 5. All the property, moneys, securities, records, rights, franchises, immunities, leases and everything corporeal and incorporeal now owned, held or enjoyed by the City of Bend shall, upon the adoption of this charter, become vested in and be the property of the City of Bend as created by this charter.

Sec. 6. All the present duly elected, qualified and acting officers of the City of Bend shall hold their offices and govern the City of Bend until Tuesday after the first Monday in January, 1912, and until their successors are elected and qualified under this charter.

Sec. 7. The official books, papers and records of all present officers shall be kept by such officers until their term of office expires, when the same shall be delivered to their successors.

Sec. 8. The Council may, by ordinance, fix the compensation of all city officers; provided, however, that the Mayor and members of the City Council shall receive no compensation for their duties or services.

Sec. 9. The Council may, by ordinance, fix the amount of the official undertakings of every officer of the city who may be required by this charter or under ordinance of this city to execute and file an official undertaking; provided, that the bond of the City Treasurer shall not be less than the sum of \$5000. The Council shall also fix the amount of all bonds for the performance of contracts and bonds for saloon and liquor licenses.

Sec. 10. No member of the Council or officer of the city, whether elective or appointive, shall be a party to or surety on any bond required under this charter or by any ordinance of the city for the performance of any contract in which the city is a party.

Sec. 11. No member of the Council or officer of the city, whether elective or appointive, shall be interested in any firm, person or corporation contracting with or doing business for the City of Bend, the cost of which is to be paid from the treasury of said City of Bend.

Sec. 12. The City of Bend, as created by this charter, shall take and

succeed to all and singular the real and personal property, records, books, rights, franchises, immunities, offices, as well as all liabilities, obligations and responsibilities of the City of Bend as heretofore existing. No action, suit, proceeding, contract or obligation shall abate by reason of this charter or any of its provisions.

Sec. 13. In all cases wherein notice shall be required, by this charter, to be served upon any person or persons, firm or corporation and the manner for such services is not specified. Such notice or notices shall be served as follows, to-wit: Notice shall be issued by the City Recorder, by order of the Council, and shall be personally served on such person or persons or some member of such firm or officer of such corporation, if such person or persons or member of such firm or officer of such corporation be a resident of the City of Bend; but if such person or persons or member of such firm or officer of such corporation is not found within said City of Bend, then such notice shall be served, by publication in a daily or weekly newspaper published in said City of Bend (said publication to be made at least once a week for two consecutive weeks). Affidavit of the person serving such notice or of the printer publishing same shall be conclusive evidence that such notice has been legally and duly given.

Sec. 14. Inasmuch as there is urgent need of more enlarged powers of the City of Bend, owing to local conditions, an emergency exists and this charter shall take effect and be in full force from and after midnight of the day succeeding its adoption by the people as declared by the Mayor's proclamation issued under the direction of the Common Council.

Proposed by Initiative Petition filed August 23, 1911.

H. C. ELLIS, Recorder.

Ordained by the Common Council of the City of Bend August 31, 1911, and ordered referred to the People of said City for their approval or rejection, at a special election to be held on Wednesday, November 22, 1911, between the hours of 8 A. M. and 7 P. M.

H. C. ELLIS

Clerk of the Common Council,

City of Bend.

Property of City of Bend.

ORDINANCES OF The City of BEND

CODIFIED

and issued by order of
THE COMMON COUNCIL

OCTOBER, 1913

Mayor.....	G. P. Putnam
Recorder.....	H. C. Ellis
Treasurer.....	H. J. Overturf
Chief of Police.....	S. E. Roberts
City Engineer.....	George S. Young
Councilmen.....	H. E. Allen
.....	A. S. Collins
.....	A. L. French
.....	H. A. Miller
.....	John Steidl
.....	E. A. Sather

HISTORICAL NOTES

A petition for the incorporation of the City of Bend was granted by the County Court of Crook County on November 26, 1904, W. A. Bell being County Judge; M. D. Powell and S. S. Stearns, County Commissioners; J. J. Smith, Clerk, and C. Sam Smith, Sheriff. An election was held December 19, 1904, at which 101 votes were cast in favor of incorporation and 3 votes were cast against it.

An order was entered by the County Court on January 4, 1905, decreeing Bend a corporation and declaring the following officers duly elected for the ensuing year, to-wit: A. L. Goodwillie, Mayor; C. H. Erickson, D. McMillan, C. W. Merrill, C. M. Redfield, Fred Shonquest and J. I. West as Aldermen.

The first meeting of the Common Council was held January 10, 1905, in the office of the Pilot Butte Development Company.

On April 14, 1908, the first board of the Bend Public Library was appointed, consisting of the following: F. O. Minor, C. A. Stanburrough, C. D. Rowe, Miss M. E. Coleman, Mrs. Henry Whitsett and Mrs. H. C. Ellis.

On March 23, 1911, the city limits were enlarged by a majority vote at elections held within the territory proposed to be annexed and also within the original City of Bend.

The charter of the City of Bend was adopted November 22, 1911.

The following have served as mayors of Bend: Arthur L. Goodwillie, James D. Davidson, C. D. Rowe, H. P. J. McDonald, S. C. Caldwell, C. W. Merrill, George Brosterhous, U. C. Coe.

Those who have served as aldermen upon the City Council are listed below:

C. H. Erickson
 D. McMillan
 C. W. Merrill
 C. M. Redfield
 Fred Shonquest
 J. I. West
 Hugh O'Kane
 E. A. Sather
 S. C. Caldwell
 John H. Overturf
 J. Frank Stroud
 Millard T. Triplett
 G. W. Whitsett
 J. H. Oneill

C. S. Benson
 J. H. Wenandy
 H. P. J. McDonald
 Anton Aune
 George Brosterhous
 W. B. Sellers
 M. J. Kelley
 T. W. Triplett
 J. N. Hunter
 A. C. Lucas
 S. J. Spencer
 M. S. Lattin
 H. B. Ford

CHAPTER I.

ORDINANCE NO. 1.

An Ordinance prohibiting the signature as surety by the Mayor, Recorder, Treasurer, or any other officer, elective or appointive of any bond required by Ordinance or otherwise wherein the City of Bend is obligee. Be it Ordained by the Common Council of the City of Bend:

Section 1. That neither the Mayor, the Recorder, the Treasurer, any member of the Common Council or any other officer, appointee or employee of the City of Bend, shall sign as surety any bond which the Ordinances of the City of Bend or the Statutes of the State of Oregon require to be executed wherein the City of Bend, or the people of the City of Bend, is obligee.

ORDINANCE NO. 2.

An Ordinance providing for the appointment of a Chief of Police, and subordinate officers; prescribing their duties and fixing their compensation. Be it Ordained by the Common Council of the City of Bend:

Section 1. There may be appointed by the Mayor, subject to the approval of the Common Council, a Chief of Police and such other police officers as may be required from time to time for the preservation of public order.

Sec. 2. The Chief of Police appointed under the provisions of this Ordinance shall have supervision and control of all other police officers appointed under the provisions of this Ordinance and it shall be the duty of such Chief of Police to see that all taxes, assessments, fines and licenses are duly paid as required by ordinance, to serve all processes that may issue out of the City court; to render to the Common Council in writing a monthly report of his acts and doings, and perform such other duties as now are or may be prescribed by law.

Sec. 3. Such Chief of Police and police officers as may be appointed hereunder shall receive a monthly salary of not less than Twenty Five nor more than One Hundred and Twenty Five Dollars, which salary shall be determined by the Common Council under the provisions of this Ordinance.

Sec. 4. All police officers appointed under the provisions of this Ordinance shall hold office at the pleasure of the Common Council.

Sec. 5. Upon a satisfactory showing in writing to the Mayor and Common Council, a private employee or watchman may be granted police power and authority, with or without pay from the City.

ORDINANCE NO. 3.

An Ordinance fixing the compensation and bond of the City Treasurer of Bend and defining his duties in addition to those prescribed by the Charter of the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. The Treasurer shall receive an annual salary of \$180 payable in monthly installments and shall receive no further fee or compensation except such as may be ordered by the Common Council.

Sec. 2. Before entering upon the duties of his office he shall execute a bond to the City of Bend in the penal sum of not less than \$5,000.00, the premium upon which shall be paid by the City. Said bond shall be approved by the Common Council of the City of Bend and conditioned for the faithful performance of his duties as such Treasurer and the satisfactory accounting of all moneys coming into his hands and paid out by him during his term of office, provided that the Common Council of the

City of Bend shall have authority from time to time to require an additional bond or additional bonds from the Treasurer of the City of Bend conditioned as aforesaid when in their judgment the same shall be necessary.

Sec. 3. Upon the approval by the Council of the respective reports as made by the City Treasurer in accordance with the provisions of Section 3 of Chapter 6 of the Charter of the City of Bend, such report and approval shall be published once in a newspaper published in the City of Bend.

ORDINANCE NO. 4.

An Ordinance fixing the compensation and bond of the Recorder of the City of Bend and defining his duties in addition to those provided by the Charter of the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. The Recorder shall receive an annual salary of \$240 payable in monthly installments and shall not receive any other fee or compensation except such as may be ordered by the Common Council.

Sec. 2. Before entering upon his duties the Recorder shall give a surety bond which bond shall be approved by the Common Council in the penal sum of \$500 payable in United States Gold Coin, conditioned for the faithful performance of his duties and a satisfactory accounting of all moneys that may come into his hands. The City of Bend shall pay the premium upon such bond. The Mayor of Bend is hereby made custodian of any such bond or bonds.

Sec. 3. All demands and accounts against the City shall be filed with the Recorder with the necessary evidence in support thereof and he shall report the same to the Council at the next regular meeting after the same shall have been filed with him. He shall draw warrants on the Treasurer for all demands and accounts ordered paid by the Council. Such warrants must be drawn on the special fund appropriated therefor or on the general fund of the City and shall be signed by the Recorder and approved by the Mayor.

Sec. 4. The Recorder shall issue all licenses authorized to be issued by him by the City Ordinances or charter upon the delivery to him of the receipt of the City Treasurer for the amount of money required for such license.

Sec. 5. The Recorder shall keep proper books of account showing therein all amounts appropriated and the date thereof, and out of what fund drawn, the date and amount and time warrants so drawn and to whom payable, and such other matters and things as may be necessary and proper to a correct understanding of the City's finances.

Sec. 6. The Recorder shall make statements to the Council quarterly or at such other times as may be required by the Council showing his receipts and disbursements, also showing cases tried before him, the judgment imposed and fines collected. Such statement shall be made at the first regular meeting of the Council in the months of January, April, July and October of each year.

ORDINANCE NO. 5.

An Ordinance adopting a seal for the City of Bend:

Be It Ordained by the Common Council of the City of Bend:

Section 1. The seal to be hereafter used and known as the Seal of the City of Bend shall consist of a representation of the sun setting behind the Three Sisters, which representation shall be surrounded by an outer rim wherein shall be the words "Seal of the City of Bend, Crook County, Oregon," and also the figures "1905." Said seal shall make an impression $1\frac{1}{8}$ inches in diameter, as follows:

Sec. 2. The seal described in Section 1 of this Ordinance is hereby adopted as the seal of the City of Bend.

CHAPTER II.

ORDINANCE NO. 6.

An ordinance authorizing and empowering The Deschutes Telephone Company, its successors and assigns, to construct, maintain and operate a system or systems of poles, wires and other apparatus and appliances necessary or convenient to the successful operation by it of a system of telephone and telegraph in the City of Bend, Oregon.

Be it Ordained by the Common Council of the City of Bend:

Section 1. That The Deschutes Telephone Company, a corporation duly organized and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, is hereby authorized and empowered to construct, maintain and operate a system or systems of poles and wires and other apparatus and appliances necessary or convenient to the successful operation by it of a system of telephone and telegraph in the City of Bend, Crook County, Oregon, over, along and upon the streets, avenues, alleys, highways and public grounds in the City of Bend, Crook County, Oregon,.

Sec. 2. All of said poles, wires, apparatus and appurtenances shall be so constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys, highways and public grounds, and said Company shall construct, make, replace and keep in order and repair, to the satisfaction of the Common Council of said City, all that part of said streets, avenues, alleys, highways and public grounds which it shall disturb or use in the construction, operation and maintenance of its said system or systems. In the event that said grantee shall fail and neglect to construct, make, replace, keep in order and repair all that part of said streets, avenues, alleys, highways and public grounds occupied or used by its system or systems as above set forth, then and in that event the said City of Bend shall have a right to construct, make, replace and keep the same in order and repair, and the expenses and costs thereof shall be paid by the said grantee, its successors and assigns.

Sec. 3. The City of Bend, Oregon, shall not be liable in any manner to said grantee, its successors and assigns, for any injury that may be done to its poles, wires or other apparatus or appurtenances by reason of the breaking or overflowing of any water from any sewer or drain, or from the breaking of any gas or water pipe by reason of the change in any grade on any of the streets, avenues, alleys, highways or public grounds, or by reason of any other public work which may be done or made in said City. Said grantee, its successors and assigns, shall be liable for and shall hold and keep the said City free and harmless from any and all damage of any and every nature whatsoever which may accrue to persons or property by reason of the construction, maintenance or operation of said poles, wires, apparatus or appurtenances or any part thereof.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and its approval by the Mayor and legal publication, and the filing with the City Recorder of an acceptance of the terms of this Ordinance by the said grantee herein, to-wit: The Deschutes Telephone Company.

ORDINANCE NO. 7.

An Ordinance authorizing and empowering The Bend Water Light and Power Company, its successors and assigns, to construct, maintain and operate a system or systems of pipes and other necessary or convenient apparatus, appliances and appurtenances as may be necessary or convenient to the furnishing of water to the citizens of the City of Bend, Oregon,

and to construct, maintain and operate a system or systems of poles, wires and other apparatus and appliances necessary or convenient to the furnishing to the citizens, buildings and streets of the City of Bend with electric light and also for electric power purposes.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That The Bend Water, Light and Power Company, a corporation duly organized and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, is hereby authorized and empowered to construct, maintain and operate a system or systems of pipes and other necessary or convenient apparatus, appliances and appurtenances as may be necessary or convenient to the successful operation and maintenance of a system of water works for the purpose of supplying the citizens of Bend, Oregon, with water; and also the right and privilege to erect, maintain and operate a system or systems of poles, wires and such other apparatus, appliances and appurtenances as may be necessary or convenient to the successful furnishing of electric lights and electric power to the citizens, buildings, public buildings and streets of the City of Bend, Oregon, all of which said rights and privileges shall be over, along, upon and under the streets, avenues, alleys and public grounds of the City of Bend, Crook County, Oregon.

Sec. 2. All of said pipes, poles, wires, apparatus and appurtenances shall be so constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys, highways and public grounds, and said Company shall construct, make, replace and keep in order and repair, to the satisfaction of the Common Council of said City all that part of said streets, avenues, alleys, highways and public grounds which it shall disturb or use in the construction, operation and maintenance of its said system or systems. In the event that said grantee shall fail and neglect to construct, make, replace, keep in order and repair all that part of said streets, avenues, alleys, highways and public grounds occupied or used by its system or systems as above set forth, then and in that event the said City of Bend shall have a right to construct, make, replace and keep the same in order and repair, and the expenses and costs thereof shall be paid by the said grantee, its successors and assigns.

Sec. 3. The City of Bend, Oregon, shall not be liable in any manner to said grantee, its successors and assigns, for any injury that may be done to its pipes, poles, wires or other apparatus or appurtenances by reason of any other public work which may be done or made in said City. Said grantee, its successors and assigns, shall be liable for and shall hold and keep the said City free and harmless from any and all damage of any and every nature whatsoever which may accrue to persons or property by reason of the construction, maintenance or operation of said pipes, poles, wires, apparatus or appurtenances, or any part thereof.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and its approval by the Mayor and legal publication, and the filing with the City Recorder of an acceptance of the terms of this Ordinance by the said grantee herein, to-wit: The Bend Water, Light and Power Company.

ORDINANCE NO. 8.

An Ordinance authorizing and empowering The Bend Water, Light and Power Company (an Oregon corporation), its successors and assigns, to construct, operate and maintain a system or systems of poles, wires, and other necessary or convenient structures, apparatus, appliances and appurtenances, over, along, upon and under any and all streets, avenues, alleys and public ways in the City of Bend, Oregon, in Deschutes, Oregon; in Lava Road Addition to Bend, Oregon; in Park Addition to Bend, Oregon; in North Addition to Bend, Oregon, and in that portion of Center Addition to Bend, Oregon, which lies within the corporate limits of said City of Bend for the purpose of furnishing electric lights and electric power to the public, the citizens, buildings and streets of said additions to said City and

Deschutes, Oregon.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That The Bend Water, Light and Power Company, a corporation, duly organized, created and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, are hereby authorized and empowered to construct, erect, operate and maintain a system or systems of poles, wires and such other necessary or convenient structures, apparatus, appliances and appurtenances, over, along, upon and under any and all the streets, avenues, alleys and public ways, in the City of Bend, Oregon; in Deschutes, Oregon; in Lava Road Addition to said City of Bend; in Park Addition to said City of Bend; in North Addition to said City of Bend and in that portion of Center Addition to said City of Bend which is now within the corporate limits of said City of Bend, as may be necessary or convenient to the successful furnishing of electric lights and electric power to the public, the citizens, buildings and streets of said Deschutes, Oregon; of said Lava Road Addition to said City of Bend; of said Park Addition to said City of Bend; of said North Addition to said City of Bend, and of that portion of the said Center Addition to Bend which lies within the corporate limits of the said City of Bend.

Sec. 2. All of said poles, wires, structures, apparatus, appliances and appurtenances to be so constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys and public ways, and said company, its successors or assigns shall repair and replace all that part or parts of said streets, avenues, alleys and public ways which it shall disturb or use in the construction, operation and maintenance of its said system or systems, then, and in such event, the said City of Bend shall have the right to replace and repair the same and the expenses and costs thereof shall be paid by said Company, its successors and assigns.

Sec. 3. The City of Bend shall not be liable to said Company, its successors and assigns, for any injury that may be done to said system or systems by virtue of any public work which may be done or made in said City under and by virtue of the authority of said City, provided said City shall give reasonable notice to said Company, its successors and assigns, of such contemplated public work. Said Company, its successors and assigns, shall be liable for and shall hold and save the said City harmless and free from any and all damage of any and every nature which may accrue to persons or property by virtue of the construction, operation or maintenance of the said system or systems or any part thereof.

Sec. 4. This Ordinance shall be in full force and effect, from and after its passage, approval by the Mayor, legal publication and the filing of an acceptance of the terms of this Ordinance by the said The Bend Water, Light and Power Company.

ORDINANCE NO. 9.

An Ordinance authorizing and empowering The Bend Water, Light and Power Company (an Oregon corporation), its successors and assigns, to construct, operate and maintain a system or systems of pipes, hydrants, stand-pipes and other necessary or convenient structures, apparatus, appliances and appurtenances, over, along, upon and under any and all streets, avenues, alleys and public ways in the City of Bend, Oregon; in Deschutes, Oregon; in Lava Road Addition to Bend, Oregon; in Park Addition to Bend, Oregon; in North Addition to Bend, Oregon, which lies within the corporate limits of said City of Bend for the purpose of furnishing and supplying water to the public, the citizens, buildings and streets of said Additions to said City, and Deschutes, Oregon.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That The Bend Water, Light and Power Company, a corporation, duly organized, created and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, are hereby authorized and empowered to construct, erect, operate and maintain a system or systems of pipes, hydrants, stand-pipes and such other necessary or convenient structures, apparatus, appliances and appurtenances, over,

along, upon and under any and all the streets, avenues, alleys and public ways in the City of Bend, Oregon; in Deschutes, Oregon; in Lava Road Addition to said City of Bend; in Park Addition to said City of Bend; in North Addition to said City of Bend, and that portion of Center Addition to said City of Bend which lies within the corporate limits of said City of Bend, as may be necessary or convenient to the successful furnishing and supplying of water to the public, the citizens, buildings and streets of said Deschutes, Oregon; of said Lava Road Addition to said City of Bend; of said Park Addition to said City of Bend; of said North Addition to said City of Bend, and of that portion of the said Center Addition to Bend which lies within the corporate limits of the said City of Bend.

Sec. 2. All of said pipes, hydrants, stand-pipes, structures, apparatus, appliances and appurtenances to be so constructed, operated and maintained and that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys and public ways, and said Company, its successors and assigns, shall repair and replace all that part or parts of said streets, avenues, alleys and public ways which it shall disturb or use in the construction, operation and maintenance of its said system or systems. Provided, that in event the said Company, its successors and assigns, shall fail, neglect or refuse to repair and replace that part or parts of said streets, avenues, alleys and public ways, disturbed or used in the construction, operation and maintenance of its said system or systems, then, and in such event, the said City of Bend shall have the right to replace and repair the same and the expenses and costs thereof shall be paid by said company, its successors and assigns.

Sec. 3. The City of Bend shall not be liable to said Company, its successors and assigns, for any injury that may be done to said system or systems by virtue of any public work which may be done or made in said city under and by virtue of the authority of said City, provided said City shall give reasonable notice to said Company, its successors and assigns, of such contemplated public work. Said Company, its successors and assigns, shall be liable for and shall hold and save the said City harmless and free from any and all damage, of any and every nature which may accrue to persons or property by virtue of the construction, operation and maintenance of the said system or systems or any part thereof.

Sec. 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, legal publication and the filing of an acceptance of the terms of this Ordinance by the said The Bend Water, Light and Power Company.

ORDINANCE NO. 10.

An Ordinance authorizing and empowering The Bend Water, Light and Power Company (an Oregon corporation), its successors and assigns, to construct, operate and maintain a system or systems of poles, wires and other necessary or convenient structures, apparatus, appliances and appurtenances, over, along, upon and under any and all streets, avenues, alleys and public ways for a period of thirty years, in the Lytle Acre Tracts, being more specifically described as the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, in Township 18, South of Range 12 East, W. M., and in Wiestoria, according to the recorded plat thereof now on file in the office of the County Clerk in and for Crook County, Oregon, all of which said territories lie within the corporate limits of said City of Bend, for the purpose of furnishing to the public, the citizens, buildings and streets of said tracts of land and said additions to said City, electric light and electric power.

Be It Ordained by the Common Council of the City of Bend.

Section 1. That The Bend Water, Light and Power Company, a corporation duly organized, created and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, are hereby authorized and empowered to construct, erect, operate and maintain a system or systems of poles, wires and such other necessary or convenient structures, appliances and appurtenances over, along, upon and under any and all streets, avenues, alleys and public ways in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, in Township 18 South of Range 12 East, W. M., and in Wies-

toria, according to the recorded plat thereof now on file in the office of the County Clerk in and for Crook County, State of Oregon, for the period of thirty years for the purpose of furnishing electric light and electric power to the public, the citizens and buildings within said territory.

Sec. 2. All of said poles, wires, structures, apparatus, appliances and appurtenances to be so constructed, operated and maintained, that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys and public ways, and said company, its successors and assigns, shall repair and replace all that part or parts of said streets, avenues, alleys and public ways which it shall disturb or use in the construction, operation and maintenance of its said system or systems. Provided, however, that in event said company, its successors and assigns, shall fail, neglect or refuse to repair and replace that part or parts of said streets, avenues, alleys or public ways, disturbed or used in the construction, operation and maintenance of its said system or systems, then and in such event, the said City of Bend shall have the right to replace and repair the same and the expenses and costs thereof shall be paid by said company, its successors and assigns.

Sec. 3. The City of Bend shall not be liable to said company, its successors and assigns, for any injury that may be done to said system or systems by virtue of any public work which may be done or made in said city under and by virtue of the authority of said City, provided said City shall give reasonable notice to said company, its successors and assigns, of such contemplated public work. Said company, its successors and assigns, shall be liable for and shall hold and save the said City harmless and free from any and all damage of any and every nature which may accrue to persons or property by virtue of the construction, operation or maintenance of the said system or systems or any part thereof.

Sec. 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, legal publication and the filing of an acceptance of the terms of this ordinance by the said The Bend Water, Light and Power Company.

ORDINANCE NO. 11.

An Ordinance granting to the Standard Oil Company, a corporation, permission to locate, erect, operate and maintain any warehouse or tankage, or both, on a certain tract of land described as follows:

Beginning at a point in the Northeast quarter of the northeast quarter of Section thirty-two (32), Township seventeen (17) South, Range twelve (12) East, Willamette Meridian, which point is south 436 feet and 704.83 feet west from the northeast corner of said northeast quarter of the northeast quarter of said section, thence N. 89 degrees 57 minutes W. 131.17 feet, thence S. 0 degrees 19 minutes 30 seconds E. 200.22 feet, thence S. 89 degrees 58 minutes E. 91.67 feet, to the intersection with the west line of the Oregon Trunk Railroad, thence north, along the west line of the right of way 203.61 feet more or less to the point of beginning, being that portion of Tract 16, Lytle Acreage, lying west of the Railroad, and lying and being in Crook County, Oregon, and within the corporate limits of Bend,

for the storage of petroleum and its products.

Be It Ordained by the Common Council of the City of Bend:

Section 1. The Standard Oil Company, a corporation, having asked permission to locate, erect, operate and maintain, a warehouse, tankage, or both, on a certain tract of ground located in the corporate limits of the City of Bend, Oregon, more particularly described as follows:

Beginning at a point in the Northeast quarter of the northeast quarter of Section thirty-two (32), Township seventeen (17) South, Range twelve (12) East, Willamette Meridian, which point is south 436 feet and 704.83 feet west from the northeast corner of said northeast quarter of the northeast quarter of said section, thence N. 89 degrees 57 minutes W. 131.17 feet, thence S. 0 degrees 19 minutes 30 seconds E. 200.22 feet, thence S. 89 degrees

58 minutes E. 91.67 feet, to the intersection with the west line of the Oregon Trunk Railroad, thence north, along the west line of the right of way 203.61 feet more or less to the point of beginning, being that portion of Tract 16, Lytle Acreage, lying west of the Railroad, and lying and being in Crook County, Oregon, and within the corporate limits of Bend,

for the storage of petroleum and its products, and the same having been considered by the City Council, it is hereby ordained, and permission is hereby given and granted to the Standard Oil Company, a corporation, to locate, erect, operate and maintain a warehouse, tankage, or both, on a certain tract of ground located in the corporate limits of the City of Bend, Oregon, more particularly described as follows:

Beginning at a point in the Northeast quarter of the northeast quarter of Section thirty-two (32), Township seventeen (17) South, Range twelve (12) East, Willamette Meridian, which point is south 436 feet and 704.83 feet west from the northeast corner of said northeast quarter of the northeast quarter of said section, thence N. 89 degrees 57 minutes W. 131.17 feet, thence S. 0 degrees 19 minutes 30 seconds E. 200.22 feet, thence S. 89 degrees 58 minutes E. 91.67 feet, to the intersection with the west line of the right of way 203.61 feet more or less to the point of beginning, being that portion of Tract 16, Lytle Acreage, lying west of the Railroad, and lying and being in Crook County, Oregon, and within the corporate limits of Bend,

for the storage of petroleum and its products.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage, and approval by the Mayor as provided by law.

ORDINANCE NO. 12.

An Ordinance authorizing and empowering John Steidl and Thomas Tweet, partners, doing business under the firm name and style of Steidl and Tweet, their heirs and assigns, to construct, maintain and operate a system or systems of pipes, water mains, and other necessary or convenient apparatus, and appliances as may be necessary or convenient to the furnishing of water to the inhabitants of the Lytle Acre Tracts, being described as the Northeast Quarter of the Northeast Quarter of Section 32, Tp. 17 S., R. 12 E. W. M., Crook County, Oregon, and to provide the conditions and regulations thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That John Steidl and Thomas Tweet, partners, doing business under the firm name and style of Steidl and Tweet, their heirs and assigns, are hereby authorized and empowered to construct, maintain and operate a system or systems of pipes, water mains and other necessary or convenient apparatus and appliances as may be necessary or convenient to the successful operation and maintenance of a system of water works for the purpose of supplying the inhabitants of the Lytle Acre Tracts, being described as the Northeast Quarter of the Northeast Quarter of Section 32, of Tp. 17 S. R. 12 E. W. M., Crook County, Oregon, with water; all of which said privileges and rights shall be over, along, upon and under the streets, alleys, avenues and public ways within the said Lytle Acre Tracts, a portion of the City of Bend, Crook County, Oregon.

Sec. 2. All of said pipes, water mains, apparatus and appliances shall be so constructed, maintained and operated that the same shall be no impediment to the lawful ordinary use and occupation of the said streets, alleys, avenues and public ways, and the said John Steidl and Thomas Tweet, their heirs and assigns, shall construct, replace and keep in order and repair, to the satisfaction of the Common Council of said City all that part or parts of said streets, alleys, avenues and public ways which it shall disturb or use in the construction, operation or maintenance of the said system or systems.

Sec. 3. The City of Bend, Oregon, shall not be liable in any manner to the grantees herein, their heirs and assigns, for any injury that may be done to its pipes, water mains, apparatus or appliances by reason of any

public work that may be made or done in the said City. Said grantee, their heirs and assigns, shall be liable for and shall hold and save the City of Bend free and harmless from any and all damages of any and every nature whatsoever which may accrue to persons or property by reason of the construction, operation or maintenance of said pipes, water mains, apparatus and appliances or any part thereof.

Sec. 4. In consideration of the granting of this franchise the City of Bend shall at any and all times have the right and privilege to attach and connect to the said system or systems of the said grantees such fire plugs and stand pipes as it may deem necessary for the protection in the vicinity thereof and to receive such fire protection free of charge. Provided that the said City of Bend shall at all times bear the expense of attaching, connecting, maintaining or operating said fire plugs or stand pipes and hold and save the said grantees, their heirs and assigns, harmless from any expense or cost of such attachment or connection, or the repair of such fire plugs or stand pipes.

Sec. 5. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor and legal publication, and the filing with the City Recorder of an acceptance of the terms of this ordinance by the said grantees herein, to-wit: John Steidl and Thomas Tweet.

ORDINANCE NO. 13.

An Ordinance authorizing and empowering The Farmers National Telephone Company, its successors and assigns, to construct, maintain and operate a system or systems of poles, wires and other apparatus and appliances necessary or convenient to the successful operation by it of a system of telephone and telegraph in the City of Bend, Oregon.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That The Farmers National Telephone Company, a cooperative association, duly organized and existing under and by virtue of the laws of the State of Oregon, and its successors and assigns, are hereby authorized and empowered to construct, maintain and operate a system or systems of poles and wires and other apparatus and appliances necessary or convenient to the successful operation by it of a system of telephone and telegraph in the City of Bend, Crook County, Oregon, over, along and upon the streets, avenues, alleys, highways and public grounds in the City of Bend, Crook County, Oregon.

Sec. 2. All of said poles, wires, apparatus and appurtenances shall be so constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys, highways and public grounds, and said Company shall construct, make, replace and keep in order and repair, to the satisfaction of the Common Council of said City, all that part of said streets, avenues, alleys, highways and public grounds which it shall disturb or use in the construction, operation and maintenance of its said system or systems. In the event that said grantee shall fail and neglect to construct, make, replace, keep in order and repair all that part of said streets, avenues, alleys, highways and public grounds occupied or used by its system or systems as above set forth, then and in that event the said City shall have a right to construct, make, replace and keep the same in order and repair, and the expenses and costs thereof shall be paid by the said grantee, its successors and assigns.

Sec. 3. The City of Bend, Oregon, shall not be liable in any manner to said grantee, its successors and assigns, for any injury that may be done to its poles, wires or other apparatus or appurtenances by reason of the breaking or overflowing of any water from any sewer or drain, or from the breaking of any gas or water pipe by reason of the change in any grade on any of the streets, avenues, alleys, highways or public grounds, or by reason of any other public work which may be done or made in said City. Said grantee, its successors and assigns, shall be liable for and shall hold and keep the said City free and harmless from any and all damage of any and every nature whatsoever which may accrue to persons or

property by reason of the construction maintenance or operation of said poles, wires, apparatus or appurtenances or any part thereof.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and its approval by the Mayor and the filing with the City Recorder of an acceptance of the terms of this Ordinance by the said grantee herein, to-wit: The Farmers National Telephone Company.

ORDINANCE NO. 14.

An Ordinance authorizing and empowering K. B. Miller, his heirs, executors, administrators and assigns to construct, operate and maintain a system or systems of poles, wires and other necessary or convenient structures, apparatus and appliances over, along, upon and under any and all streets, avenues, alleys, and public ways within the corporate limits of the City of Bend, Oregon, for the purpose of constructing, operating and maintaining a system or systems of telegraph and telephone, and for the further purpose of furnishing telephone and telegraph service to the public and citizens and buildings of said City of Bend, Oregon, for a period of Twenty (20) years from the day on which this ordinance shall become in full force and effect.

Be it Ordained by the Common Council of the City of Bend:

Section 1. That K. B. Miller, his heirs, executors, administrators and assigns be and they are hereby authorized and empowered to construct, operate and maintain a system or systems of poles, wires and such other necessary or convenient structures, apparatus and appliances over, along, upon and under any and all the streets, avenues, alleys and public ways within the corporate limits of the City of Bend, Oregon, for a period of Twenty (20) years from the day on which this ordinance shall be in full force and effect, as may be necessary or convenient to the successful furnishing of telegraph and telephone service to the public, the citizens and the buildings of said City of Bend, Oregon.

Sec. 2. That the said poles, wires, structures, apparatus and appliances to be so constructed, operated and maintained shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys and public ways of said City of Bend, and the said K. B. Miller, his heirs, executors, administrators and assigns shall replace and repair all that part or parts of said streets, avenues, alleys and public ways which he or they shall disturb or use in the construction, operation and maintenance of its said telegraph or telephone system or systems, provided, however, that in the event the said K. B. Miller, his heirs, executors, administrators or assigns shall fail, neglect or refuse to repair or replace that part or parts of said streets, avenues, alleys or public ways disturbed or used in the construction, operation and maintenance of its said system or systems, then and in such event said City of Bend, shall have the right to replace and repair the same and the expense and costs thereof shall be paid by said K. B. Miller, his heirs, executors, administrators and assigns, and shall become a lien upon said system or systems in event of the failure to pay such costs and expenses.

Sec. 3. The City of Bend shall not be liable to the said K. B. Miller, his heirs, executors, administrators or assigns for any injury that may be done to said system or systems by virtue of any public work which may be done or made in said City under and by virtue of the authority of said City, provided that said City shall first give reasonable notice of such contemplated public work to said K. B. Miller, his heirs, executors, administrators and assigns. The said K. B. Miller, his heirs, executors, administrators and assigns shall be liable for and shall hold and save the said City of Bend harmless and free from any and all damage of any and every nature which may accrue to persons or property by virtue of the construction, operation or maintenance of said system or systems, or any part thereof.

Sec. 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and the filing of the acceptance of the terms thereof by the said K. B. Miller.

CHAPTER III.

ORDINANCE NO. 15.

An Ordinance vacating certain parts of the plat of Bend, Oregon.

Whereas, The Pilot Butte Development Company, by petition filed with the Recorder of the City of Bend on the 6th day of April, 1910, prayed for the vacation of Lots 11 and 12 of Block 17, Lots 6, 7, 8, and 9 of Block 18, and that part of Lava Road lying between the southeasterly end of the alley in Block 17 and the southwesterly end of the alley in Block 18, according to the plat of Bend as filed in the office of the County Clerk of Crook County, Oregon; and

Whereas, notice of the filing of said petition was given by publication in The Bend Bulletin, a public newspaper printed in Bend, for a period of thirty days, said notice containing a description of the property to be vacated; and

Whereas, The Pilot Butte Development Company, appearing to be the owner in fee of all the property affected by the proposed vacation, has filed with the Recorder of the City of Bend its due consent to the vacation prayed for; therefore

Be It Ordained by the Common Council of the City of Bend:

That the plat of Bend as filed in the office of the County Clerk of Crook County, Oregon, is hereby vacated as to Lots eleven (11) and twelve (12) of Block seventeen (17), Lots six (6), seven (7), eight (8), and nine (9) of Block eighteen (18), and that part of Lava Road lying between the southeasterly end of the alley in said Block seventeen (17) and the southwesterly end of the alley in said Block eighteen (18).

ORDINANCE NO. 16.

An Ordinance vacating certain streets and alleys in the City of Bend, Oregon.

Whereas, Oregon Trunk Railway, a corporation incorporated and existing under the laws of the State of Oregon, on the 15th day of August, 1910, filed with the Recorder of the City of Bend its petition for the vacation of the streets and alleys in the town of Bend, hereinafter mentioned, and at the regular meeting of the Common Council held on the 11th day of October, 1910, at the hour of eight o'clock p. m., duly presented its said petition, together with the affidavit of the printer of The Bend Bulletin, a weekly newspaper published and circulated in the City of Bend, which said affidavit shows to the satisfaction of the Common Council that the notice of the filing and presentation of the said petition for the vacation of the streets and alleys hereinafter named was duly published in the said newspaper, in the regular weekly edition thereof, once a week for five weeks, and also the affidavit of H. C. Ellis, that the written notice aforesaid was duly set up and posted in the City of Bend in three of the most public places in the said City on the 31st day of August, 1910, more than thirty (30) days prior to the meeting of the said Common Council aforesaid; and

Whereas, it appears by the said petition and to the satisfaction of the Common Council that the said Oregon Trunk Railway is the owner of all of Blocks 29, 30, 31, 32, and 33, in the City of Bend, Oregon, according to the recorded plat thereof, and also that land lying between Fir street, in the said City of Bend and the north line of the south half of the northeast quarter of section 32, in township 17 south of range 12 east of Wilamette Meridian, and between Twelfth and Thirteenth Streets; also, that

for the purpose of constructing, operating and maintaining its railway line over and upon the said property within the City of Bend, it is necessary to make use of so much of the following described streets and alleys as lie between Twelfth and Thirteenth Streets, to-wit: Juniper avenue, Ironwood avenue, Hawthorne avenue, Fir avenue, and the alleys in blocks 29, 30, 31, 32, and 33, and also that no other person, firm or corporation is particularly affected by the vacation of the said streets and alleys petitioned for, and that public convenience demands the closing of said streets and alleys, and the vacation thereof, and that no other person or persons own any property immediately adjoining that part of the said streets and alleys petitioned to be vacated, and no opposition having been made to such petition and the Council being satisfied that it is to the public interest that the said petition be allowed.

Now, therefore, be it ordained by the Common Council of the City of Bend, as follows:

Section 1. That so much of the following described streets and alleys in the City of Bend as lie between Twelfth and Thirteenth streets, according to the recorded plat of said City of Bend, be and are hereby vacated, to-wit: Juniper avenue, Ironwood avenue, Hawthorne avenue, Fir avenue, and the alleys in Blocks 29, 30, 31, 32 and 33.

ORDINANCE NO. 17.

An Ordinance vacating certain parts of Block Twenty-four (24) of the original City of Bend.

Whereas, Wm. P. Vandeventer, by petition duly filed with the Recorder of the City of Bend, on the 14th day of November, 1911, prayed for the vacation of a part of Block Twenty-four (24) of said original City of Bend, according to the plat thereof on file in the office of the County Clerk of Crook County, Oregon, and

Whereas, notice of the filing of said petition was given by posting notice thereof thirty days prior to the first reading of this ordinance as shown by the affidavit of Elmer Niswonger, and

Whereas, it appears that Wm. P. Vandeventer is the owner in fee of all the property vacated by the proposed vacation,

Now, therefore, be it ordained by the Common Council of the City of Bend:

That the plat of the original City of Bend, as filed in the office of the County Clerk of Crook County, Oregon, be and the same is hereby vacated as to Lots 4, 5, 6, 7, 8, 9, and 10 of said Block 24.

ORDINANCE NO. 18.

An Ordinance vacating certain streets and alleys in the Townsite of Lytle, now a part of the City of Bend.

Whereas, on December 2, 1911, Oregon Trunk Railway, filed with the Recorder of the City of Bend its petition for the vacation of certain streets and alleys in said city and duly posted the notices required by law, as more particularly appears from the affidavit of Charles E. McCulloch, on file with said Recorder, and

Whereas, the owners of the property adjoining the said streets and alleys have consented to the said vacation;

Now, therefore, be it ordained by the Common Council of the City of Bend:

That the following described streets and alleys in said City be and are hereby vacated:

All those portions of G street, A street, C street, Main street, Fourth street, and the alleys in Blocks six (6) and seven (7) in the Townsite of Lytle, now a part of the City of Bend, lying within a strip of land One Hundred (100) feet in width, the same being Fifty (50) feet in width on each side of and parallel with the center line of the Oregon Trunk Railway's line of railway, as the same is now located and constructed through said City of Bend.

ORDINANCE NO. 19.

An Ordinance vacating certain parts of Lots 1 and 13, Block 2; Block 1; Lots 1 and 17, Block 7; Block 8; Lots 9 to 16, Block 9; all in Wiestoria, and Lots 1 to 6, Block 16; Lots 1 to 6, Block 17; and Lots 1 to 8, Block 32, of Center Addition.

Whereas, L. D. Wiest, by petition duly filed with the Recorder of the City of Bend, on the 4th day of January, 1913, prayed for the vacation of Lots 1 and 13, Block 2; Block 1; Lots 1 and 17, Block 7; Block 8; Lots 9 to 16, Block 9, all in Wiestoria; and also Lots 1 to 6, Block 16; Lots 1 to 8, Block 17; and Lots 1 to 8, Block 32, of Center Addition, according to the plat thereof as filed in the office of the County Clerk of Crook County, Oregon, and

Whereas, notice of the filing of said petition was given by posting notices thereof thirty days prior to the first reading of this Ordinance as shown by the affidavit of L. D. Wiest, and

Whereas, it appears that L. D. Wiest is the owner in fee, of all the property vacated by the proposed vacation,

Now, therefore, be it ordained by the Common Council of the City of Bend:

That the plat of Wiestoria and Center Addition, as filed in the office of the County Clerk, of Crook County, Oregon, be and the same is hereby vacated as to Lots 1 and 12, Block 2; Block 1; Lots 1 and 17, Block 7; Block 8; and Lots 9 to 16, Block 9, of Wiestoria; Lots 1 to 6, Block 16; Lots 1 to 8, Block 17; Lots 1 to 8, Block 32, of Center Addition.

CHAPTER IV.

ORDINANCE NO. 20.

An Ordinance changing the names of certain streets within the corporate limits of the City of Bend, and providing for a house numbering system for the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That the name of the street immediately west of the Oregon Trunk Railway depot, now known as Twelfth street, be changed to and hereafter known as Division street, and that all that portion of said street lying north of Greenwood avenue be known as North Division street, and that the present name of the following northerly and southerly streets, within the corporate limits of the City of Bend, be changed to and hereafter known by the following names, to-wit:

- Center Street in Bend to Front Street.
- Bond place to Bond street.
- First Street in Deschutes to Front Street.
- Second Street in Deschutes to Wall Street.
- Third Street in Deschutes to Bond Street.
- Fourth Street in Deschutes to Staats Street.
- Stark Street in Park Addition to Staats Street.
- Fifth Street in Deschutes to Lava Road.
- Hood Place in Park Addition to Harriman Street.
- Tenth Street in Bend to Harriman Street.
- Third Street in North Addition to Harriman Street.
- Second Street in First Addition to Riverside to Steidl Drive.
- Third Street in First Addition to Riverside to Tweet Street.
- Fourth Street in Park Addition to Hill Street.
- Eleventh Street in Bend to Hill Street.
- Fourth Street in North Addition to Hill Street.
- First Street in Lytle to Hill Street.
- Fifth Street in Park Addition to Division Street.

Fifth Street in North Addition to Division Street.
 Second Street in Lytle to Division Street.
 Sixth Street in Center Addition to First Street.
 Thirteenth Street in Bend to First Street.
 Main Street in Lytle to First Street.
 Fourth Street in Lytle to Railroad Street.
 Seventh Street in Center Addition to Second Street.
 Seventh Street in Wiestoria to Second Street.
 Seventh Street in Riverside to Second Street.
 Eighth Street in Center Addition to Third Street.
 Eighth Street in Wiestoria to Third Street.
 Eighth Street in Riverside to Third Street.
 Ninth Street in Center Addition to Fourth Street.
 Ninth Street in Wiestoria to Fourth Street.
 Ninth Street in Riverside to Fourth Street.
 Tenth Street in Center Addition to Fifth Street.
 Tenth Street in Wiestoria to Fifth Street.
 Tenth Street in Riverside to Fifth Street.

and that all that portion of the northerly and southerly streets within the corporate limits of the City of Bend as lie north of Greenwood avenue shall have the prefix "North" applied to their name, respectively.

Sec. 2. That all that portion of Greenwood avenue lying east of Division street shall be known as East Greenwood avenue and that the names of the following easterly and westerly streets and avenues within the corporate limits of the City of Bend be changed to and hereafter known by the following names, to-wit:

Ironwood avenue in Bend to Oregon street.
 Ironwood Avenue in Center Addition to Oregon Street.
 Koa avenue in Bend to Ohio street.
 Koa Avenue in Center Addition to Ohio Street.
 Jefferson Drive in Park Addition to Cascade Avenue.
 Cascade Street in Deschutes to Cascade Avenue.
 Cascade Street in Park Addition to Cascade Avenue.
 Adams Drive in Park Addition to Mountain View Avenue.
 Mountain View Street in Deschutes to Mountain View Avenue.
 Rainier Drive in Park Addition to Pine Street.
 Main Street in Deschutes to Lake Street.
 Front Street in Deschutes to Alder Street.
 Unnamed Street between Blocks 1 and 2 of Bend, to Greenwood

Avenue.

Nevada street in Bend to Greenwood avenue.
 D Avenue in Wiestoria to Dogwood Avenue.
 E Avenue in Wiestoria to Elm Avenue.
 F Avenue in Wiestoria to Fern Avenue.
 G Avenue in Riverside to Awbrey Avenue.
 A Street in Lytle to Holly Avenue.
 H Avenue in Riverside to Holly Avenue.
 Broadway Street in Lytle to Ironwood Avenue.
 I Avenue in Riverside to Ironwood Avenue.
 C Street in Lytle to Jasmine Avenue.
 J Avenue in Riverside to Jasmine Avenue.
 K Avenue in Riverside to Koa Avenue.

and that all that portion of the easterly and westerly avenues and streets within the corporate limits of the City of Bend as lie easterly of Division street or its center line extended, shall have the prefix "East" applied to their name respectively.

Sec. 3. That the unnamed streets in Lytle Acreage shall be named and hereafter known by the following names, to-wit:

First east and west street from south to be named Dogwood Avenue.
 Second east and west street from south to be named Elm Avenue.
 Third east and west street from south to be named Fern Avenue.

Fourth east and west street from south to be named Awbrey Avenue.

First north and south street from west to be named North Hill Street.
Second north and south street from west (a short street) to be named Stevens Place.

Third north and south street from west to be named North Division Street.

Fourth north and south street from west to be named North First Street.

Fifth north and south street from west to be named North Second Street.

The short street across Lytle Acre Tracts 5 and 6 and across part of Block 16, Lytle, to be named Cross Avenue.

and that all that portion of the above east and west streets which lie east of North Division street shall have the prefix "East" applied to their names.

Sec. 4. That a house numbering system for the City of Bend on the easterly and westerly streets and avenues shall start from Division street and number east and west from said Division street, beginning with numbers 1 and 2 and increasing by one number for each ten feet, the odd numbers to be on the south side of the street and the even numbers on the north side of the street; one hundred numbers shall be assigned to each block, and increase one hundred for each block easterly or westerly from the starting point according as the distance from Division street increases.

That Greenwood avenue be the division point for numbering houses on the northerly and southerly streets, with one hundred numbers per block, with the odd numbers on the westerly side and the even numbers on the easterly side.

Streets not intersecting Greenwood avenue or Division street shall begin numbering from the end of the street nearest Greenwood avenue or Division street and number east or west, north or south, as the distance away from Greenwood avenue or Division street shall increase, using the system of numbers above described.

Sec. 5. That when the blocks exceed five hundred feet in length then at least two hundred numbers shall be assigned to each block, all of which more fully appears on the official map of the City of Bend, showing street names and numbers, approved by the Common Council December 2, 1913, and which said official map and numbering system are now on file and of record in the office of the City Recorder and reference to which is hereby made.

Sec. 6. That every property owner shall be required to number the building on his premises, obtaining said number from the City Engineer.

Sec. 7. That all house numbers shall be not less than three inches nor more than twelve inches high, of a plain Arabic numeral to be subject to the approval of the Common Council.

Sec. 8. That any person, firm or corporation wilfully violating any provision or requirement of the foregoing ordinance shall be fined not to exceed the sum of \$100.

ORDINANCE NO. 21.

An ordinance to establish, prescribe and fix building grades of Wall street between North Bond street and Washington street; of Front street between the south side of Oregon street extended and California street; of Bond street between Greenwood avenue and California street; of Harriman street and North Harriman street between the northerly side of Fir avenue, at its intersection with North Harriman street, and Ohio street; of Hill street and North Hill street between Fir avenue and Ohio street; of Division street and North Division street between the south side of Evergreen avenue and Ohio street; of Fir avenue between North Harriman street and North Division street; of Greenwood avenue between the easterly side of lot 1 in Block 2, of Bend, and Division street; of Hawthorne avenue between Oregon street and Division street; of Oregon street between the alley intersecting blocks 2 and 3 of Bend and Division street; of Minnesota street

between Wall street and Lava Road; of Juniper avenue between Harriman street and Division street; of Ohio street between Front street and Division street; of Kentucky street between Front street and Lava road; of California street between Front street and a point 140 feet easterly of Bond street, of the City of Bend, according to the official map thereof approved by the Common Council.

Be It Ordained by the Common Council of the City of Bend:

Sec. 1. That the official building grades of Wall street between North Bond street and Washington street; of Front street between the south side of Oregon street extended and California street; of Bond street between Greenwood avenue and California street; of Harriman street and North Harriman street between the northerly side of Fir avenue, at its intersection with North Harriman street, and Ohio street; of Hill street and North Hill street between Fir avenue and Ohio street; of Division street and North Division street between the south side of Evergreen avenue and Ohio street; of Fir avenue between North Harriman street and North Division street; of Greenwood avenue between the easterly side of lot 1 in block 2, of Bend, and Division street; of Hawthorne avenue between Oregon street and Division street; of Oregon street between the alley intersecting blocks 2 and 3 of Bend and Division street; of Minnesota street between Wall street and Lava road; of Juniper avenue between Harriman street and Division street; of Ohio street between Front street and Division street; of Kentucky street between Front street and Lava Road; of California street between Front street and a point 140 feet easterly of Bond street, of the City of Bend, according to the official map thereof approved by Common Council be and they are hereby established and fixed in accordance with the following table of elevations and building grades, to-wit:

FRONT STREET.

	Elevation	Grade	
South side Oregon St. (extended)	3614.00	0.526 per cent	Up
North side Ohio street	3618.00		
South side Ohio street	3618.00	0.333 per cent	Up
North side Kentucky street	3619.00		
South side Kentucky street	3619.00	0.320 per cent	Up
North side California street	3619.60		
South side California street	3619.60		

WALL STREET.

South side North Bond street	3624.50	0.625 per cent	Up
North side Greenwood avenue	3627.50		
South side Greenwood avenue	3627.50	1.333 per cent	Down
North side Oregon street	3623.50		
South side Oregon street	3623.50	0.333 per cent	Down
North side Minnesota street	3622.50		
South side Minnesota street	3622.50	0.333 per cent	Down
North side Ohio street	3621.50		
South side Ohio street	3621.50	0.333 per cent	Down
North side Kentucky street	3620.50		
South side Kentucky street	3620.50	1.600 per cent	Up
North side California street	3624.50		
South side California street	3624.50	1.400 per cent	Up
North side Washington street	3628.00		

BOND STREET.

	Elevation	Grade	
South side Greenwood avenue	3633.40	2.470 per cent	Down
North side Oregon street	3626.00		
South side Oregon street	3626.00	0.500 per cent	Down
North Minnesota street	3624.50		
South Minnesota street	3624.50	0.333 per cent	Down
North side Ohio street	3623.50		
South side Ohio street	3623.50	0.333 per cent	Down
North side Kentucky street	3622.50		
South side Kentucky street	3622.50	1.200 per cent	Up
North California street	3625.50		
South California street	3625.50		

HARRIMAN STREET.

South side Ohio street	3645.50		
North side Ohio street	3645.50	2.233 per cent	Down
South side Juniper avenue	3638.50		
North side Juniper avenue	3638.50	1.579 per cent	Down
South side Oregon street	3634.00		
North side Oregon street	3634.00	3.239 per cent	Down
South side Hawthorne avenue	3625.50		
North side Hawthorne avenue	3625.50	0.833 per cent	Up
South side Greenwood avenue	3628.00		
North side Greenwood avenue	3628.00		
Intersection easterly side N. Har- riman and Fir avenue	3627.10	0.481 per cent	Down

HILL STREET.

South side Ohio street	3642.00		
North side Ohio street	3642.00	2.667 per cent	Down
South side Juniper avenue	3634.00		
North side Juniper avenue	3634.00	0.500 per cent	Down
South side Oregon street	3632.50		
North side Oregon street	3632.50	3.167 per cent	Down
South side Hawthorne avenue	3623.00		
North side Hawthorne avenue	3623.00	0.333 per cent	Down
South side Greenwood avenue	3622.00		
North side Greenwood avenue	3622.00	3.202 per cent	Up
South side Fir avenue	3625.50		
North side Fir avenue	3625.50		

DIVISION STREET.

South side Ohio street	3636.50		
North side Ohio street	3636.50	1.500 per cent	Down
South side Juniper avenue	3632.00		

	Elevation	Grade	
North side Juniper avenue	3632.00	2.333 per cent	Down
South side Oregon street	3625.00		
North side Oregon street	3625.00	2.000 per cent	Down
South side Hawthorne avenue	3619.00		
North side Hawthorne avenue	3619.00	1.000 per cent	Down
South side Greenwood avenue	3616.00		
North side Greenwood avenue	3616.00	2.383 per cent	Up
South side Fir avenue	3623.00		
North side Fir avenue	3623.00	1.250 per cent	Down
South side Vermont avenue	3621.50		
North side Vermont avenue	3621.50	1.000 per cent	Down
South side Evergreen avenue	3620.50		
FIR AVENUE.			
East side North Harriman street	3627.10	0.481 per cent	Down
West side North Hill street	3625.50		
East side North Hill street	3625.50	0.630 per cent	Down
West side North Division street	3623.00		
GREENWOOD AVENUE.			
Easterly line lot 1, block 2, Bend	3616.50	6.700 per cent	Up
West side Wall street	3627.50		
East side Wall street	3627.50	2.254 per cent	Up
261.68 feet east of Wall street	3633.40		
East side North Bond street, 134 feet west of west side of North Harriman street	3633.40	4.030 per cent	Down
West side Harriman street	3628.00		
East side Harriman street	3628.00	1.714 per cent	Down
West side Hill street	3622.00		
East side Hill street	3622.00	1.714 per cent	Down
West side Division street	3616.00		
HAWTHORNE AVENUE.			
266.18 feet west of west side Harriman street	3626.50	0.375 per cent	Down
West side Harriman street	3625.50		
East side Harriman street	3625.50	0.714 per cent	Down
West side Hill street	3623.00		
East side Hill street	3623.00	1.143 per cent	Down
West side Division street	3619.00		
OREGON STREET.			
East side alley, 135 feet west of Wall street	3618.50	3.703 per cent	Up
West side Wall street	3623.50		

	Elevation	Grade	
East side Wall street	3623.50	0.357 per cent	Up
140 ft east of east line Wall street	3624.00	1.250 per cent	Up
West side Bond street	3626.00		
East side Bond street	3626.00	0.312 per cent	Up
160 ft east of E. line of Bond street	3626.50	0.300 per cent	Up
260 ft east of E. line of Bond street	3626.80	3.349 per cent	Up
475 feet east of east line of Bond; the west side Lava road	3634.00		..
East side Harriman street	3634.00	0.428 per cent	Down
West side Hill street	3632.50		
East side Hill street	3632.50	2.143 per cent	Down
West side Division street	3625.00		
MINNESOTA STREET.			
West side Wall street	3622.50		
East side Wall street	3622.50	0.667 per cent	Up
West side Bond street	3624.50		
East side Bond street	3624.50	(Center line street) 0.889 per cent	Up
West side Lava road	3627.50		
JUNIPER AVENUE.			
East side Harriman street	3638.50	1.480 per cent	Down
West side Hill street	3634.00		
East side Hill street	3634.00	0.571 per cent	Down
West side Division street	3632.00		
OHIO STREET.			
West side Front street	3618.00		
East side Front street	3618.00	1.207 per cent	Up
West side Wall street	3621.50		
East side Wall street	3621.50	0.667 per cent	Up
West side Bond street	3623.50		
East side Bond street	3623.50	0.667 per cent	Up
300 feet east of Bond street at angle point in Ohio street	3625.50	2.730 per cent	Up
West side Lava road	3633.00		
East side Lava road	3633.00	3.730 per cent	Up
200 feet west of angle point in Ohio street west of Harriman St.	3644.80	0.350 per cent	Up
Angle in Ohio street west of Har- riman street	3645.50		
East side Harriman street	3645.50	1.750 per cent	Down
West side Hill street	3642.00		

	Elevation	Grade	
East side Hill street	3642.00	1.571 per cent	Down
West side Division street	3636.50		
KENTUCKY STREET.			
West side Front street	3619.00		
East side Front street	3619.00	0.517 per cent	Up
West side Wall street	3620.50		
East side Wall street	3620.50	0.333 per cent	Up
West side Bond street	3622.50		
East side Bond street	3622.50	0.286 per cent	Up
350 feet east, east side Bond street	3623.50	2.830 per cent	Up
West side Lava road	3628.00		
CALIFORNIA STREET.			
West side Front street	3619.80		
East side Front street	3619.80	1.620 per cent	Up
West side Wall street	3624.50		
East side Wall street	3624.50	0.333 per cent	Up
West side Bond street	3625.50		
East side Bond street	3625.50	0.351 per cent	Up
140 feet easterly of E. side Bond St	3626.00		

Sec. 2. The word "grade" as used in this ordinance shall be construed to mean the elevation of the building line at the point or points where the elevations are established, by this ordinance.

Sec. 3. All elevations in this ordinance are and shall be reckoned in reference to the United States Geological Survey bench mark as established on the west side of Wall street between Greenwood avenue and North Bond street, and the bench mark on the westerly side of Harriman street opposite Juniper avenue, according to the official grade map of the City of Bend, Crook county, Oregon, approved July 9, 1912.

CHAPTER V.

ORDINANCE NO. 22.

An Ordinance to provide for licensing, regulating and restraining retail liquor dealers; to prohibit the sale of liquor without a license; to provide penalties and punishment for the violation of any provisions of this ordinance and to repeal all ordinances and parts of ordinances in conflict herewith.

Be It Ordained by the Common Council of the City of Bend:

Section 1. No person or persons shall, within the corporate limits of this city, directly or indirectly, in person or by another, sell, barter, give away, deliver or in any manner dispose of any wine, spirituous or malt liquors or fermented ciders, without first obtaining a license therefor, in the manner hereinafter provided, and every person to whom such license shall be granted shall pay into the City Treasury the sum of Twelve Hundred Dollars (\$1200.00) per annum, payable in advance.

Sec. 2. Any person or persons desiring a license under the provisions of this ordinance shall present application therefor in writing at a meeting of the Common Council at least two weeks before the date of granting such license, which application shall be referred by the council to the liquor license committee as provided by this ordinance; said application shall be in substantially the following form, to-wit:

NOTICE OF APPLICATION FOR SALOON LICENSE.

To the Honorable Mayor and Common Council of the City of Bend:
Gentlemen.

The undersigned, (Name of applicant), having subscribed and sworn to the affidavit hereto attached, respectfully tenders you herewith the receipt of the City Treasurer for Twelve Hundred Dollars (\$1200.00), and applies for a license from the City of Bend to sell wine, spirituous and malt liquors and fermented ciders as a retail liquor dealer in the building situated on Lot — of Block — of Bend, Oregon, for the period of one year from the

— day of ———, 191—.

Respectfully submitted,
(Signature)

Dated at Bend, Oregon, this — day of ———, 191—.

STATE OF OREGON)

)ss.

COUNTY OF CROOK)

I, (Name of applicant), being first duly sworn, depose and say: That I am the applicant in the foregoing application for retail liquor license; that I am an American citizen; that I have never been convicted of allowing females or minors to loiter in or about a place where intoxicating liquors were sold; that I have never sold intoxicating liquors to a minor.

Subscribed and sworn to before me this — day of ———, 191—,

at _____

(Seal)

Notary Public for Oregon.

Sec. 3. Every person or persons making application for license under the provisions of this ordinance shall cause such application and affidavit to be published at least ten days before the granting of the same, in some newspaper published in the City of Bend having general circulation, before such license shall issue.

Sec. 4. It shall be the duty of the mayor and he is hereby empowered and authorized to appoint a committee of three members of the council to be known as the liquor license committee whose duty it shall be to inquire and examine into and investigate all applications and applicants under this ordinance. And if said committee shall deem the applicant entitled to a license they shall endorse thereon their approval and return the same to the council for final action, within seven days after they receive same. If the committee do not approve the same they shall endorse thereon their reasons for such disapproval and return the same to the council within the same time as if they had approved the same.

Sec. 5. The council shall, at the next meeting after the said application shall have been returned by the said committee, act upon the same and by resolution either grant or refuse a license, notwithstanding the approval or disapproval by the liquor license committee. If the license be granted, then when the applicant shall have filed with the City Recorder a surety bond in the penal sum of \$1000.00, and the same shall have been approved by the mayor and conditioned as set forth in the following form, the said license shall issue as applied for and not otherwise:

BOND.

Know all men by these presents that (Name of licensee) and (Surety company) are held and firmly bound unto the City of Bend in the sum of \$1000.00, lawful money of the United States for the payment whereof, well and truly to be made, the said principal binds himself, his heirs, executors and administrators, and the said surety company binds itself, its successors and assigns, jointly and severally, firmly by these presents, signed, sealed and delivered this — day of ———, 191—.

The condition of the above obligation is such that, whereas the above bounden ——— has made application for a license to sell wine, spirituous and malt liquors and fermented cider as a retail liquor dealer under the provisions of Ordinance No. 22, entitled: "An Ordinance to provide for licensing, regulating and restraining retail liquor dealers; to prohibit the sale of liquor without a license, to provide penalties and punishment for the violations of any provisions of this ordinance and to repeal all ordinances and parts of ordinances in conflict herewith," which license is about to issue and will be issued upon the approval of this bond. Now, if the said ——— shall keep an orderly house and in all things comply with the provisions of the said Ordinance No. 22, and all other legal city ordinances now in effect, from the date hereof until the — day of ———, 191—, then this obligation to be void, otherwise to remain in full force and effect.

In the presence of
..... (Seal)
..... (Seal)

Sec. 6. The council may at any time revoke and cancel any license granted under the provisions of this ordinance and in all instances where any person or persons holding license under this ordinance shall be convicted of violating any provision hereof, the council shall forthwith revoke the license of such person or persons. Any revocation of a license hereunder shall disqualify such licensee from securing another license.

Sec. 7. It shall be unlawful for any keeper or proprietor of any bar-room or drinking shop where liquors are kept for sale or sold, in his or their place to permit any breach of the peace when it is in his or their

power to prevent the same or to sell or give or permit to be given or sold any intoxicating liquor to any person already intoxicated, or to any habitual drunkard or any female or any person under the age of majority or during the voting hours of any election day, or at any time to permit or employ any female to act as waitress or bar-tender, or to sing or dance, or to serve in any capacity in his or their said bar-room or drinking shop, or to conduct or permit to be conducted in connection with his or their said bar-room or drinking shop, any bawdy house; or to display or permit to be displayed any lewd or indecent pictures; or permit his or their said bar-room or drinking shop to be or remain open on the first day of the week, commonly called Sunday; or to sell or give away or permit to be sold or given away, any intoxicating liquor on such day; or to permit the use of musical instruments of any description therein, or permit any singing or other loud and boisterous noises in his or their said bar-room; or to conduct or permit to be conducted any lunch counter, restaurant, eating room or free lunch counter in connection with his or their said bar-room, or permit any such lunch-counter, restaurant, eating room or free lunch-counter to be connected by any door, window, or any entrance whatever with said bar-room.

Sec. 8. All bar-rooms and drinking shops licensed under the provisions of this ordinance shall provide open fronts, beginning not more than five feet from the sidewalk, which fronts shall be of clear glass and the interior of such bar-room or drinking shop shall be devoid of all screens, partitions or other obstructions that will in any way prevent any one passing on the street from obtaining a full view of the interior of such place.

Sec. 9. It shall be unlawful for any minor or female to loiter in or about any place where liquors are sold or to buy or accept any intoxicating liquor for beverage purposes.

Sec. 10. It shall be unlawful for any person, persons or firm engaged in the retail liquor business to sell or in any manner dispose of any liquors upon any street, within the corporate limits of the City of Bend, except upon Bond street, as shown by the recorded plat thereof; or to maintain or allow any opening, entrance or exit in any bar-room or drinking shop upon any street other than the said Bond street: Provided, this restriction as to place of sale shall not apply to a person or persons carrying on a retail liquor business in connection with a hotel having thirty or more sleeping rooms.

Sec. 11. It shall be unlawful for any keeper or proprietor of any saloon, bar-room or drinking shop, or of any place where spirituous, vinous or malt liquors, or fermented cider are kept for sale, or in any manner disposed of, to sell, deliver, or give away or permit to be sold, delivered or given away, either directly or indirectly, in person or by another, whether his property or another's, any intoxicating liquor to any person or persons between the hours of twelve-thirty (12:30) o'clock a. m. and five (5) o'clock a. m.

Sec. 12. Hereafter the Common Council of the City of Bend shall not issue any liquor license to any person or persons not now engaged as a retail liquor dealer in the City of Bend, so long as the number of licenses in force and effect in said City of Bend shall be five or more, and provided further that no license now in force and effect shall be transferred to any other person or persons, firm or corporation except one or more of the persons now holding any such license shall in good faith be a member of the firm or corporation to which license shall be proposed to be transferred.

ORDINANCE NO. 23.

An Ordinance to regulate the sale of intoxicating liquors to habitual drunkards, or persons in the habit of becoming intoxicated, or who have the habit of drinking intoxicating liquors to excess; providing a method for the formation of a black-list, making it unlawful for black-listed persons or minors to obtain intoxicating liquors, or loitering in or about places where intoxicating liquors are sold, and to provide penalties for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. Upon the written request of any relative or guardian of any person who is an habitual drunkard or in the habit of becoming intoxicated, or who is in the habit of drinking intoxicating liquors to excess, or upon the written request of the County Judge of Crook County, or any sheriff or deputy sheriff, or the Chief of Police of the City of Bend, or of the Common Council of the City of Bend, it shall be the duty of the Recorder of the City of Bend to issue notices signed by him under the seal of the City of Bend directed "To All Whom It May Concern," warning them against selling, bartering, giving away, treating, or in any manner disposing of any intoxicating, spirituous, vinous or malt liquors or any hard cider to such persons as may be named in the request above mentioned, and such notice shall be by said Recorder placed in the hands of the Chief of Police of the City of Bend for service, and the Chief of Police shall forthwith serve notice by delivering a copy thereof certified to by him as such Chief of Police to the proprietor of each place in the City of Bend where intoxicating, spirituous, vinous or malt liquors or hard cider are kept for sale.

Sec. 2. Proprietors of each and every saloon, tippling house, bar-room, or drinking shop or other place where intoxicating liquors are kept for sale shall post in a conspicuous place in his place of business a notice in the following form, to-wit:

"Notice is hereby given that an order has been issued and served upon the proprietor of this place prohibiting the sale, bartering, giving away, treating or in any manner disposing of any intoxicating, spirituous, vinous or malt liquors or hard cider to any person whose name is attached hereto, to-wit:"

Sec. 3. Whenever a notice shall be served as prescribed by section 1 of this ordinance upon the proprietor of any bar-room, drinking shop or other place where intoxicating liquors may be kept for sale, the proprietor of such place shall forthwith attach the name of the person or persons named in said notice to the notice posted in his place of business, as provided by section 2 of this ordinance; and any proprietor of any place in the City of Bend where intoxicating, spirituous, vinous or malt liquors or hard cider shall be kept for sale, who shall fail to keep said notice posted as provided by section 2 of this ordinance, or who shall fail to forthwith attach thereto the name of any person named in any notice served upon him, as provided by section 1 of this ordinance, shall upon conviction thereof in the Recorder's Court of the City of Bend, be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the city jail not less than five days nor more than fifty days, or by both such fine and imprisonment.

Sec. 4. If the proprietor or any employee therein of any licensed saloon, bar-room, drinking place or other place where intoxicating liquors are kept for sale, shall sell, barter, give away, treat, or in any manner dispose of any intoxicating, spirituous, vinous or malt liquors or hard cider, to any person named in any notice issued or provided under section 1 of this ordinance, and served upon such proprietor, provided by said section 2 of this ordinance, upon conviction thereof in the Recorder's Court for the City of Bend, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the city jail for not less than ten days nor more than fifty days, or by both such fine and imprisonment; and it shall not be a defense in a prosecution of the provisions of this section that the person to whom such liquor shall be sold or disposed of is not an habitual drunkard or in the hab-

it of becoming intoxicated, provided such notice shall have been issued by the Recorder of the City of Bend pursuant to the written request of any person authorized by this ordinance to make such request and shall have been served upon such proprietor in the manner provided by this ordinance.

Sec. 5. It shall be unlawful for any person who has been black-listed by the serving of notices, as provided in this ordinance, upon proprietors of places where intoxicating liquors are sold, to go into or loiter about or ask for any intoxicating liquors to be served to him in any such place of business, and any person who has been blacklisted in the manner provided in this ordinance who shall go into any saloon or place of business where intoxicating liquors are kept for sale at retail, or loiter about any such place, or shall solicit the proprietor or any employee of any such place to sell, give away, or in any manner dispose of to him any intoxicating liquors, whether the same are being paid for by himself or by some other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Recorder's Court of the City of Bend, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment in the city jail not less than five days nor more than twenty-five days, or by both such fine and imprisonment.

Sec. 6. It shall be unlawful for any minor under the age of 21 years to go into, enter, remain in or loiter about any saloon, bar-room, drinking shop, for any purpose whatsoever, or to solicit the proprietor of any saloon, bar-room, or drinking shop, or any employee therein to sell, give away or in any manner dispose of to him any intoxicating liquors or beverages of any kind, whether the same are to be paid for by himself or another, or to make any representations to any proprietor of any such saloon, bar-room, or drinking shop, or any employee therein, either directly or indirectly, that such minor is of the age of 21 years or old enough to be entitled to purchase intoxicating liquors or beverages in a saloon, bar-room or drinking shop, and any person under the age of 21 years who shall violate any of the terms and provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5 nor more than \$50, or by imprisonment in the city jail not less than two days nor more than thirty days, or by both such fine and imprisonment.

Sec. 7. Any person other than the proprietor of any licensed bar-room, drinking shop or other place where intoxicating liquors are kept for sale within the City of Bend, or any employee of any such proprietor, who shall sell, barter, give away, treat, or in any manner dispose of any intoxicating, spirituous, vinous or malt liquors or any hard cider, to any person or persons blacklisted by the provisions of this ordinance, knowing at the time that such person or persons have been blacklisted, shall be deemed guilty of a misdemeanor and upon conviction thereof in the Recorder's Court of the City of Bend shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the city jail not less than ten nor more than fifty days, or by both such fine and imprisonment.

ORDINANCE NO. 24.

An Ordinance to provide for the licensing, regulating and restraining of wholesale liquor dealers; to define what a wholesale liquor dealer is within the meaning of this ordinance, and to provide punishment and penalties for the violation of any of the provisions of this ordinance.

Be It Ordained by the Common Council of the City of Bend:

Section 1. A wholesale liquor dealer within the meaning of this ordinance is one who engages in the business of selling beer and malt beverages in quantities of one barrel or more and in selling wines, ciders, whiskey and spirituous liquors in quantities of five gallons or more.

Sec. 2. No person or persons, firm or corporation shall, within the corporate limits of the City of Bend, directly or indirectly, in person or by another, sell, barter, give away or in any manner dispose of any beer

or malt beverages in quantities of one barrel or more or any wines, ciders, whiskey or spirituous liquors in quantities of five gallons or more, without first obtaining a license therefor in the manner hereinafter provided and every person, firm or corporation to whom such license shall issue shall pay into the City Treasury the sum of Two Hundred and Fifty Dollars (\$250.00) per annum in advance.

Sec. 3. No person, firm or corporation licensed under the provisions of this ordinance shall directly or indirectly, in person or by another, sell, barter, exchange or in any manner dispose of any beer or malt beverages in quantities less than one barrel; or any wines, ciders, whiskey or spirituous liquors in quantities less than five gallons.

Sec. 4. No person, firm or corporation licensed under the provisions of this ordinance shall directly or indirectly, in person or by another, deliver or cause to be delivered to any purchaser or any person whatsoever any beer, malt beverages, wines, ciders, whiskey or spirituous liquors in any quantity less than that which they are authorized to sell under the provisions of this ordinance, or to allow or permit any purchaser or any person to drink any of the beer, malt beverages, wines, ciders, whiskey or spirituous liquors purchased from a licensee under this ordinance upon the promises covered by the license of such licensee.

Sec. 5. Applications under this ordinance shall be addressed to the City Council and specify the name of the applicant and the lot and block upon which the applicant proposes to carry on business. Before any license shall be effective the applicant shall file a surety bond in the penal sum of Five Hundred Dollars (\$500.00), running to the City of Bend and conditioned that the licensee shall not violate any of the provisions of this ordinance and such bond must be approved by the mayor before such license shall be effective.

Sec. 6. Any person violating any of the provisions of this ordinance, upon conviction therefor, shall be punished by a fine not exceeding \$50 or by imprisonment in the city jail not exceeding twenty days or by both such fine and imprisonment. And in case any licensee, under the provisions of this ordinance, shall be found guilty of a violation hereof the council shall forthwith revoke the license of such licensee.

ORDINANCE NO. 25.

An Ordinance to provide and regulate the manner of constructing curbs and sidewalks upon certain streets within the City of Bend; to prescribe the method of giving notice of sidewalk construction to owners of abutting property; authorizing the construction of such sidewalks and curbs by the city in certain cases and providing that in such cases the expense of construction shall be a lien upon abutting property and providing the method of enforcement of such lien.

Be It Ordained by the Common Council of the City of Bend:

Section 1. All sidewalks hereafter constructed, repaired or altered within the City of Bend on Oregon, Minnesota, Ohio or Kentucky streets from the alley intersecting Blocks 2, 3, 4 and 5 to the alley intersecting blocks 13, 15, 16 and 17; also on Wall street from Evergreen Avenue to Washington street; also on Bond street from Greenwood Avenue to Washington street; also on Greenwood Avenue from its western terminus in block 2, to First street, all within said City of Bend, shall be altered, constructed or repaired in accordance with the provisions of this Ordinance and not otherwise.

Sec. 2. All sidewalks constructed, altered or repaired upon any streets or parts of streets mentioned in Sec. 1, which are eighty feet wide, shall be twelve (12) feet in width and upon streets which are sixty (60) feet in width such sidewalks shall be ten (10) feet in width.

Sec. 3. All such sidewalks shall be constructed of cement or concrete and shall be built on the grade as shown in the building grade Ordinance of the City of Bend, said grades to be furnished by the City Engineer; with a cross slope towards the curb of one-fourth inch per foot. The same shall be composed of concrete not less than three and one half inches in thick-

ness covered by a layer of cement not less than three-quarters of an inch in thickness, expansion joints of felt shall be placed at least every 16 feet. Said concrete shall be of the proportion of one part of a standard cement, three parts clean, sharp sand and four parts of clean gravel or broken stone, not larger than one and one half inches in diameter and the top coat shall be of the proportion of one part of a standard cement to two parts of clean, sharp sand with one pound of Germantown Bear Brand Lampblack, per barrel of cement, which shall be mixed before water is added to the top coat mixture.

Sec. 4. All such sidewalks shall have a six-inch curb constructed with same. The top of the curb shall be flush with the top of the sidewalk and extend down sixteen (16) inches, sloping towards the center of the street at one and one half inches to the foot. The upper outer corner shall be rounded with a three-quarter inch edge tool. Expansion joints of felt shall be placed at least every sixteen feet, along the curb, and shall extend through the curb. At all street intersections the curb shall be rounded or curved to a radius of six feet, and at all alley intersections the curb shall be rounded or curved to a radius of two feet, with such iron or steel reinforcing as will protect the curb from chipping. The concrete used in the construction of such curbs shall be as provided in Section 3.

Sec. 5. All sidewalks hereafter constructed, repaired or altered, lying outside of the district described in Sec. 1 of this ordinance but within the corporate limits of the City of Bend, may be constructed, repaired or altered with native pine or fir and shall have a minimum width of six (6) feet with a grade or fall towards the center of the street on one-fourth inch per foot of width.

Sec. 6. All such wooden sidewalks shall be of good sound yellow pine or fir and shall correspond to the following specifications:

All walks shall have a minimum of three (3) stringers, two (2) by six (6) inches, said stringers to be set on edge firmly bedded on a solid foundation; the plank for covers shall not exceed ten (10) inches in width, and shall be dressed or sized to a uniform thickness of not less than one and seven-eighths inches, and shall be well spiked to said stringers, with not less than five (5) thirty penny (30d) wire nails per board, heads well counter sunk. The outer edge of the plank covering shall be laid in a straight line, parallel to, and a uniform distance from, the center of the street; provided, however, that the owner of property situate within the district mentioned in Section 5 of this ordinance may construct said sidewalk of concrete or such other material as may be satisfactory to the Common Council upon first obtaining their consent thereto.

Sec. 7. Whenever the Council shall deem it advisable to have any sidewalks constructed, altered or repaired, it shall so declare by resolution duly entered upon its minutes, which resolution shall correctly describe the property by lot and block, and thereupon the City Recorder shall cause notice to be issued to the owner of such property notifying him of the action of said City Council, stating that unless the construction of such sidewalk be commenced within thirty days from the receipt or service of such notice and completed within thirty days therefrom that the City of Bend will construct the same and charge the expense and cost thereof to the abutting property. Such notice shall be served in the manner prescribed by law for the service of summons in civil actions, or as provided by Charter of the City of Bend.

Sec. 8. When any person shall fail to construct any sidewalk or part thereof as provided in such notice, the City Engineer of Bend shall immediately proceed to cause said sidewalk to be constructed. He shall keep a detailed account of all expenses and charges connected therewith, and when such sidewalk is completed shall file with the Recorder such statement or a duplicate thereof verified by his oath that the same is true and correct.

Sec. 9. From the date of the filing of such statement by the City Engineer, the costs and charges of such construction as shown by such statements shall constitute a lien upon the abutting property, and such lien shall be collected in like manner as far as possible, as are assess-

ments for street improvements, the same being more fully provided in the Charter of the City of Bend.

ORDINANCE NO. 26.

An Ordinance to provide the manner of lighting certain streets within the City of Bend, Oregon, and providing for the maintenance thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. Cluster lights shall be placed on Wall and Bond streets, between Ohio street and Greenwood avenue and on Greenwood avenue, Oregon, Minnesota and Ohio streets from the alley west of Wall street to the alley east of Bond street in the City of Bend, in the manner hereinafter provided, and not otherwise.

Sec. 2. All cluster lights which shall hereinafter be placed upon the streets above described shall be of uniform design as follows: Shall consist of five lights each, with four lights on the sides and one on the top, with fluted column, and having a total height over all of thirteen feet two inches, more specifically described as follows, to-wit:

Size of Base.....	17 1/4 x 19 3/4 inches
Diameter of fluted column at base...	9 1/2 inches
Diameter top of fluted column	6 inches
Spread of arms	36 1/2 inches
Size of globes and fitters:	
Side Globes and fitters	12x6 inches
Central Globe and fitter	16x8 inches
Size of door	4x8 inches
Height	13 feet 2 inches
Weight	325 pounds

all of which more fully appears on the Plans and Blue Print of "Official Cluster Lights" approved by the Common Council, December 2, 1913, and which said plans and blue print are now on file and of record in the office of the City Recorder hereby referred to and made a part hereof.

Sec. 3. All cluster lights shall be placed on the sidewalk on grade, at a uniform distance of fifteen inches to the center of said poles from the outside edge of the curb of the street, so that the street face of the base will be at the inside edge of the curb. All lights shall be placed opposite the property line of the several lots on Wall and Bond streets, approximately fifty feet apart, and at the above distances from the curb, and on the other streets as specifically shown on the plans and blue print above referred to.

Sec. 4. All Cluster Lights together with fixtures shall be installed and paid for by the owners of abutting property, and shall be placed as shown on the plans and blue print heretofore mentioned, and not otherwise.

Sec. 5. The city agrees to furnish current only for said cluster lights installed as aforesaid, at a maximum cost not exceeding two dollars and eight cents per month, per cluster. Provided, however, that the City of Bend retains the right to alter or modify the cluster, candle power or to reduce the maximum monthly payment for each cluster; and provided further that nothing herein shall be construed to prevent the Common Council of the City of Bend, should it deem it advisable, to create a special light assessment district and to provide for the levying of assessments against abutting property for the installation and maintenance of Cluster Lights within said City of Bend or upon the streets aforesaid.

ORDINANCE NO. 27.

An Ordinance to regulate the use of automobiles and motor-driven vehicles upon the streets, alleys and public ways within the corporate limits of the City of Bend and to provide a penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. Every automobile or motor-driven vehicle when driven upon the streets, alleys or public ways within the corporate limits of the

City of Bend shall, during the hours of darkness, have fixed upon some conspicuous part thereof at least two lighted lamps, both showing a white light to the front

Sec. 2. Every automobile or motor-driven vehicle shall use the "muffler," so-called, and the same shall not be cut-out or discontinued when the motor of any of the said vehicles is in operation within the corporate limits of the City of Bend. Every automobile or motor-driven vehicle shall be provided with good and efficient brakes. The driver or operator of every automobile or motor-driven vehicle shall turn to the right in meeting vehicles, teams or persons moving or headed in an opposite direction and by turning to the left in passing vehicles, teams or persons moving or headed in the same direction.

Sec. 3. No person, driver or operator in charge of any automobile or motor-driven vehicle on any street, alley or public way within the corporate limits of the City of Bend shall drive, operate or move or permit the same to be driven, operated or moved at a rate of speed faster than eight miles per hour. Every person, driver or operator in charge of any automobile or motor-driven vehicle in turning any corner within the corporate limits of the City of Bend, shall, when within not less than 50 and not more than one hundred feet of such corner, give signal of warning by horn or whistle.

Sec. 4. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than five nor more than fifty dollars.

ORDINANCE NO. 28.

An Ordinance authorizing the purchase of a parcel of land in Section Thirty-Three, Township Seventeen South, Range Twelve East, for City cemetery purposes, providing a name therefor, providing for the disposition of lots therein, and establishing rules and regulations for the government thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That the Mayor be and he is hereby authorized and directed to do all such things, including the expenditure of money, as are necessary for the purchase from the United States Government of the South-east Quarter of the South-east Quarter of Section Thirty-three, Township Seventeen South, Range Twelve East of the Willamette Meridian, which said land, or such portion as is needed therefor, shall be used for the purpose of a city cemetery.

Sec. 2. Said cemetery is hereby named "Pilot Butte Cemetery."

Sec. 3. The Recorder is hereby directed and authorized to cause a plot of four acres, more or less, of said land to be laid off by some competent surveyor into proper streets and alleys, and to have a plat of said plot, so laid off, made and recorded in the office of the County Clerk of Crook County. Said plat shall be officially designated as "Section One of Pilot Butte Cemetery."

Sec. 4. There shall be appointed by the Mayor from among the members of the council a standing committee of three members, which said committee shall be known as the "Cemetery Committee."

It shall be the duty of the said committee to make such rules and regulations as are necessary for the proper care, protection and government of the cemetery and for the guidance and control of the sexton, not in conflict with the provisions of this ordinance. It shall be the duty of said committee to see that the provisions of this ordinance and such rules and regulations as they make are properly enforced and obeyed. The said committee is hereby empowered and directed to fix a schedule of prices for which lots in the cemetery may be sold, which said schedule shall be subject to the approval of the council. Said schedule may by the cemetery committee, upon the approval of the council, be at any time amended. Upon approval of the council as above provided said schedule or amendment shall be filed with the Recorder and shall thereafter be

followed and shall govern in the sale of all lots in the cemetery until the filing of the next succeeding schedule or amendment, as in this ordinance provided.

Sec. 5. The sexton shall be appointed by the cemetery committee, subject to the approval of the council, and shall hold his office until his resignation is accepted or until he is removed by the cemetery committee, which said committee is hereby empowered to remove said sexton for any cause that a majority of said committee may deem sufficient. If a vacancy occur in the office of the sexton, it shall be filled by appointment of the cemetery committee and the appointee shall hold his office until the next regular meeting of the council and until his successor is appointed.

Sec. 6. The sexton shall, under the cemetery committee, have full charge of the cemetery. As full compensation for all services performed by him under this ordinance and the rules and regulations prepared by the cemetery committee, he shall be entitled to receive for all interments or disinterments made in said cemetery the following fees, the same to be collected by him of those making the proper application for such services.

For Interments.

For a grave in class one.....	\$3.00.
For a grave in class two.....	\$4.00.
For a grave in class three.....	\$5.00.

For Disinterments.

From a grave in class one.....	\$ 6.00
From a grave in class two.....	\$ 8.00.
From a grave in class three.....	\$10.00.

Sec. 7. It shall be the duty of the sexton to keep in a register provided for that purpose a record showing in proper column:

The name of the deceased.

Date of burial or disinterment.

Number of lot in which burial or from which disinterment is made.

Number of permit.

Charge for opening the grave.

The sexton shall on the first Monday of each month file with the Recorder a report, in form like the record above provided, of all interments and disinterments made during the month last preceding. It shall be his duty to prepare all graves or to cause them to be prepared, and he shall attend to all duties appertaining to his office at the interment of bodies. It shall be his duty upon proper application to disinter, or cause to be disinterred, all bodies. All graves within the limits of the cemetery must be opened and closed by the sexton or someone specifically authorized by him.

Sec. 8. All graves four feet and less in length shall be at least four and one-half feet deep and shall be designated as class one. All graves less than six feet in length and over four feet, shall be at least five feet deep and shall be designated as class two. All graves six feet and over in length shall be at least five and one-half feet deep and shall be designated as class three.

Sec. 9. Every conveyance of a lot in the cemetery shall be by deed, executed by the Mayor and attested by the Recorder, under the seal of the City; but such conveyance shall only have the effect of giving the perpetual use of a lot for burial purposes subject to the laws of the state and the rules and regulations made by the City of Bend for the government thereof.

Sec. 10. The Recorder is hereby empowered to sell lots in the cemetery at prices fixed by the cemetery committee and must, before issuing the permit mentioned in Section 11 of this ordinance, collect all dues arising from such sales. All moneys received by the Recorder from the sale of lots shall be paid by him into the city treasury and shall by the City Treasurer be kept in a special fund which is hereby created, and which shall be known as the "Cemetery Fund." Money shall be paid out from said fund only for the purpose of maintaining and improving the cemetery. The Recorder shall in a book kept for that purpose keep a record of all deeds issued, giving name of purchaser, date of sale, number of lot and price of lot.

Sec. 11. Whenever an interment is to be made, written application must be made to the Recorder, and a permit obtained therefor, which said permit, together with notice of the time of burial, must be deposited with the sexton at least twelve hours previous to the time of burial. The application and permit must state the following particulars:

The full name of the deceased.
 Place of nativity, if known.
 Age, if known.
 Date and place of decease.
 Date of interment and location of grave.
 Name of undertaker.
 Outside size of coffin or box.
 Cause of death, if known.

Any person or persons desiring to disinter a body buried in the cemetery shall make application to the Recorder, who shall, if everything is regular, issue a permit allowing such disinterment. In no case shall a permit be granted unless party applying shall produce a certificate of title to lot or the records in the Recorder's office show that the applicant is an owner of a lot. The sexton shall not permit an interment or disinterment to be made in said cemetery until authorized to do so by the burial or disinterment permit mentioned above, which permit shall be kept on file. The owner of a lot may allow the interment of the remains of any person not of his family in his lot, but to allow such interment for compensation is strictly forbidden.

When a body is to be removed from one part of the cemetery to another, a permit must be obtained for such removal. And when bodies are brought from other burial grounds for interment, the same proceedings must be had as to obtaining permits as hereinbefore provided for the original burial of bodies.

Sec. 12. A record shall be kept by the Recorder of all burial permits issued by him, which record shall contain in proper columns:

The name of the deceased.
 Place of nativity, if known.
 Age, if known.
 Date and place of decease.
 Cause of death.
 Number and date of said permit issued.
 Name of undertaker.
 Lot or grave in which buried.

Sec. 13. In order that the general beauty and attractiveness of the cemetery may be preserved and promoted, and that the improvements of individual lots may contribute thereto, the sexton shall under the direction of the cemetery committee, have entire charge of the planting of trees and shrubs in accordance with the general plan for the ornamentation of the grounds. And if any tree or shrub standing in any lot, whether planted by direction of the sexton or otherwise shall become by reason of its roots, branches or otherwise, detrimental to adjacent lots or avenues, or for any other reason its removal shall become necessary or advisable, the sexton shall have the right and it shall be his duty to remove such trees or shrubs or any part thereof.

In every case where workmen are employed by owners of lots to do work or make improvements in or about said lot such workmen shall be subject to the control and direction of the sexton; and any workmen who shall neglect or refuse to obey said directions, or who shall carelessly or wilfully do injury to adjacent lots or who shall neglect to remove any rubbish accumulated in his work, will not thereafter be permitted to work in the grounds of the cemetery.

Sec. 14. Any person who shall injure, remove or deface any head-board, tombstone, monument, tree, shrub, fence or any property in said cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction before the Recorder be punished by a fine in any sum not exceeding Fifty Dollars (\$50.00) or by imprisonment not exceeding twenty-five days, or by both fine and imprisonment.

ORDINANCE NO. 29.

To regulate the registry of dogs and to provide for the taking up, impounding and killing of dogs without license tags.
Be it ordained by the Common Council of the City of Bend:

Section 1. It is hereby declared unlawful for any person owning or having charge, care or control of any dog or slut over the age of six months, to permit or allow the same to run at large upon any street, alley, lot or other public place within the corporate limits of Bend unless there shall be attached to such dog or slut a collar on which there shall be a tag, with an appropriate number, to be obtained from the City Treasurer as hereinafter provided; and it is hereby declared unlawful for any person to imitate or counterfeit said tag or plate on any dog or slut within the limits of Bend.

Sec. 2. The City Treasurer shall keep a register, wherein shall be entered the name of the owner of the dog, to whom a tag has been issued, the number and date of such tag and the sum paid therefor. The City Treasurer is hereby directed to procure the tags mentioned in Section 1 of this ordinance, and annually to collect or receive from the owner of any male dog the sum of \$3 and from the owner of any female dog the sum of \$5 for each such tag. The annual time for issuing such tags as are herein provided for and the time when the rights under such tags shall expire shall be the first day of June of each year. No tag shall be issued for a less time than one year: Provided, however, that the City Treasurer may issue a temporary permit to keep a dog, upon the payment by the owner of a license fee at the rate of 50 cents per month on male dogs and 75 cents per month on female dogs, all such pro rata payments and permits to be paid to, and to expire on, June 1st each year. The City Treasurer shall pay all moneys received for tags into the general fund.

Sec. 4. It shall be the duty of the chief of police or the person whom the City Council of Bend may appoint as poundmaster, to cause to be taken and impounded any dog found running at large, or upon the streets of Bend, not having a collar around his neck with tag mentioned in section 1 of this ordinance attached thereto, and if said dog shall not be reclaimed as hereinafter provided within twenty-four hours after such dog shall have been impounded, it shall be the duty of the chief of police or said poundmaster to sell or cause to be sold such dog, or kill or cause to be killed such dog, and to have the same buried outside the city limits. The chief of police or said poundmaster shall receive from any person, any dog found running at large contrary to the provisions of this ordinance, and shall safely restrain each dog so delivered or taken up by himself for the term specified above. If any dog so impounded be not reclaimed by the owner of said dog within the twenty-four hours specified, the chief of police or poundmaster shall offer the same for sale and if no bid is offered at such sale said dog shall be killed and buried. If sold the proceeds of such sale shall be paid to the City Treasurer and covered into the general fund. No dog so impounded shall be delivered to the owner or to a purchaser thereof, until a tag is purchased for said dog, and a penal fee of \$1, and 10 cents a day for the keeping of said dog during the time it has been impounded, has been paid to the City Treasurer. Provided that in case such owner or purchaser be not a resident within the City of Bend the purchase of such tag shall not be required; provided further, that in any case where a dog has been impounded, for which the owner has purchased a tag and attached it to the collar thereof, and such tag has been lost or stolen, on proof being made thereof, said dog shall be released and a substitute tag delivered to the owner on the payment of a fee of 25 cents.

Sec. 5. Any person owning or having charge, care or control of any fierce, dangerous, or mischievous dog, shall, when ordered so to do by the chief of police, securely muzzle such dog before permitting it to run at large within the city limits of Bend, and in case of failure to forthwith obey the orders of such officer, it shall be his duty to kill such dog without further notice to the owner.

Sec. 6. It shall be unlawful for any person or persons to hinder or molest any person or persons who may be engaged in seizing any dog or killing the same in conformity with this ordinance; or to release any dog when impounded, without authority of the said chief of police or pound-master.

Sec. 7. No mad dog and no female dog in time of heat shall be permitted to run at large within the city limits, and it shall be lawful for any person to kill any such dog running at large, whether wearing a tag or not, and the owner or person permitting any such dog to run at large shall be liable to prosecution under this ordinance.

Sec. 8. It shall be the duty of the chief of police to prosecute all persons violating any of the provisions of this ordinance.

Sec. 9. Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction before the Recorder shall be fined in any sum not exceeding \$50 or by imprisonment for any term not exceeding 20 days, or both fine and imprisonment.

ORDINANCE NO. 30.

An Ordinance providing for the issuance of sewerage bonds by the City of Bend, Oregon, in the amount of Sixty Thousand Dollars.

Whereas, pursuant to and in strict compliance with the provisions of the Constitution and Laws of the State of Oregon, and of the Charter of the City of Bend, an election was duly and legally called and held in said city on the 20th day of June, 1912, at which election more than a majority of all the votes cast were in favor of the issuance of bonds of said City in the amount of Sixty Thousand Dollars (\$60,000,) for the purpose of securing a complete and adequate system of sewerage for said City, and

Whereas, said bonds have been duly advertised for sale and sold to Farson, Son & Company, of Chicago, Illinois, and the City and State of New York, at a price in excess of the par value thereof; and

Whereas, all other requirements of law that are prerequisite to the lawful issuance of said bonds have been in all things complied with, except the form and details of said bonds and interest coupons to be thereto attached have not as yet been finally determined: Now, therefore

Be It Ordained by the Common Council of the City of Bend, State of Oregon.

Section 1. That for the purpose of providing funds for the purpose of securing a complete and adequate system of sewerage for said City, there is hereby ordered and directed to be issued the negotiable coupon bonds of said city in the amount of Sixty Thousand Dollars (\$60,000,) consisting of Sixty (60) bonds of the denomination of One Thousand Dollars (\$1,000) each, numbered from One to Sixty (1-60) inclusive. Said bonds shall each be dated September 2, 1912; shall bear interest at the rate of Six Per Centum (6 per cent) per annum, payable semi-annually on the first day of March and of September, and shall mature September 1, 1932. Both principal and interest of said bonds shall be payable in lawful money of the United States of America at the Fiscal Agency of the State of Oregon, in the City and State of New York. In the event of the discontinuance of said Fiscal Agency, then at the Banking House of Hanover National Bank, in the City and State of New York.

Sec. 2. That said bonds and coupons with the necessary variations to indicate the different numbers, shall be in substantially the following forms, respectively, to-wit:

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF CROOK
CITY OF BEND
SEWERAGE BOND

No. _____ \$1,000.00

KNOW ALL MEN BY THESE PRESENTS, that the City of Bend, in the County of Crook, State of Oregon, a municipal corporation duly organized and existing under the laws of said State, acknowledges itself indebted

and for value received hereby promises to pay bearer on the First day of September, A. D. 1912, the principal sum of One Thousand Dollars, together with interest on said sum from the date hereof until paid at the rate of Six Per Centum (6 per cent) per annum, payable semi-annually on the First day of March and of September, upon presentation and surrender of the interest coupons hereto attached, as they severally become due; both principal and interest payable in lawful money of the United States of America at the Fiscal Agency of the State of Oregon in the City and State of New York. In the event of the discontinuance of said Fiscal Agency, then at the Banking House of Hanover National Bank in the City and State of New York. And for the prompt payment of the principal and interest of this bond as they become due, the full faith, credit and resources of said City of Bend are hereby irrevocably pledged.

THIS BOND is issued for the purpose of securing a complete and adequate system of sewerage for said City, pursuant to the favorable vote of more than a majority of the qualified voters of said City at an election duly and legally called and held for that purpose, and pursuant to resolutions and ordinances of the Common Council of said City duly passed, approved and adopted, and is authorized by and issued in full and strict conformity with the requirements of the charter of said City and of the Constitution and Laws of the State of Oregon.

And it is hereby certified and recited that all acts, conditions and things required by the Constitution and Laws of the State of Oregon and of the Charter of said City to exist, happen and be performed precedent to and in the issuance of this bond have existed, happened and been performed in regular and due form, time and manner as required by law, and that the amount of this bond, together with all other indebtedness of said City does not exceed any limitation imposed by either the Constitution, Laws of the State of Oregon, or the Charter of said City.

IN WITNESS WHEREOF, said City of Bend has caused this bond to be signed by its Mayor and attested by its Recorder, and its corporate seal to be hereto affixed, and the interest coupons hereto attached to be signed by the lithographed signatures of said Mayor and Recorder, this Second day of September, A. D. 1912.

Attest: Mayor.
..... Recorder.

(Form of Coupon.)

No. _____ March, 1912, the City of Bend, in the County of Crook, State of Oregon, will pay to bearer Thirty Dollars, lawful money of the United States of America, at the Fiscal Agency of the State of Oregon, in the City and State of New York. In the event of the discontinuance of said Fiscal Agency, then at the Banking House of Hanover National Bank in the City and State of New York, being the semi-annual interest then due on its Sewerage Bond dated the Second day of September, A. D. 1912. No. _____ \$30.00.

On the first day of _____, 19... , the City of Bend, in the County of Crook, State of Oregon, will pay to bearer Thirty Dollars, lawful money of the United States of America, at the Fiscal Agency of the State of Oregon, in the City and State of New York. In the event of the discontinuance of said Fiscal Agency, then at the Banking House of Hanover National Bank in the City and State of New York, being the semi-annual interest then due on its Sewerage Bond dated the Second day of September, A. D. 1912. No. _____

Attest: Mayor.
..... Recorder.

Sec. 3. That said bonds and coupons when duly prepared in the form aforesaid shall each be signed by the Mayor and attested by the Recorder and shall have the corporate seal of the City affixed thereto, and shall be delivered to the purchasers thereof upon payment of the purchase price therefor. The proceeds of said bonds shall be deposited in a special fund and used and applied solely for the purpose recited in section 1 of this Ordinance; provided, however, that it is understood that the purchasers shall not be bound to see to the application of the purchase money.

Sec. 4. That for the purpose of making provision for the payment of the principal and interest of said bonds there shall be and is hereby

levied annually for the years 1912 to 1932, both inclusive, sufficient to raise annually in each of said years the sum of Thirty-Six Hundred Dollars (\$3,600) the amount of the annual interest and in the years 1922 to 1932, both inclusive, the further sum of Six Thousand Dollars (\$6,000) as a sinking fund to pay the principal bonds at maturity. Said moneys so provided for are hereby and shall be sacredly pledged for the payment of the interest and principal of said bonds as the installments thereof respectively fall due, and for no other purpose whatever.

Sec. 5. All former resolutions or ordinances in conflict with the provisions of this ordinance are hereby to the extent of any such conflict amended and repealed.

CHAPTER VI.

ORDINANCE, NO. 31.

An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. No person, firm, company or corporation shall be engaged in, prosecute or carry on any trade, business or profession within the limits of the City of Bend, for which license may be required by this ordinance, until he or they shall have obtained such a license. Any person, firm, company or corporation who shall carry on any trade, business or profession in this ordinance specified, without having first procured a license so to do, shall be guilty of a misdemeanor and upon conviction before the Recorder shall be fined in a sum not exceeding one hundred dollars or shall be imprisoned for a term not exceeding fifty days, or may be punished by both fine and imprisonment, and the amount of such license shall be deemed a debt to the City of Bend, and such person, firm, company or corporation shall be liable to the City of Bend for the amount of such license.

Sec. 2. Every license taken out under or by virtue of this ordinance, shall contain and set forth the purpose, trade, business or profession for which said license is granted, and the name and place of abode of the person or persons taking out the same. Said license shall authorize the continuance of the business named therein at the place named therein for the term of such license. Any person exercising or carrying on any trade, calling, business, profession or doing any act for which a license is required, shall on demand of any city officer produce such license and unless he shall do so, shall be deemed to have no license and shall be liable to arrest, fine and imprisonment as provided in section 1 of this ordinance.

Sec. 3. In every case where more than one of the pursuits, employments or occupations for which a license is required, shall be pursued or carried on in the same place by the same person at the same time, license must be taken out for each, according to the rates severally prescribed.

Sec. 4. All licenses issued as quarterly licenses shall expire the last day of each quarter, viz., 31st day of March, 30th day of June, 30th day of September, and 31st day of December; but the first quarterly license issued to any person, agent, firm or corporation shall be dated from the first day of the month in which the liability therefor accrued, and shall be issued upon the payment of a suitable proportion of the whole amount of duty imposed for such license.

Sec. 5. All licenses required by this ordinance shall be paid in advance

Sec. 6. If any person shall furnish such evidence as shall satisfy the Mayor that he or she, by reason of misfortune or physical infirmity, merits exemption from the payment of any license herein required, the Mayor may remit such license for a period of not longer than one day and shall give

said person a written permit, stating why such permit is granted, a copy of which shall be filed with the City Recorder, before such permit shall be operative.

Sec. 7. Astrologers, soothsayers, seers and fortune tellers shall pay a license fee of two dollars per day or ten dollars per week.

Sec. 8. Auctioneers shall pay a license fee of three dollars per day or ten dollars per week. Every person shall be deemed an auctioneer within the meaning of this ordinance whose business it is to offer property for sale at public outcry.

The provisions of this section, however, shall not apply to judicial or executive officers making auction sales by virtue of any decree of any court, or to public sales by executors or administrators of property of estates of people dying in Bend, or of residents of Bend selling out their household goods and furniture.

Sec. 9. Hawkers shall pay a license fee of five dollars per day. Each and every person who shall offer any article for sale from a stand or wagon upon any street, public or open ground within the limits of the city, shall be deemed a hawker under this ordinance, and whenever more than one person shall sell or offer to sell from the same stand or wagon, each of such persons shall be required to take out the license herein provided for.

Sec. 10. Peddlers shall be classified and rated as follows: When traveling with two or more animals, first class; when traveling with one animal, second class; when traveling on foot, third class. Peddlers of the first class shall pay a license fee of ten dollars per week, or two dollars per day; peddlers of the second class shall pay a license fee of five dollars per week or one dollar per day; peddlers of the third class shall pay a license fee of three dollars per week or one dollar per day.

Any person, except persons peddling newspapers, Bibles and religious tracts, and farmers or persons peddling products of their own farms, gardens or milk ranches (except otherwise excepted in this ordinance), who offer to sell at retail goods, wares, merchandise or other commodities while traveling from place to place within the City of Bend, shall be regarded as peddlers under this ordinance.

Sec. 11. Any person desiring to conduct a bowling alley shall first make written application to the council for a license to conduct it and shall pay a license fee of five dollars each for every alley, per quarter. Every place where bowls are thrown, open to the public, with or without price, shall be regarded as a bowling alley.

Sec. 12. Every person owning or conducting a moving picture show, shooting gallery or skating rink shall pay a license fee of one dollar per day or ten dollars per quarter. Every place or building where guns or pistols are kept for shooting at targets, whether for hire or not, shall be considered a shooting gallery.

Sec. 13. Every pawnbroker shall pay a license fee of three dollars per quarter.

Sec. 14. Every second-hand dealer shall pay a license fee of three dollars per quarter.

Sec. 15. Every junk dealer shall pay a license fee of three dollars per quarter.

Sec. 16. Every person exhibiting a phonograph shall pay a license fee of one dollar per month for each phonograph.

Sec. 17. Every patent medicine peddler or vender using music or other device to attract crowds shall pay a license fee of five dollars per day or fifteen dollars per week. All other patent medicine peddlers or vendors shall pay two and one-half dollars per day.

Sec. 18. Every person acting as artist, agent or canvasser, or who solicits for paintings, retouching or furnishing pictures of any description, or who solicits for orders for or sells books, albums or maps, shall pay a license fee of five dollars per week or two dollars per day, except persons selling Bibles, newspapers and magazines and resident photographers and their agents.

Sec. 19. Every person who shall sell or contract to sell any goods, wares, chattels or merchandise, by sample or order, for himself or any

other person, or upon commission, shall pay a license fee of two dollars per day, or ten dollars per week; provided, that this shall not apply to persons selling goods or taking orders for same from stores in Bend, or to persons in the employ of storekeepers in Bend, taking orders for goods in their stores.

Sec. 20. Jugglers shall pay a license fee of three dollars for each performance, and every person who performs by sleight of hand shall be deemed a juggler under this ordinance.

Sec. 21. The proprietors or agents of all other exhibitions, shows or theatrical performances for money, or street fakers, not enumerated in this section, shall pay a license fee of two dollars per day or eight dollars per week; provided, however, that whenever the receipts for any theatre, concert, exhibition, lecture or entertainment is to be or will be chiefly appropriated to any church, school, religious or benevolent purpose within the City of Bend, there shall be no license charged to the person or persons conducting the same.

Sec. 22. Circuses shall be classified and rated as follows: When the price charged for admission, including reserved seats, is seventy-five cents or over, the first class; when the price charged for admission, including reserved seats, is less than seventy-five cents, the second class. The proprietor or manager of every circus of the first class shall pay a license fee of twenty-five dollars for one performance, or forty dollars for two performances; for circuses of the second class, fifteen dollars for one performance, or twenty-five dollars for two performances. No circus, menagerie or show of any kind shall be allowed to parade upon or through any of the streets, alleys or highways of Bend without having first obtained the written permission of the Mayor so to do; such permit shall be granted by the Mayor only upon the written application of the manager or agent of such circus, menagerie or show, accompanied by either the license permitting such circus, menagerie or show to have a performance, or the receipt of the City Treasurer showing that the amount required for such licenses has been paid.

Sec. 23. Any person, firm or corporation conducting a billiard, bagatelle or pool room within the corporate limits of the City of Bend shall pay into the City Treasury for such privilege a license fee of \$100 per year, payable quarterly in advance. Provided, however, the provisions of this ordinance shall not apply to owners of pool or billiard tables kept only for use in private homes or private clubs.

Sec. 24. From and after the date that this ordinance shall be in full force and effect, there shall be licensed by the Common Council of the City of Bend not to exceed one billiard, bagatelle or pool room for each one thousand inhabitants of the City of Bend or fraction thereof.

Sec. 25. Any person, firm or corporation who shall conduct any billiard, bagatelle or pool room without first obtaining a license as herein provided shall be punished by a fine not exceeding fifty dollars.

Sec. 26. It shall be unlawful for any person under the age of eighteen years to engage in any billiard, pool or card game in, or frequent or loiter about any public billiard, pool or card room.

Sec. 27. Any person, firm or corporation conducting a public billiard, pool or card room either as principal or agent shall cause to be posted in at least three conspicuous places therein, printed notices containing in substance the provisions of section 26 of this ordinance.

Sec. 28. It shall be unlawful for any person, firm or corporation conducting any public billiard, pool or card room, either as principal or agent, to permit any person under the age of eighteen years to engage in any billiard, pool or card game therein or to frequent or loiter about the same.

Sec. 29. Any person, firm or corporation violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof before the City Recorder shall be punished by a fine of not less than five dol-

lars nor more than twenty-five dollars.

Sec. 30. In addition to the penalty provided in section 29 of this ordinance, the license of any person, firm or corporation, mentioned in the foregoing sections of this ordinance, violating the provisions hereof, shall be revoked by the Common Council of said city and all moneys paid thereunder shall be forfeited to the City of Bend.

ORDINANCE NO. 32.

An Ordinance to prohibit the practice of gambling and providing a penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. Each and every person who shall deal, carry on or play or who shall conduct either as owner, proprietor or employee, whether for hire or not, any game of faro, monte, roulette, poker or any game played with cards, dice or any other device, for any representative of value, shall be guilty of a misdemeanor and upon conviction thereof before the Recorder shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars or by imprisonment in the city jail not to exceed twenty days, or by both such fine and imprisonment.

Sec. 2. It shall be the especial duty of each town marshal and police officer in the City of Bend, Oregon, to inform against and diligently prosecute any and all persons whom they shall have reasonable cause to believe guilty of a violation of the provisions of this ordinance, and any such officer who shall refuse or wilfully neglect to inform against and prosecute offenders against this ordinance shall be deemed guilty of a misdemeanor and upon conviction before the Recorder shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the Recorder shall declare the office or appointment held by such officer vacant for the balance of his term.

ORDINANCE NO. 33.

An Ordinance prohibiting the discharge or firing of fireworks and other pyrotechnic display and to limit the storage and sale thereof within the limits of the City of Bend, and regulating the storage of high explosives and providing a penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. It shall be unlawful for any person or persons to discharge, fire or use any firecrackers, rockets, torpedoes, Roman candles or other fireworks or substances designed and intended for pyrotechnic display, or to fire, discharge or use any pistols, canes, cannons or other appliance using blank cartridges or caps containing chlorate of potash mixture within the corporate limits of the City of Bend.

Sec. 2. It shall be unlawful for any person, persons, firm or corporation to sell, give away or otherwise dispose of any fireworks of any nature within the corporate limits of the City of Bend.

Sec. 3. It shall be unlawful for any person to bring into or cause to be brought into, or receive, or have, or keep, or store, or suffer to remain in any portion of the city, within eight hundred feet of any dwelling house or place of business, any blasting powder, or nitro-glycerine, or dauline, or dynamite, or other explosive material or compound having an explosive power greater than that of ordinary gunpowder.

Sec. 4. It shall be unlawful for any person to keep or store or aid or assist any person in keeping or storing, any packages containing percussion or detonating caps in or about any building or premises where is kept or stored any blasting powder, nitro-glycerine, dauline, dynamite, or other explosive material or compound having an explosive power greater than that of ordinary gunpowder.

Sec. 5. Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not less than Ten Dollars nor more than Fifty Dollars.

ORDINANCE NO. 34.

An Ordinance to prevent certain animals and fowls running at large, to provide for the impounding and sale of the same and to appoint a poundmaster.

Be It Ordained by the Common Council of the City of Bend:

Section 1. No horses, mules, cattle, sheep, swine, goats, chickens, geese, ducks, or any domestic animals or fowls shall be allowed to run at large or to be herded in any of the streets, alleys, parks, or public places in the City of Bend, except when the same are being driven through the streets by the owner or his agent.

Sec. 2. Any such animals or fowls running at large within the limits of this city shall be taken up by the poundmaster, whereupon the poundmaster shall give notice to the person owning such animals or fowls, or to his legal representatives, and shall deliver the same to the aforesaid owner or legal representative only upon payment of one dollar (\$1.00) per head for animals and twenty-five cents (\$.25) a piece for fowls. If not claimed on the day of notification the above rates shall be the fixed charge per day, plus the actual cost of keeping. If, within twenty-four (24) hours after notification, the owner or his legal representative refuses or neglects to redeem the said animals or fowls they shall be sold at public outcry to the highest bidder for cash.

Sec. 3. The Chief of Police shall be ex-officio poundmaster, and shall conduct all sales of animals or fowls and shall have authority to guarantee debts incurred in keeping the same, which debts shall, in all cases, be paid from the general fund of the city.

Sec. 4. All receipts from the impounding or sale of animals or fowls as hereinbefore provided shall be distributed as follows:

First—The city shall recover all money expended in keeping animals or fowls impounded and in advertising the same.

Second—The poundmaster shall receive the per diem charge set forth in section 2 of this ordinance.

Third—All surplus from sales shall be turned into the general fund of the city.

Sec. 5. In case no one claims the animals or fowls found running at large and taken up by the poundmaster, he shall insert in a newspaper published in the City of Bend, having the largest paid circulation, a notice of the same for two consecutive weekly issues next following the taking up of the said animals or fowls. Anyone claiming the aforesaid animals or fowls after such publication shall be required to pay the cost of such notice in addition to the costs enumerated in section 2 of this ordinance. In case no claimant appears, the same shall be sold at public outcry and the receipts distributed as provided in section 4 of this ordinance.

Sec. 6. All sales of animals or fowls provided for in this ordinance shall take place in front of the city jail in the City of Bend.

ORDINANCE NO. 35.

An Ordinance to prohibit the keeping of certain animals and fowls and to regulate the keeping, and the manner of keeping, certain domestic animals within the corporate limits of the City of Bend and to provide a penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. No person or persons shall, within the corporate limits of the City of Bend, keep any swine, sheep, goats, ducks, geese or guinea fowls.

Sec. 2. No person or persons shall keep within the corporate limits of the City of Bend any bell, bells or noisy instrument upon any domestic animal or animals during the hours intervening between the hour of 8 o'clock p. m. and the hour of 6 o'clock a. m.

Sec. 3. Any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof before

the Recorder shall be punished by a fine of not less than five dollars nor more than twenty-five dollars.

ORDINANCE NO. 36.

An Ordinance prescribing who shall be deemed a vagrant and providing for the punishment thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. The following persons are hereby declared to be vagrants and shall be subject to arrest and punished as in this ordinance provided, to-wit:

(a) Any idle or dissolute person without visible means of support or living and not having a lawful occupation who has ability to work but who does not seek or who refuses to seek employment or labor and who refuses to labor when employment is offered.

(b) Any person who shall solicit alms, sums of money or food in the manner commonly known as begging, as a means of support.

(c) Any person who habitually roams from place to place without any lawful business or any visible means of support.

(d) Any person who having no lawful business or means of support who shall be found loitering around depots, street corners, thoroughfares, places of amusement, saloons, other public places or wandering about the public streets and parks at late or unusual hours of the night.

(e) Any person found or known to be lodging in any barn, shed, shop, outhouse, uninhabited building or place other than is kept for lodging purposes or in the open air unless such person be so lodging upon his own premises or with the permission of the owner thereof.

(f) Any person who frequents or stays in or about houses of ill fame or who habitually associates with common prostitutes.

(g) Any common prostitute or person who shall be found on the public streets or at any place within the city soliciting prostitution.

(h) Any person who being an habitual drunkard shall be destitute and without visible means of support or being an habitual drunkard, shall abandon, neglect and refuse aid in support of his or her family, or shall be complained of by a member of such family or by some responsible citizen knowing the facts relative to any such case.

Sec. 2. Any person upon conviction of vagrancy before the City Recorder shall be punished by a fine not exceeding \$100 or by imprisonment in the city jail for not more than 50 days, or by both such fine and imprisonment.

ORDINANCE NO. 37.

An Ordinance defining disorderly conduct and providing for the punishment thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. It shall be unlawful for any person or persons to interfere with, molest, abuse, threaten or resist any peace officer, or to refuse to assist him in the discharge of his duties, or by any means whatever to aid or assist any person in custody upon charge of a violation of a city ordinance in his endeavors to escape from such custody, whether such escape be effected or not, or to aid or assist any person to escape from lawful confinement.

Sec. 2. It shall be unlawful for any person, unless he be a duly commissioned officer, to assume to be a police officer or other officer of the city, or to take upon himself to act as such, or to wear the adopted uniform of the police force, or to wear upon the street a star similar in general appearance to the star adopted and used by the police force of the City of Bend.

Sec. 3. It shall be unlawful for any person except peace officers in discharge of their duty to carry any sling-shot, billy, dirk, pistol, or any concealed deadly weapon, to discharge any fire arms, air gun, sparrow gun, flipper, or bean shooter within the corporate limits of the city, unless in self-defense or in protection of property; provided, permission may be granted by the mayor to any person to carry a pistol or revolver, when upon proper representation, it appears to him necessary or prudent to grant such permission.

Sec. 4. It shall be unlawful for any person to lie or sleep on any of the streets, highways, alleys sidewalks, parks or other public places within the corporate limits of Bend; or to appear therein in such state of intoxication as to be unable to take proper care of himself or herself, or to disturb the peace and quiet of any person, family or neighborhood by drunkenness, by making loud or unusual noises, by violent or obscene profane, insulting or offensive language, by threatening, traducing, quarreling, fighting, or offering or challenging to fight, or by assaulting any person; or in any other way or manner whatsoever to disturb the peace quiet and decency of any person or neighborhood.

Sec. 5. It shall be unlawful for any person or persons to keep a riotous or disorderly house or permit any riotous or disorderly conduct, or to use or allow the use of any obscene or profane language in his house, yard or premises connected with his house, or to be guilty of any riotous or disorderly conduct in any house, yard, or premises, whereby the peace, quiet or decency of any person or neighborhood may be disturbed.

Sec. 6. It shall be unlawful for any person to set up, open or cause to be opened, or keep any house as a resort for the purpose of smoking opium, or to sell or offer to sell any opium to any person for the purpose of smoking it within the corporate limits of Bend.

Sec. 7. It shall be unlawful for any person or persons to bargain for, buy or sell, give or take, smoke or cause to be smoked, any opium (except for medicinal purposes and then only on a physician's prescription) within the corporate limits of Bend.

Sec. 8. It shall be unlawful for any person or persons to introduce or take into the city jail, or deliver to any prisoner confined therein, any wine, spirituous or malt liquors or fermented cider, or any opium, except on the prescription of a practicing physician.

Sec. 9. It shall be unlawful for any minor to loiter or remain around, about or in any saloon, bar-room, or other place where spirituous, vinous, malt or intoxicating liquors are sold or kept for sale by the glass, or to en-

gage in any game of cards, billiards or other games in such saloon, bar-room or other place.

Sec. 10. It shall be unlawful for any proprietor, manager, keeper, or bar-tender of any bar-room, drinking shop, saloon or place where liquors are sold, to allow or permit pianos or other musical instruments to be played in any such bar-room, drinking shop, saloon or place where liquors are sold under his or their control, between the hours of 2 o'clock and 7 o'clock in the morning.

No proprietor, manager, keeper, or lessee of any show, theatre or place of amusement, shall allow or permit pianos or other musical instruments to be played in any such show, place of amusement or theatre under his or their control, between the hours of 2 o'clock and 7 o'clock in the morning.

Sec. 11. It shall be unlawful for any person to beat, torture, misuse, deprive of food or water, or otherwise cruelly treat any animal within the limits of the City of Bend.

Sec. 12. It shall be unlawful for any person within the corporate limits of the City of Bend to kill any robin, blackbird, tallow bird, pinion jay, or song bird of any kind, or to offer for sale or other disposal any such bird, whether killed by himself or by any other person, or whether killed within the city limits or not; and it shall be unlawful for any person to purchase or receive any such bird that has been killed, either within or without the city limits.

Sec. 13. It shall be unlawful for any person to suffer or permit to go, or to lead, drive or ride, or to hitch any horse, mule or other beast of burden, or any hogs or cattle, upon any sidewalks within the corporate limits of the City of Bend.

Sec. 14. It shall be unlawful for any person or persons to hitch or fasten any animal to or otherwise destroy any growing or living shade or other ornamental tree, or any case or box around such tree, within the limits of the City of Bend.

Sec. 15. It shall be unlawful for any person to throw or cause to be thrown or deposited upon any street, sidewalk, highway, alley or public ground, or upon any private premises, or anywhere except at such places as are designated by the Committee of Health, any ashes, paper, manure, glass, metals, broken ware, dirt, straw, rubbish, garbage or other filth.

Sec. 16. It shall be unlawful for any person to inter the body of any deceased person in any lot, place or premises within the corporate limits of the City of Bend.

Sec. 17. It shall be unlawful for any person or persons to build or assist in building bonfires within one hundred feet of any building within the corporate limits of the City of Bend.

Sec. 18. It shall be unlawful for any person to use the public sidewalks of the city for the purpose of packing or unpacking of goods or merchandise, or for the display of merchandise, or to leave any goods, merchandise, boxes, barrels, trunks, or other articles upon any portion of the public streets or sidewalks, except while actually removing the same into or out of some building or enclosure, or loading the same into or out of some vehicle.

Sec. 19. It shall be unlawful for any person to play at ball or throw any stones or other missiles in any of the streets, highways or alleys of the city, or on any of the sidewalks of the City of Bend.

Sec. 20. It shall be unlawful for any person to place on any sidewalk, cross walk, street or alley, any article or thing whatever except as provided in section 18, unless permitted to do so by the City Council; provided that wood or fuel may be allowed to be piled and remain in the street in such manner as to cause the least obstruction to public travel, not to exceed twenty-four hours for each cord or load thereof, and not to exceed eight days in the aggregate, the debris from the same to be removed from the street or alley by the owner of said wood immediately after its removal.

Sec. 21. It shall be unlawful for any person owning or occupying property on any street, highway, or alley in said city to allow said street

in front of his property to be unclean, and it is hereby made the duty of the chief of police to notify such owner or occupant when such uncleanliness exists, and on the failure of such owner or occupant to remove the nuisance, to have said street or alley cleaned at the expense of said property owner or occupant.

Sec. 22. It shall be unlawful for tenants, residents or householders to allow or permit, sloop, or drainwater to flow into any street, highway or alley of said city.

Sec. 23. The commission of any act or acts prohibited by the above and foregoing sections of this ordinance shall be deemed disorderly conduct.

Sec. 24. In all prosecutions under the provisions of this ordinance it shall be sufficient to allege in the complaint that the party charged has been guilty of disorderly conduct, stating in a general way the act committed.

Any person or persons found guilty of disorderly conduct provided in this ordinance shall be punished by a fine of not exceeding \$200.00 or by imprisonment in the City Jail not exceeding 100 days or by both such fine or imprisonment.

ORDINANCE NO. 38.

An Ordinance prohibiting the use of bicycles, motorcycles, tricycles, automobiles, buggies, wagons, hacks, and other vehicles of conveyance upon the public sidewalks within the corporate limits of the City of Bend, and providing the penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. It shall be unlawful for any person or persons to ride, drive or operate upon any public sidewalk within the corporate limits of the City of Bend any bicycle, motorcycle, tricycle, automobile, buggy, wagon, hack or other vehicle of conveyance, provided, however, that this ordinance shall not apply to the use of baby carriages, carts or perambulators upon said side walks.

Sec. 2. Any person violating the provisions of this ordinance shall be punished by a fine of not less than \$5.00, or more than \$50.00, or by imprisonment for not less than 2 days nor more than twenty days, or by both such fine and imprisonment.

CHAPTER VII.

ORDINANCE NO. 39.

An Ordinance to regulate the building of flues and chimneys for the prevention of fires.

Be It Ordained by the Common Council of the City of Bend:

Section 1. From and after the passage of this ordinance, it shall be unlawful for any person or persons to erect in or near any building any chimney, flue or fireplace, whether for heating, ventilating or whatsoever purpose, or to remodel or reconstruct any chimney, flue or fireplace in any building, unless such chimney, flue or fireplace shall be erected in accordance with this ordinance.

Sec. 2. All chimneys in frame buildings, for stoves, fireplaces or furnaces, shall be well and securely built from the ground up and through the building to a point at least 3 feet above flat roof and 2 feet above ridge of peak roof of such building; the walls of chimneys shall be of brick at least 8 inches in thickness (if fireplace is of stone, same must be 12 inches thick-

the inside or fire surface lined with fire brick), or of brick 4 inches thick and lined continuously with well burned clay or terra cotta pipe, and beginning with foundation, such brick or stone work shall be laid in cement mortar up to the first floor, and thence above to a point where chimney protrudes through the roof of building the brick work may be laid in good lime or fire clay mortar, and brick work carefully bonded or anchored together or properly capped; and from and above the roof to top of chimney the brick work shall be laid in cement mortar. All joints shall be struck smooth on inside, except when lined with burnt clay or terra cotta pipe.

When two or more separate flues are provided in chimney the division walls between flues may be only 4 inches in thickness.

No chimney shall be started or built upon any floor or beam of wood.

Sec. 3. No wood casing, furring nor lath or other woodwork shall be placed in, against or within 2 inches of chimney, except that wood mantels, floors and base boards, when protected by asbestos or other fire-resisting material, may come in contact with plaster covering chimney or flue.

All wood beams shall be trimmed away from chimneys.

Sec. 4. All fireplaces and chimney breasts shall have trimmer arches to support hearths, the arches to be constructed as follows:

(a) Shall be made of brick, stone, burnt clay or concrete.

(b) The length of a trimmer arch shall not be less than the width of the chimney breast, and width at least 20 inches measured from face of chimney breast.

Wood centers under trimmer arches shall be removed before plastering ceiling underneath.

Sec. 5. (a) All hearths shall be composed of incombustible material.

(b) If a heater is placed in fireplace, then hearth shall be of such area as to permit of 6-inch clearance beyond heater each open side. (c) All fireplaces in which heaters are placed shall have incombustible mantels. (d) No wood mantel or other woodwork shall be exposed back of a summer piece; the iron work of the summer piece shall be placed against the brick or stone work of the fireplace. (e) No fireplace shall be closed with a wood fire board. (f) When a grate is set in a fireplace, a lining of fire brick, tile or cast iron shall be added to the fire back.

Sec. 6. Chimneys and flues partly or wholly outside the building shall be constructed as described in sections 2, 3, 4, 5 and 8.

Sec. 7. Chimneys and flues, in brick buildings, for fireplaces or furnaces, shall be constructed as described in Sections 2, 3, 4, 5 and 8, except that the walls of buildings when not less than 13 inches in thickness may form part of chimney.

In no case shall a chimney be corbeled out more than 8 inches from the wall, and in all cases, the corbeling shall consist of at least five courses of brick. Flues in party walls shall not extend beyond the center of said walls.

When a chimney or flue is cut off below, in whole or in part, it shall be wholly supported by brick, stone, iron or steel work, properly erected from the ground up.

Sec. 8. The upper part of chimney walls may be only 4 inches in thickness, from a point at least 6 inches above the roof-covering of building to the top of chimney, provided the chimney be capped with terra cotta, stone or cement, or the bricks are carefully bonded or anchored together.

Sec. 9. At the completion of buildings all flues shall be properly cleaned, rubbish removed, and flues left smooth on inside.

Sec. 10. The Mayor, with the consent of the Council, shall appoint an architect, civil engineer, competent builder or other competent person, to be known as the chimney inspector, whose duty it shall be to examine and inspect all chimneys or flues hereafter erected, remodeled or altered.

Sec. 11. Whenever a chimney shall be reported to the chimney inspector as dangerous, or discovered to be so by him, he shall at once issue a written notice to the owner thereof to forthwith repair or demolish the same.

Sec. 12. The chimney inspector shall issue to the owner, architect or builder of each new, remodeled or altered chimney or flue a certificate stating that the said chimney or flue has been inspected and found to be in ac-

cordance with the regulations as herein prescribed.

Sec. 13. Any person or persons, whether owner, builder or mechanic, who shall violate any section of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100 for each offense; and any chimney or flue which is built in violation of any section of this ordinance shall be immediately demolished or rebuilt. It shall be the duty of the chimney inspector to see that this ordinance is enforced.

Sec. 14. It shall be the duty of each owner, architect or builder to notify the chimney inspector in writing when work on any new chimney or flue, or alterations to any existing chimney or flue, has been started, and should the said owner, architect or builder fail to notify the chimney inspector until after the building containing the chimney or flue shall have been completed he shall be required to furnish such proof as the chimney inspector shall require that the chimney is not in violation of any of the provisions of this ordinance; or shall be required to rebuild as much of said chimney or flues as the chimney inspector shall require.

ORDINANCE NO. 40.

An Ordinance defining what shall constitute the fire limits of the City of Bend, and providing for certain matters concerning, affecting or relating to the construction, equipment, alteration or repair of buildings or structures erected or to be erected within the fire limits of the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. This ordinance is hereby declared to be remedial and is intended to secure the beneficial interests of the City of Bend.

Sec. 2. No wall, structure, building or part thereof shall hereafter be built or constructed nor shall the wiring of any building, structure or premises be constructed or altered in the City of Bend, Oregon, except in conformity with the provisions of this ordinance. No building already erected or hereafter to be built in said city shall be raised, altered, moved, repaired or built upon in any manner except in conformity with the provisions of this ordinance.

Sec. 3. All foundation walls of any building hereafter erected within the fire limits hereinafter designated shall be built of brick, stone or concrete and shall be at least four inches thicker than the wall next above them.

Sec. 4. All supporting walls for any building hereafter erected within the fire limits hereinafter described in the warehouse class including stores, offices, public assemblies, factory, business or other public buildings shall have a minimum thickness in accordance with the following table:

MINIMUM THICKNESS IN INCHES.

	Foundation		Height of building—Stories				
	Stone	Brick	1	2	3	4	5
One story	20	16	12				
Two stories	20	16	12	12			
Three stories	20	16	12	12	12		
Four stories	24	20	16	16	16	12	
Five stories	28	24	20	16	16	16	12

Sec. 5. When both walls are used for party walls in non-fire proof buildings the 12-inch sections of the walls shall have corbeled ledges to carry the end of the beams or be increased in thickness to not less than 16 inches and the beams under the walls shall be staggered. If the beams do not rest on the corbeled ledges or are not so staggered the twelve and sixteen inch sections of the wall shall be increased to not less than twenty inches, provided, however, that walls heretofore built for or used as a party wall whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this ordinance, may be used if in good condition, for the ordinary uses of party walls, provided the height of the same shall not be increased

Sec. 6. In all brick walls every sixth course shall be a header course except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by splitting the face of the brick in half and backing the same with a continuous row of headers. All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this ordinance.

Sec. 7. No non-fire proof building hereafter erected within the fire limits as hereinafter described shall exceed 55 feet in height. The height of stories for all given thicknesses of walls shall not exceed

1st story	16 feet in the clear
2nd story	14 feet in the clear
3rd story	12 feet in the clear
4th story	11 feet in the clear

And if any story exceeds the foregoing heights, the walls of any such story shall be increased four inches in thickness.

Sec. 8. All exterior and division or party walls over 15 feet in height excepting where such walls are to be furnished with cornices, gutters or crown mouldings, shall have parapet walls not less than 8 inches in thickness and carried 18 inches above the roof, but for warehouses, factories, stores and other buildings used for commercial or manufacturing purposes the parapet walls shall not be less than 12 inches in thickness and 18 inches in height for two stories or less than 36 inches in height for three stories or over, and all such walls shall be coped with stone, terra cotta or cast iron.

Sec. 9. The planking and sheeting of the roofs of buildings shall not in any case be extended across the side or party wall thereof. Every building and the tops and sides of every dormer window thereon shall be covered and coped with brick, tile, slate, tin, copper, iron or fire resisting composition. Nothing in this section should be construed to prohibit the repairing of any shingle roof within or without the fire limits provided the building is not altered in height but this shall not be construed to permit the renewal of the shingle roof.

Sec. 10. In every building hereafter erected or altered all the walls or partitions forming interior light or vent shafts shall be built of brick except that when the area of any such shaft does not exceed 25 square feet the enclosing walls or partitions may be of such other fire proof material as may be approved by the Chief of the Fire Department. The walls of all light and vent shafts, whether exterior or interior hereafter erected shall be carried up not less than three feet above the level of the roof.

Sec. 11. All wood beams and other timbers in any wall of a building built of brick, stone, concrete or iron shall be separated from the beam or timber entering in the opposite side of the wall by at least 8 inches of solid mason work, such separation may be obtained by corbeling or staggering the beams. Every wood beam excepting header beams shall rest at one end 4 inches in the wall or upon a girder, unless the wall is properly corbeled out 4 inches, in which case the brick work or corbeling shall extend to the top of the floor beams.

Sec. 12. All openings in roofs for the admission of light shall have the frames and sashes thereof constructed of metal and glazed. All sky lights other than elevator, stairways, dumb waiter shafts and theatre stage roofs shall have metal frames and sashes glazed, with wire glass not less than one-fourth of an inch thick or with glass protected above and below with wire screens of not less than No. 12 galvanized wire and not more than one inch mesh. Sky lights hereafter placed in buildings of a public character over any passageway or room for public resort shall have immediately beneath the glass thereof a wire netting, unless wired glass is used.

Sec. 13. All openings in floors for transmission of light to floors below shall be covered with floor lights constructed of metal frames and bars of glass in no case to be less than three quarters of an inch in thickness. If any glass in same measures more than 16 square inches, the glass shall be provided with strong wire netting under the same.

Sec. 14. No opening in any roof or floor shall be without a solid covering or an enclosure, as provided for in this ordinance, to prevent the communication of fire from story to story.

Sec. 15. All elevator shafts, stairways, light wells or other shafts shall be enclosed in suitable walls of brick or with such other fire proof material and form of construction as in the opinion of the Chief of the Fire Department may be equally as good, except that the enclosure walls in non-fire proof buildings exceeding 3 stories in height and used as warehouses, stores or factories shall be of solid brick work.

Sec. 16. The walls of all buildings within the fire limits of the City of Bend, Oregon, over 10 feet in height at the highest point of the roof and, (or) having a ground area of over 200 square feet shall be of brick or other non-combustible material, and the roof thereof shall be constructed in accordance with the terms of this ordinance. This section of this ordinance does not apply to private dwellings, private barns and other private outbuildings not exceeding two stories in height, or 1000 square feet ground floor area, nor to buildings erected outside of the following boundaries in the City of Bend, namely: Beginning at the intersection of the alley running northerly through block 16 of Bend and Ohio street, thence northerly along the center line of the alley in blocks 16, 15, and 13 of Harriman street, to a point where the alley in Block 22 of Bend intersects with said Harriman street, thence easterly along the center line of the alley in Blocks 22 and 25 of Bend to a point where said alley intersects with Division street, thence north along Division street, and N. Division streets, to the point where Fir avenue intersects with said N. Division street; thence southerly and westerly along Fir Avenue to a point where said Fir avenue intersects with N. Harriman street, thence southerly along N. Harriman street to a point where said N. Harriman street intersects Greenwood avenue; thence westerly along the center line of Greenwood avenue to the point where the alley in Block 2 intersects with said Greenwood avenue; thence southerly along the center line of the alley in blocks 2, 3, and 4 to a point where said alley in block 4 intersects with Ohio street, thence easterly along Ohio street to the point of beginning.

Sec. 17. A brick set boiler shall not be placed on any wood or combustible floor or beams. Wood or combustible floors or beams under and not less than 3 feet in front and 1 foot on the side of all portable boilers shall be protected by a brick foundation of 3 courses of brick work laid in mortar on sheet iron. A cast iron ash pan of suitable thickness shall be placed under the boiler of width at least equal to the base of the boiler and extending at least 2 feet in front of it. All lath and plaster and wood ceilings and beams over and to a distance of not less than 4 feet in front of all boilers shall be shielded with metal. No combustible partition shall be within 4 feet of the sides and back and 6 feet from the front of any boiler, unless said partition shall be covered with metal to a height of at least 3 feet above the floor, and shall extend from the end or back of the boiler to at least 5 feet in front of it, then the distance shall be not less than 2 feet from the sides and 5 feet from the front of the boiler.

Sec. 18. Steam or hot water heating pipes shall not be placed within 2 inches of any timber or wood work unless the timber or wood work is protected by a metal shield, then the distance shall not be less than one inch. All steam and hot water pipe coverings shall consist of fire proof materials only.

Sec. 19. All gas brackets shall be placed at least 3 feet below any ceiling or wood work unless the same is properly protected with a shield, in which case the distance shall be not less than 18 inches. No swinging or folding gas bracket shall be placed against or near any stud, partition or wood work. No gas bracket on any lath and plaster partition or wood work shall be less than 5 inches in length, measuring from the burner to the plaster surface or wood work.

Sec. 20. No electrical wiring or installation of electrical apparatus or appliances for furnishing light or power shall be introduced into or placed in any building or structure in the City of Bend except in compliance with the rules and regulations of the National Board of Fire Underwriters

known as the National Electrical Code, and said rules and regulations are hereby made a part of the requirements of this ordinance.

Sec. 21. The Common Council shall have the power and is hereby authorized to declare any building or structure of any nature whatsoever existing or erected in violation of the provisions of this ordinance a nuisance and is hereby empowered to abate the same.

Sec. 22. The owner or owners of any building or structure or part thereof or wall or any platform, staging or floor to be used for standing or seating purposes, where any violation of this ordinance shall exist, and any architect, civil engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or any other person who may be employed or assist in the commission of any such violation and any and all persons who shall violate any of the provisions of this ordinance or shall fail to comply herewith or any requirements hereof, or who shall violate or fail to comply with any order or requirement made hereunder, or who shall build in violation of any detail, specification or plans submitted and approved hereunder or any certificate or permit issued hereunder shall severally, for each and every such violation and non-compliance respectively upon conviction thereof be punished by a fine of not less than \$10 nor more than \$200.

Sec. 23. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

ORDINANCE NO. 41.

An ordinance providing for licensing of plumbers and drain layers and prescribing the rules and regulations covering plumbing and drainage of buildings and the construction, alteration and repair of sewers and house drains in the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Section 1. All the work of placing, and the materials used in installing, new plumbing or drainage work in buildings erected or to be erected in the City of Bend and all repairs, additions to or alterations in the plumbing or drainage of all buildings or structures in the City of Bend; and the construction, repair and maintenance of all sewers, drains and cess pools, whether public or private, shall be done in accordance with the provisions of the ordinances of the City of Bend and shall be subject to the control, inspection and test by the City Engineer of Bend, Oregon, or such assistant engineer as may be appointed by the City Engineer, subject to the approval by the Common Council, or other qualified person, designated by the Common Council of said city. The term City Engineer as used in this ordinance shall include assistant city engineer or other qualified person as above provided.

Sec. 2. No person, firm or corporation, either directly or indirectly, shall engage in or conduct the business of plumbing, drainage of buildings, sewer connecting, sewer constructing, or excavate any trenches for sewer pipe, water pipe, or other plumbing for sewer purposes or open, uncover or in any manner connect with or lay any sewer or sewer pipe in the streets, alleys or public places or make connection with any private sewer or drain in the City of Bend, without holding the proper license from the City Council and a permit for such work from the City Engineer as hereinafter provided, excepting only such persons as are acting under special contract with the City of Bend.

Sec. 3. Written application for license shall be presented to the City Council only after the same is endorsed and approved by the City Engineer, and such City Engineer shall not approve said application until he shall have been furnished with satisfactory evidence of the qualifications and responsibility of said applicant or applicants, to ply their trade in accordance with the requirements of the ordinances of the City of Bend and the rules and regulations prescribed by the City Engineer for such work.

Provided; That no person, firm or corporation shall be entitled to a license under the provisions of this ordinance except they be in posses-

sion of and maintain a shop or place of business within the City of Bend, Crook County, Oregon.

Sec. 4. All applications to the Common Council for a license to construct, alter and repair sewers or house drains shall be accompanied by a license fee of \$25.00 either in cash or a certified check, payable to the order of the Treasurer of the City of Bend, said amount to be in payment for such license fee for 1 year from the date of the issuance of such license, which fee is to be placed in the sewer fund. All applications to the Common Council for a license to do work as a plumber in the City of Bend shall be accompanied by a license fee of \$40.00, either in cash or a certified check payable to the order of the City Treasurer of Bend, the same to be in payment for such license for one year from the date of the issuance of such license, which fee shall be placed in the general fund; provided, however, that in case the person applying for a plumber's license shall desire to have a drain and sewer layer's license also, the same may be so ordered issued by the Common Council, without payment of further license fee, and in such case the whole of said fee shall be placed in the sewer fund: provided, that the City Engineer shall first report to the Common Council that the applicant has shown himself reliable, competent and qualified, under the ordinances of the City of Bend and the rules of the City Engineer to perform the work of construction, alteration and repair of sewers in addition to his required qualifications as a plumber.

Sec. 5. After favorable action upon the application above provided for by the Common Council, and before license shall issue the applicant shall file with the City Recorder a surety bond in the sum of \$500, which bond shall be duly approved by the City Attorney, conditioned upon the protection of the City of Bend against all loss or damage which may occur on account of such licensee, through any carelessness or negligence in either the execution or protection of his work, or by reason of any unfaithful or inadequate work done by such person or by his or their employees, and that said licensee will conform to the conditions and requirements of the city for his or their government as set out in the ordinances, the rules of the City Engineer or otherwise and conditioned further that in default thereof, he or they will submit to such penalties as are or may be prescribed by the Common Council or the City Engineer.

Sec. 6. No person, firm or corporation engaging in the business of plumbing, sewer connecting, or drain laying shall allow his or their names to be used by any other person, directly or indirectly, either to obtain a permit or to do any work under his or their license or bond.

Sec. 7. Before commencing the installation, construction, modification, repair or alteration of the plumbing in any building, or the placing of new plumbing or any sewer, drain or cess pool work, the duly licensed drain layer or plumber shall first secure and obtain a written permit from the City Engineer and such permit shall be upon the grounds at all times during the progress of the work and must be shown to any city official on demand.

Sec. 8. All applications for permits must be made in writing upon the proper blanks provided by the City Engineer for that purpose, and signed by the property owner or his duly authorized agent, and it is further required that such application be accompanied by a plan, blue-print or tracing showing the whole course of the drain, plumbing, waste, soil pipes and fixtures which are to be constructed, installed or repaired, together with the size and location of the same, the location of all branches, the depth of the drain below the floor of the building and such other information as may be required by the Common Council and the City Engineer for the proper direction of the work. If the drain is to be connected with a sewer built by private parties, or to pass through property not owned by the applicant, the written consent of the owner must be procured and filed with the application before permit is issued.

Sec. 9. A fee of \$2.00 shall accompany each application and plan for a permit to install, alter or repair any plumbing or drainage within the City of Bend. All money collected for plumbing permits shall be turned

in to the City Treasurer at least once each month by the City Engineer and passed to the credit of the general fund.

A fee of \$5.00 shall accompany the application and plan for a permit to connect, construct or alter any sewer or house drain. All moneys collected for sewer connections shall be turned in to the City Treasurer by said City Engineer at least once each month, the same to be placed to the credit of the sewer fund.

Sec. 10. All excavation in streets and alleys, whether for plumbing or sewer purposes, shall be made in such manner as to impede travel as little as possible, and the City Engineer may determine and limit the time such excavation may remain open, and when unnecessarily delayed he may direct that the number of workmen be increased to hasten the work to such an extent as he may deem necessary. Red lights shall be maintained upon all unfinished work at night, from dark to sunrise, and sufficient barricades shall be in place at all times until the work is completed.

Sec. 11. All such excavations or trenches shall be refilled in a careful and workmanlike manner, and water tamped so as to replace as nearly as possible all excavated material, and leave the surface in as good condition as before the commencement of the work.

Special care shall be observed with excavations and trenches within streets and alleys, and all surplus material must be removed when work is completed, and any refilling of trenches necessary to maintain the highway in good condition for a period of one year shall be done by the plumber or drain layer, or, in case of his failure and refusal, may be done by the city at his expense.

Sec. 12. No drain or sewer pipe shall be less than six (6) inches internal diameter, and all sewers and drains shall be of sufficient size to accommodate the property they are intended to serve.

Sec. 13. All house drains shall be first quality, salt glazed, thoroughly vitrified earthenware, sound and well burned, smooth and thoroughly glazed exterior and interior surfaces. All connections shall be laid to a uniform grade, not less than $\frac{1}{4}$ inch per foot. Changes in the direction of the sewer shall be made by bends and suitable fittings. Pipes shall not be cut or chipped except by permission of the City Engineer and shall be done in accordance with such rules as he may prescribe. Each pipe shall be carefully bedded as laid, the joint filled with fresh mortar composed of one part Portland cement and two parts of clean, sharp sand. The pipe shall be covered with fine earth or sand, free from rocks, and thoroughly packed to prevent the slightest settlement of the drain. A swab shall be drawn through the pipe as laying progresses to clean the mortar joints and exclude objectionable material from entering the sewer. The swab shall be removed from the pipe by the drain layer at the completion of the work of sewer connection. Vitrified house drains shall not be laid closer than five feet of any building, cellar, vault, or areaway, from which point cast iron pipes not less than 4 inches in diameter shall be used. Provided, however, that in case the cellar or basement floor is lower than the grade of the sewer, the vitrified drain pipe shall not be laid closer than fifteen (15) feet of the outside wall and cast iron soil pipe laid therefrom. In case soil pipe has been previously laid to said point by the plumber, the drain layer shall connect the two pipes in a careful and workmanlike manner.

Sec. 14. All connections in horizontal pipes shall be made with Y-branches.

Section 15. Every building shall be separately and independently connected with the sewer; provided, however, that when, in the opinion of the City Engineer, it is deemed advisable to connect two or more buildings or a line of tenements with the same sewer, the main drain or lateral shall terminate in a man-hole not less than two and one-half feet in diameter at the bottom and two feet at the top; the inverts shall be carefully formed in the concrete foundation and the top shall have a tight cast iron cover.

Sec. 16. Cess pools, septic tanks or vaults shall not be constructed on property abutting on sanitary sewers, and the use of old cess pools,

septic tanks or vaults shall be discontinued, cleaned and filled with earth when public sewers are constructed. Where cess pools are permitted they shall not be located within twenty-five feet of any dwelling, and shall conform as near as practical, to the standard practice as laid down in the leading text books, and the requirements of the state board of health.

No cess pool, septic tank, vault or other sewage receptacle shall be constructed upon public property, streets or alleys except upon written permission of the City Engineer authorized by the Common Council.

Sec. 17. Where rain water leaders are connected with the sewers, provision must be made to secure against the entrance of any objectionable material into the sewer. No storm water connections will be permitted except upon written permission of the City Engineer and subject to his restrictions.

Sec. 18. Entrance into the man-holes or opening the same for any purpose whatever except by the City Engineer or persons duly authorized by him, is strictly prohibited. No one shall throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle connected with the sewer, garbage, hair, ashes, fruit, vegetables, peelings, kitchen refuse, rags, cotton, sticks, cinders, or any other matter or thing whatever except human excrement, urine, the necessary closet paper, liquid slops and drainage of such character.

Sec. 19. The City Engineer may adopt such code of rules for plumbers and sewer layers as he may deem necessary to provide for proper inspection of the work, which said rules shall first be approved by the Council, and no work shall be covered until it has been approved by the City Engineer, who will endorse a certificate of final inspection upon the permit issued for that particular work or connection.

Sec. 20. The City Engineer shall have the right to require changes in the location, size or arrangement of any plumbing or pipes should such changes in his opinion be deemed necessary to secure the proper sanitation or meet the requirements of this ordinance.

Sec. 21. Whenever connection is to be made to a cess pool, vault, septic tank or receptacle other than a well constructed street sewer, the house drain shall be trapped near the point where it leaves the building, by a running trap, which shall not be larger in diameter than the house drain. This trap shall be placed in an accessible position, protected against freezing, provided with an inspection hole and a tightly closing cover. There shall be a fresh air inlet pipe entering the house just inside said trap. Said pipe shall have a diameter of not less than four inches and opening at any convenient place out of doors approved by the City Engineer; provided, however, that when the trap is not required the fresh air inlet shall be omitted.

When connection is made to well constructed sanitary sewer, the above mentioned trap shall be omitted and the plumbing so arranged that in every house connected with such a sewer, there shall be an uninterrupted flow of air passing from the sewer up through the house drain and soil pipe and out at the roof.

All soil and waste pipes shall be run in as straight a line as possible up to at least two feet above the main house roof. The upper termini shall not be located within ten feet of a window, ventilating shaft or chimney flue. The outlet above the roof shall not, in any way, be capped or provided with return bend but left opening freely upward.

Extension of soil and waste pipes above the roof shall be made only of iron or steel pipe and shall not be of less diameter than the same pipes within the building.

Sec. 22. The City Engineer shall have the right to regulate the size of soil and waste pipes from fixtures.

Each and every fixture shall be separately and effectually trapped by a seal retaining trap placed close to the fixture, and arranged so as to be safe against back pressure, self syphonage or loss of seal by evaporation or syphonage.

Connections of lead pipes with iron hub pipes shall in all cases be made with heavy brass ferrules, proper wiped solder joint to the lead

pipe and well calked into the iron pipe, with not less than 2 pounds of lead and necessary oakum.

All joints between lead pipes, whether for supply or waste shall be wiped solder joints. All joints in cast iron pipe for whatever used, must be well calked with lead and oakum in a workmanlike manner.

Vertical iron pipes for buildings not exceeding three stories in height may be of standard weight cast iron, above that height they shall be of extra heavy weight cast iron pipe, such weights to be determined by "Star-buck," or some other standard authority.

Sec. 23. Every water closet shall be adequately flushed in a manner approved by the City Engineer. Every water closet apartment shall have direct means of ventilation to the open air. Pan closets shall not be installed in any building.

No opening shall be provided in the house drain for the purpose of receiving surface drainage of the cellar except upon written permission from the City Engineer, duly approved by the City Council, and subject to their restrictions.

Sec. 24. Waste pipes from refrigerators or other receptacles in which provisions are stored, shall not be directly connected with a drain, soil pipe or other waste or sewer pipe, but shall be made to discharge over an open tray, provided with a waste pipe and seal-retaining trap.

Overflow from water tanks shall not be connected to any soil, waste or drain pipes.

No steam exhaust shall be directly connected with any soil or waste pipe or drain connecting with a public sewer.

Grease traps must be installed wherever and whenever required by the City Engineer. Such traps shall be of approved design and properly installed.

Livery stables and barns with floors for cleaning vehicles, etc., shall be provided with sand boxes of approved design and same must be kept in efficient working condition.

Sec. 25. All materials of whatsoever nature, used in the plumbing work of any building shall be first class in every respect and approved by the City Engineer.

Sec. 26. Before the fixtures are placed in connection with the pipe system and before the soil pipe and iron house drains are connected with the outside drain, the outlet of the house drain and of all its branches shall be closed tight and the pipe filled with water to its top, and every joint shall be carefully examined for leakage, and all joints shall be securely closed before the connections are made with said pipe system. The water test shall be applied before the pipes are built in or covered if there are any places where they require to be hidden. The water shall remain in the piping system for at least twelve hours.

Sec. 27. Any firm, corporation, property owner, contractor, builder, architect or other person who shall be found guilty of violating any of the provisions of this ordinance, or who shall fail or neglect to comply with any of such provisions, shall, on conviction thereof, before the Recorder, be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each offense, and ten dollars (\$10.00) for each day such person shall continue in violation thereof.

Sec. 28. Wilful violation of any of the above mentioned ordinances, rules or regulations or the directions of the City Engineer shall be cause for temporary suspension of the license of the offender by the City Engineer pending final suspension by the Common Council, in addition to any other penalties that may be imposed under this ordinance, and each suspension shall operate until such penalties are paid and until license is restored by the Common Council, nor shall such suspension give the offending party the right to the return of any money paid for such license.

CHAPTER VIII.

ORDINANCE NO. 42.

An Ordinance to prevent the casting, throwing, depositing or attaching of any placards, circulars, hand-bills, show-bills, or advertisements of any description whatsoever, except such as are or may be expressly provided by law, on any street, alley, public way, sidewalk or upon any public place or object in the City of Bend, and to provide a penalty for the violation thereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. No person shall in person or by another, attach, place or paint any placard, poster, circular, show-bill or advertisement of any nature whatsoever, except such as are or may be expressly provided by law, upon any street or sidewalk or upon any public place or object in the City of Bend or upon any fence, building or property belonging to the said city, or upon any telephone, telegraph or electric light pole or tower or upon any hitching post or curbstone in any public street, alley or way in the City of Bend.

Sec. 2. No person shall in person or by another cast, throw or deposit any circulars, hand-bills or any advertising matter whatsoever in or upon any street, alley or public way in the City of Bend.

Sec. 3. Any person or persons found guilty of violating any of the provisions of this Ordinance shall be punished by a fine not exceeding fifty dollars or by imprisonment in the city jail not exceeding twenty days.

ORDINANCE NO. 43.

An ordinance regulating the storage of high explosives.

Be It Ordained by the Common Council of the City of Bend:

Section 1. It shall be unlawful for any person to bring into or cause to be brought into, or receive, or have, or keep, or store, or suffer to remain in any portion of the city, within eight hundred feet of any dwelling house or place of business, any blasting powder, or nitro-glycerine, or dauline, or dynamite, or other explosive material or compound having an explosive power greater than that of ordinary gunpowder.

Sec. 2. It shall be unlawful for any person to keep or store or aid or assist any person in keeping or storing, any packages containing percussion or detonating caps in or about any building or premises in the City of Bend where is kept or stored any blasting powder, nitro-glycerine, dauline, dynamite, or other explosive material or compound having an explosive power greater than that of ordinary gunpowder.

Sec. 3. The penalty of violation of this ordinance shall be a fine of not more than One Hundred Dollars (\$100) or imprisonment in the city jail not more than fifty days, or both fine and imprisonment.

ORDINANCE NO. 44.

An ordinance to provide for the ringing of a curfew bell, specifying the hours during which it shall be lawful for persons under sixteen years of age to be upon the streets, alleys and commons within the city of Bend, prescribing certain duties for the chief of police in connection herewith and prescribing penalties for the violation hereof.

Be It Ordained by the Common Council of the City of Bend:

Section 1. A curfew bell shall be rung at some central point within the city of Bend at the hour of 8 o'clock p. m. of each and every day during

the months of November, December, January, February, March and April inclusive and at the hour of 9 o'clock p. m. of each and every day during the months of May, June, July, August, September and October inclusive.

Sec. 2. No person under the age of sixteen years shall be upon any street, alley or common within the city of Bend after the hours designated in section 1 nor until daylight of the day succeeding such hour unless such person be accompanied by a parent or guardian. Provided, any such person, who by virtue of circumstances is compelled to frequent the streets, alleys or commons of the city of Bend after the hours mentioned in section 1, may apply to the Common Council of the city of Bend for a permit to so be upon the streets, alleys or commons, and the Common Council of the city of Bend may grant the same, and any person in possession of any such permit shall not be liable to prosecution under this ordinance.

Sec. 3. It shall be the duty of the chief of police to arrange for the ringing of the bell as prescribed in section 1.

Sec. 4. Any person or persons violating the terms of this ordinance shall be punished by a fine of not more than \$20.00 and not less than \$3.00.

ORDINANCE NO. 45.

An Ordinance establishing The Bend Library Association.

Be It Ordained by the Common Council of the City of Bend:

Section 1. There is hereby created and established a free public library in the City of Bend, Oregon, to be known as The Bend Library Association.

Sec. 2. The business and management of The Bend Library Association shall be vested in a board of six directors to be known as the Bend Public Library Board.

Sec. 3. The Mayor shall, at the first annual meeting in January of each year, or at some more convenient time, appoint two persons, residents of the City of Bend, to serve as directors upon said Bend Public Library Board for a period of three years, which appointments shall first be approved by the Common Council of the City of Bend.

Ses. 4. The Mayor shall have the authority at any time to make appointments to fill vacancies in said board, provided all appointments must be first approved by the Common Council of the City of Bend.

ORDINANCE NO. 46.

An Ordinance to protect the public health, to prevent the spreading of contagious, infectious and epidemic diseases, to provide for the appointment of a committee on health and City Health Officer and to prescribe the duties of such committee and officer.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That the committee of three members of the Common Council, appointed by the Mayor, as provided by charter, shall be known as the Committee on Health. The chairman of such committee shall be ex-officio Health Officer. The mayor shall also appoint, annually, a city health officer, who shall be a practicing physician duly licensed by the Oregon State Board of Medical Examiners, such appointment to be approved by the council.

Sec 2. The City Health Officer and the committee on health shall exercise general supervision over the health of the city, and see to the enforcing of all measures necessary to promote the health and cleanliness thereof. They shall cause to be abated nuisances of every description on public and private property. They shall use all due measures to prevent the introduction or spread within the city of any malignant, contagious, infectious or epidemic disease, and remove, quarantine or otherwise dispose of any person or persons, clothing or effects, attacked with or having been exposed to such diseases, and shall adopt such rules and regulations as are necessary to prevent the introduction or spread of malignant, contagious or infectious diseases within the city. They shall make a quarterly report to the City Council of all their proceedings, of the sanitary condition of the city, and

the cleanliness thereof, and shall make such recommendations to said body as they deem advisable.

Sec. 3. It shall be the duty of the City Health Officer to enter any premises or examine any person within the corporate limits of Bend, whenever he shall have reason to believe that there exists any unreported case of smallpox, scarlet fever, typhus fever, diphtheria, pulmonary tuberculosis, measles or any other contagious or infectious disease mentioned in this ordinance, or to certify the cause of death of any person, or to advise said committee on health in any manner relating to the health of the city. Such physician shall receive such compensation as the Committee on Health may consider reasonable, subject to the approval of the council. It shall be the duty of the Committee on Health to close up any residence, street, alley or highway, or to use any other means which they may deem necessary to prevent the spread of any contagious disease.

It shall be the duty of all physicians, accoucheurs, or midwives to report to the County Health Officer of the county in which they may occur, all births and deaths and he or they shall immediately report contagious diseases in the manner prescribed by Lord's Oregon Laws, Section No. 4697. The City Health Officer shall be empowered and have authority to issue permits for the transportation of a corpse, upon receipt of a certificate of death properly signed by the attending physician, or coroner.

The diseases referred to in the preceding sections shall include cholera, yellow fever, typhus fever, typhoid fever, plague, membranous croup, diphtheria, small pox, scarlet fever, measles, tuberculosis and such other contagious, infectious and epidemic diseases as the Committee on Health may from time to time decide to be of such character.

It shall be the duty of the City Health Officer, Committee on Health or the Chief of Police when any of the above named diseases are reported to immediately quarantine premises where such disease or diseases exist. In accordance with Section 4616 of Lord's Oregon Laws by displaying a quarantine card having printed on it in large letters the name of the disease within, and if small pox the color shall be yellow, diphtheria green, scarlet fever red and all other diseases white. Said placards shall be owned and furnished by the City of Bend.

It shall be the duty of the City Health Officer, Committee on Health and Chief of Police to enforce such quarantine in a manner prescribed by Lord's Oregon Laws as provided in Sections 4717, 4718, 4719, 4720, 4721, 4722 and 4723.

The quarantine placard as defined in this ordinance must be allowed to remain at least twenty days after scarlet fever and seven days after diphtheria is first reported, or such further time as the Committee on Health may designate, and such a length of time for other infectious or contagious diseases as the said Committee or Health Officer may prescribe and deem necessary, and it shall be unlawful for any person to remove, cover up or in any way interfere with said placard without permission of the Committee of Health.

No person who is or has been affected with any of the contagious diseases named above shall be permitted to leave the house in which he or she resides or lodges, without permission of the Committee on Health, to be issued only on receipt of a certificate from the attending physician that all danger of communicating the disease has passed; and no person residing or lodging in a house wherein such a disease is present shall attend school, church or other public place, without permission of the Committee on Health or the Health Officer. Twenty-eight days must have elapsed after the quarantine has been removed from places wherein scarlet fever has existed and seven days wherein diphtheria has existed, and said houses properly fumigated before persons therefrom shall be permitted to attend school. No person having tuberculosis shall attend school without written permission from the City Health Officer.

No person with whooping cough, measles, mumps or chicken pox shall attend school.

The occupant, or in case the premises are unoccupied, the owner of any house, store, building or tenement in Bend, wherein any person may have

been sick of small pox, diphtheria, typhus or scarlet fever, tuberculosis, membranous croup, cholera, measles or any other contagious disease, on the death or recovery of such person from such diseases, shall forthwith destroy by burning or burying, or otherwise disinfect the clothes worn by such person during such sickness, together with the bedding, carpets, curtains, draperies, furnishings, etc., and shall disinfect, cleanse and purify the room and house, store tenement or building in which such sick person was confined, and the Committee on Health shall see that the provisions of this section are strictly enforced.

No person attending upon or otherwise coming in contact with any person affected with small-pox, diphtheria or scarlet fever in such manner or to such extent as to render her or him liable to communicate the disease, shall go upon any public street or in any way mingle with people not affected with said diseases.

No public funeral shall be held for any person who has died of scarlet fever, diphtheria, or any dangerous, contagious or pestilential disease without permission from the Committee on Health or Health Officer unless the casket containing the body has been first hermetically sealed.

Whenever any person shall have died of small pox, the corpse shall be buried within 12 hours after death, and shall not be removed from the building where such person shall have died until removed directly to place of burial, and shall not be taken to church, chapel or other building, and it shall be unlawful for any person or persons to attend such funeral, excepting the near relatives of the deceased, pallbearers not exceeding four in number, a clergyman, undertaker and driver of the hearse.

No person without a permit from the Committee on Health or health officer shall carry or remove from one building to another, or from railway or other vehicle to any building, or through the public streets, any person sick of any of the contagious diseases mentioned or named in this ordinance.

No person owning or having control thereof, shall without written permission from the Health Officer, use or permit to be used, for the transportation of the body of any deceased person, any vehicle which is used for the transportation of passengers.

The Chief of Police and every police officer shall be ex-officio Health inspector, but without extra pay therefor. Should such officer observe any building, premises or street to be in a condition detrimental to the public health he shall immediately report the same to the Health Officer.

It shall be the duty of the Chief of Police, under the direction of the Committee on Health, to serve all notices required by this ordinance and to prosecute all offenders against this ordinance, upon direction of the Committee on Health, provided, that this section shall not be construed to limit or qualify the duty of any person to prosecute offenders against the provisions of this ordinance.

It shall be the duty of every physician or other person practicing the art of healing to file with the Health Officer a written report giving the names and addresses of all persons afflicted with pulmonary tuberculosis (consumption), concerning which he or she may be consulted as soon as the nature of the disease is determined.

It shall be the duty of any representative of a religious denomination, or any house holder, or any nurse, parent, guardian or other person attending or in any way having knowledge of the existence of a case of pulmonary tuberculosis (including the person afflicted therewith), to immediately report the same to the Health Officer.

The names and addresses of all persons afflicted with pulmonary tuberculosis shall be recorded with the Health Officer; and it shall be unlawful for any person suffering from this disease to change his or her residence, or to be removed therefrom until the Health Officer has been notified so that the vacated residence may be fumigated.

It shall be the duty of any physician or any representative of a religious denomination, or any householder, nurse, parent, guardian or other person having knowledge of a change of residence of any person afflicted with pulmonary tuberculosis to report the same to the Health Officer.

ORDINANCE NO. 47.

An Ordinance to provide for the employment of persons confined in the city jail.

Be It Ordained by the Common Council of the City of Bend:

Section 1. All persons confined in the city jail of Bend, under a judgment to pay a fine or of imprisonment, rendered in an action in the Recorder's court for violation of any ordinance of the city, shall be required to perform labor on the public streets, alleys, highways, promenades, parks, squares or public buildings or works of the city, under the supervision of the chief of police.

Sec. 2. Any prisoner employed as above provided who refuses to perform the work assigned to him, or escapes or attempts to escape while laboring, or going to or returning from such public work, shall be deemed guilty of a misdemeanor and upon conviction before the Recorder shall be punished by imprisonment of not less than ten nor more than fifty days.

Sec. 3. The chief of police shall procure and use such means as he may deem necessary for the security of all prisoners under his care, and may prescribe and administer such punishment as shall be necessary to keep good order among the prisoners, and compel them to do the work assigned them.

Sec. 4. All prisoners shall be required to labor for the period of eight hours per day during the term of their sentences: Provided, that in all cases where a prisoner is confined under the penalty of a fine, he shall be credited at the rate of two dollars per day upon the fine for each and every day he is so employed.

ORDINANCE NO. 48

An ordinance to provide for the revision, modification, printing and publishing of the ordinances of the City of Bend.

Be It Ordained by the Common Council of the City of Bend:

Sec. 1. That a special committee, consisting of A. L. French, John Steidl and H. E. Allen be and they are hereby appointed, designated and authorized to provide for the revision, codification, printing and publishing of the ordinances of the City of Bend.

Sec. 2. Said special committee designated in Sec. 1 of this ordinance shall have full authority to appoint one or more suitable and competent persons to revise, codify and publish the ordinances of the City of Bend under their supervision, and shall have power and authority to fix the compensation of such person or persons, both as to the revision and codification and as to the printing and publication of said ordinances.

Sec. 3. Said compilation shall be published in one volume and shall contain all of the ordinances of general or special nature in force in the City of Bend. Said compilation shall contain a full, complete and first class index of the contents thereof, which index shall be complete on each subject as far as practicable without the use of cross references.

ORDINANCE NO. 49.

An Ordinance confirming, ratifying and adopting as ordinances of the City of Bend, the ordinances as revised and codified pursuant to Ordinance No. 48 of the City of Bend, passed by the Common Council on the 12th day of August, 1913.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That the above and foregoing ordinances consisting of Ordinances Nos. 1 to 49 both inclusive, as revised and codified, pursuant to order of the Common Council, under Ordinance No. 48, passed by the Common Council on the 12th day of August, 1913, and approved by the Mayor on said 12th day of August, 1913, be and the same are hereby declared to be the only valid and existing ordinances of said City of Bend, and that said ordinances be and the same are hereby adopted as the ordinances of the City of Bend.

Sec. 2. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of public business, health and safety, owing to the confusing and ambiguous condition of the present existing ordinances, and an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage by the Common Council and approval by the mayor.

First reading February 3, 1914. Rules duly suspended by the following vote: Ayes—Allen, Sather, Collins, Aune, Knutsen and Davidson.—(6). Noes—None.

Second reading, February 3, 1914. Duly passed and enacted by the following vote: Ayes—Allen, Sather, Collins, Aune, Knutsen and Davidson.—(6).

Attest:

Approved February 3, 1914.

H. C. Ellis

Recorder.

Stanton

Mayor.

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ERRATA

On page 7, Ordinances, in line eight of title of Ordinance No. 9, insert between the words "Bend, Oregon," and "which lies" the following words: "And in that portion of Center Addition to Bend, Oregon."

On page 31, Ordinances, in line four of Section 3, Ordinance No. 27, the word "eight" should read "fifteen."

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ORDINANCES OF THE CITY OF BEND.

ADOPTED SINCE THE CODIFICATION, TO-WIT:

February 3rd, 1914.

ORDINANCE NO. 50.

An Ordinance prescribing certain hours during which it shall be unlawful to operate or conduct any public pool or billiard room or bowling alley and prescribing a penalty for the violation thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1.

It shall be unlawful for any person, firm or corporation to operate, conduct, keep open or allow to be kept open a pool or billiard room or any bowling alley between the hours of Twelve thirty A.M. and the hour of Five o'clock A.M. within the corporate limits of the City of Bend.

Section 2.

Any person convicted of violating the provisions of this ordinance shall be punished by a fine of not more than Fifty Dollars.

Read first time April 7, 1914

Read second time April 28, 1914.

Passed April 28, 1914

Approved:

H.A. Miller,

Mayor.

Attest:

H.C. Ellis, Recorder.

ORDINANCE NO. 51.

An ordinance to amend Ordinance 31 entitled "An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend".

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Change Section 1. That Section 12 of Ordinance No.31 entitled "An ordinance providing for the licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend," be and the same is hereby amended so as to read as follows: Every person owning or conducting a moving picture show, shooting gallery or skating rink shall pay a license fee of one dollar per day or ten dollars per quarter. Every place where guns or pistols are kept for shooting at targets, whether for hire or not shall be considered a shooting gallery. Provided, however, that the Common Council from and after the passage of this ordinance shall not license moving picture shows in a number exceeding one show place or license to each Three Thousand inhabitants or fraction thereof in the City of Bend. *cut*

Read first time Aug. 4, 1914

Read second time Sept.8,1914.

Passed Sept. 8, 1914.

Attest:

H.C.Ellis,

Recorder.

Approved:

H.A.Miller,

Mayor.

ORDINANCE NO.52.

An Ordinance vacating certain portions of Washington Street lying north of Block twenty-four of Park Addition to Bend, Oregon.

WHEREAS School District No.12 of Crook County, Oregon by its petition duly filed with the Recorder of the City of Bend, Oregon, on the ____ day of October 1914, prayed for the vacation of the following portions of streets in said City, to-wit:

Beginning at a point on the east line of Block 24 of Park Addition to Bend, Crook County, Oregon, according to recorded plat thereof, which point is 69.72 feet north of the southeast corner of said Block 24, thence north along the west line of Bond Street for 44.14 feet to the northeasterly corner of said Block 24; thence N. 51.26' W. for two hundred sixty-six and 81/100 feet along the northeasterly line of said Block 24; thence North 6 22' 01" E. for 10.64 feet; thence N.38 34' for 15 feet; thence S.51 26' E. for 300 feet; thence S.38 34' W. for 58.52 feet to the point of beginning, and

WHEREAS notice of the filing of said petition has been duly given as provided by law and proof thereof filed in the office of the recorder of the City of Bend, and

WHEREAS said School District No.12 of Crook County, Oregon, and The Bend Company, an Oregon Corporation are the owners in fee of all property affected by the proposed vacation and have duly consented thereto, and it appearing that such vacation would be for the best interests of the City of Bend, therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That the following described portions of streets in the City of Bend, Oregon be and the same are hereby vacated; to-wit:

Beginning at a point on the east line of Block 24 Park Addition to Bend, Crook County, Oregon, according to the recorded plat thereof, which point is 69.72 feet north of the southeast corner of said Block 24; thence north along the west line of Bond Street for 44.14 feet to the northeasterly corner of said Block 24; thence N 51 deg. 26' W for 266.81 feet along the northeasterly line of said Block 24; thence N. 6 22' 01' E. for 10.64 feet; thence N. 38 34' E. for 15.00 feet; thence S. 51 26' E. for 300.00 feet; thence S. 38 34' W. for 58.52 feet to the point of beginning.

Approved December 22nd, 1914.

H.A. Miller, Mayor

November 10, 1914
read first time.

December 22nd, 1914
read second time.

Attest:

H.C. Ellis,

Recorder.

ORDINANCE NO. 53

Repealed by 61

An Ordinance providing for the muzzling of all dogs within the City of Bend, and directing the Police Department to publish notice to the owners of dogs in the newspapers and by handbills, and directing that all unmuzzled dogs within the City of Bend, be shot or killed by the Police Department, and providing a penalty for the failure of such owners to comply with the requirements of this ordinance and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND.

Section 1. That it shall be unlawful for the owner to permit any dog to run at large within the City of Bend, unless such dog be securely muzzled with a wire or other metal muzzle, to be approved by the Police Department.

Section 2. It shall be the duty of the Police Department forthwith to give notice in the newspapers and by handbills distributed throughout the town, requiring all owners to have such dogs so muzzled as required by this Ordinance within twenty four hours from the date of its passage.

Section 3. In case of the failure of any such owner to comply with the terms of this Ordinance, he shall, upon conviction thereof before the Recorder, be punished by a fine not exceeding \$25.00 or by imprisonment in the City Jail, for not less than ten days, or by both such fine and imprisonment.

Section 4. Inasmuch as there is imminent danger of hydrophobia being spread by rabid dogs, it is hereby deemed necessary for the immediate benefit of the health and welfare of the City of Bend that this Ordinance become effective immediately, and, therefore, an emergency is hereby declared to exist, and this Ordinance shall go into effect immediately upon its passage by the Council and Approval by the Mayor.

Read first time June 19, 1915
Rules suspended by the unanimous vote
of all councilmen present.

Read second time and unanimously passed by the
Council June 19, 1915.

Attest: H. C. Ellis
Recorder.

Approved H. A. Miller
Mayor.

ORDINANCE NO. 54.

Ordinance

AN ORDINANCE to amend Ordinance No. 22, entitled:
"An Ordinance to provide for licensing, regulating and re-
straining retail liquor dealers; to prohibit the sale of
liquor without a license; to provide penalties and punish-
ment for the violations of any provisions of this ordinance
and to repeal all ordinances and parts of ordinances in
conflict herewith."

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

SECTION 1:- That Ordinance No. 22 of the City of Bend
be and the same is hereby amended by adding thereto a
section to be numbered 13 and to read as follows:

Read second time

SECTION 13:- Any person violating any of the provi-
sions of this ordinance, upon conviction therefor, shall
be punished by a fine not exceeding Fifty Dollars or by
imprisonment in the city jail not more than twenty days
or by both such fine and imprisonment.

Read first time March 16, 1915.

Referred to Committee on Police, Fire and Liquor.

Rules suspended unanimously by all six Councilmen.

Read second time March 16, 1915, and passed by the
unanimous vote of all the Councilmen.

ATTEST:

APPROVED:

H. C. ELLIS,

H. A. Miller,

Recorder.

Mayor.

PROPOSED ORDINANCE NO. 55.

AN ORDINANCE giving and granting unto the Bend Flour Mill Company, an Oregon corporation, and its successors and assigns, a franchise, right and privilege to erect, construct, operate, maintain, use and remove poles, wires and other necessary and convenient structures, apparatus, appliances and appurtenances, for the transmission of electricity for lighting and power purposes, for its private use, over, along and upon the following described streets and avenues in the City of Bend, Crook County, Oregon, to-wit:- commencing at the intersection of North Division Street and the old County Road at the north line of Lytle Addition to Bend, Oregon, and following along and upon said North Division Street in a southerly direction to the intersection of said North Division Street with Cross Avenue, thence westerly along and upon said Cross Avenue to the intersection of said Cross Avenue with North Hill Street, thence southerly along and upon said North Hill Street to its intersection with North Wall Street, thence along and upon said North Wall Street to its intersection with North Bond Street, thence in a Northwesterly direction from North Wall Street along and upon the extension of North Bond Street now being graded to the plant of the Bend Flour Mill Company.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

SECTION 1. That the Bend Flour Mill Company, an Oregon corporation, and its successors and assigns, hereinafter in this franchise designated and called the grantee, be and it is hereby authorized and empowered to erect, construct, operate, maintain, use and remove a system or systems of

poles, wires and other necessary and convenient structures, apparatus, appliances and appurtenances for the transmission of electricity for lighting and power purposes for its private use, over, along and upon the following described streets and avenues in the City of Bend, Crook County, Oregon, to-wit:- commencing at the intersection of North Division Street with the old County Road at the north line of Lytle Addition to the City of Bend, Oregon, and following along and upon said North Division Street in a southerly direction to the intersection of said North Division Street with Cross Avenue, thence westerly along and upon said Cross Avenue to the intersection of said Cross Avenue with North Hill Street, thence southerly along and upon said North Hill Street to its intersection with North Wall Street, thence southwesterly along and upon said North Wall Street to its intersection with North Bond Street, thence in a northwesterly direction from North Wall Street along and upon the extension of North Bond Street now being graded to the plant of the Bend Flour Mill Company.

SECTION 2: All of said poles, wires, apparatus, appliances and appurtenances to be so erected, constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupancy of said streets and avenues. And the said grantee shall repair and replace all that part or parts of said streets or avenues which it shall disturb or use in the construction, erection, operation and maintenance of said system or systems; provided that in the event that said grantee shall fail, neglect or refuse to repair or replace that part or parts of said streets or avenues so disturbed or used in the erection, construction, operation or maintenance of its said system or systems, then in such event the City of Bend shall have the right to repair and replace

same and the costs and expense thereof shall be paid by the grantee.

SECTION 3. All poles and guys of said system shall be erected and placed as near the curb lines as possible and practical unless otherwise directed by the City of Bend. And the City of Bend reserves the right, by ordinance, to cause said grantee to move the location of any pole or poles or wires whenever the removal thereof shall be deemed by the State or the City of Bend to be reasonably necessary for the public safety and convenience and the expense of such removal shall be paid by the grantee; provided however, that if such removal shall be necessitated by reason of the common-user of such poles by another public utility or pursuant to the laws of the State of Oregon for common-user, the costs thereof shall be apportioned as provided by law.

SECTION 4. The City of Bend shall not be liable to said grantee for any injury or injuries done to said system or systems by virtue of any public work or works which may be done or made by the City of Bend, provided that the City of Bend shall give reasonable notice in writing to said grantee of any contemplated improvement or work. Said grantee shall be liable for and shall hold the City of Bend free and harmless from any and all damage of every nature and kind which may accrue to any person or persons or property by virtue of said system.

SECTION 5. All rights and privileges herein granted shall terminate and cease at the expiration of ten years from and after the date of the acceptance of this franchise by the grantee; and provided, that said grantee shall within twenty (20) days from the date of the passage hereof, file with the City Recorder its acceptance in writing, otherwise this franchise shall be void and of no effect.

SECTION 6. That the grantee shall have said system or systems completed and in operation within ninety (90) days from and after the date of the passage hereof, and in the event that said grantee shall fail to have same completed within said ninety (90) days from after the date of its passage, then this franchise shall be void and of no effect; provided however, that in the event that said grantee shall be prevented, hindered or delayed in the construction and completion of said system or systems, by law action, suits or any litigation in any court, which shall actually hinder completion, such time as may be consumed by such law action, suits or litigation shall not be counted in said limitation of time for the completion thereof, but the grantee shall have ninety (90) days for the completion of said system, exclusive of such time as may be consumed by such law actions, suits or litigation.

SECTION 7. This franchise is granted upon the condition that the grantee shall not sell or dispose of nor attempt to sell or dispose of any electricity transmitted over its said lines for either lighting or power purposes, or otherwise, to any person or persons whatsoever, but it shall be used solely and exclusively for the private use of the grantee for power and lighting purposes for its flour mill and plant and such adjacent property as it may acquire, and if at any time said grantee shall sell or dispose of or attempt to sell or dispose of any electricity transmitted over its said lines such act or acts shall render this franchise void and all rights herein granted shall immediately terminate and cease.

SECTION 8. It shall be unlawful for any person or persons to interfere with, disturb, impair, injure, break, destroy, deface, remove or in anywise or manner tamper with any

of the poles, wires, apparatus, appliances or appurtenances belonging to said system or systems, as authorized, installed, operated and maintained under this franchise.

SECTION 9. Any person or persons who shall violate any of the provisions of Section 8 of this franchise shall be deemed guilty of a misdemeanor and shall upon conviction before the City Recorder be subject to a fine not exceeding \$50.00 or imprisonment in the City Jail not exceeding twenty-five (25) days or by both such fine and imprisonment.

Read first time Feb. 2, 1915.

Read second time and passed by five votes March 2, 1915.

Vetoed by Mayor Miller Mar 10, 1915.

Mayor's veto read and passed over said veto April 6, 1915.

ATTEST:

H. C. ELLIS,
Recorder.

ORDINANCE NO. 56

46-211

A FRANCHISE giving and granting unto John Steidl and Thomas Tweet, co-partners, doing business under the firm name and style of Steidl and Tweet, their heirs, executors, administrators and assigns, a franchise, right and privilege to erect, construct, operate, maintain, use and remove poles, wires, cables, ducts and other necessary and convenient structures, apparatus, appliances and appurtenances, over, along and upon and under any and all streets, avenues, alleys, public ways and roads in the city of Bend, Crook County, State of Oregon, within the limits and boundaries of said City of Bend, as said city now is or hereafter may be bounded, constituted and have its limits, for the purpose of furnishing electric lights and electric power and energy to the public, the citizens, buildings and streets within said city of Bend, to charge and collect tolls therefor and to provide a maximum rate to be charged for such electricity.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That John Steidl and Thomas Tweet, co-partners, doing business under the firm, name and style of Steidl and Tweet, their heirs, executors, administrators and assigns, hereinafter in this franchise to be designated and called the Grantee, be and they are hereby authorized and empowered to construct, erect, operate, maintain, use and remove a system or systems of poles, wires, cables, ducts, appliances and appurtenances over, along, upon and under any and all streets, avenues, alleys, public ways and roads in the City of Bend, Crook County, Oregon, hereinafter in this franchise called the Municipality, within the limits and boundaries of said municipality as the same now is or hereafter may be bounded, constituted and have its limits, for the purpose of furnishing and supplying electric lights and electrical energy for any and all purposes, to the public, the citizens, buildings and streets of said municipality and to charge and collect tolls and charges therefor, provided, however, that no toll or charge shall exceed the maximum rate hereinafter specified in this franchise.

Sec. 2. All of said poles, wires, cables, ducts, structures, apparatus, appliances and appurtenances to be so erected, constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupancy of said streets, avenues, alleys, public ways and roads within said municipality. And the said Grantee shall repair and replace all that part or parts of said streets, avenues, alleys, public ways and roads which it shall disturb or use in the construction, erection, operation and maintenance of said system or systems, provided, that in the event that said grantee shall fail or refuse to repair or replace that part or parts of said streets, avenues, alleys, public ways or roads so disturbed or used in the erection, construction, operation and maintenance of its said system or systems, then, and in such event the said municipality shall have the right to repair and replace same and the expense and cost thereof shall be paid by the grantee.

Sec. 3. All poles and guys of said system or systems shall be erected or placed at the edge of the sidewalks and as near as practicable on lot lines, unless otherwise directed by said municipality. And the said municipality hereby reserves the right, by ordinance, to cause said grantee to move the location of any pole or poles or wires whenever the removal thereof shall be deemed by the State of Oregon or the said municipality to be reasonably necessary for the public convenience and safety, the expense and costs of such removal to be paid by the grantee, provided, however, that if such removal be necessitated by reason of the common-user of such poles by another public utility as hereinafter provided, or pursuant to the laws of the State of Oregon for common user the cost and expense thereof shall be apportioned in the manner provided by law.

Sec. 4. The said municipality shall not be liable to said grantee for any injury or injuries done to said system or systems by virtue of any public work or works which may be done or made

in said municipality, provided that said municipality shall give reasonable notice to said grantee, in writing, of such contemplated work. Said grantee shall be liable for and shall hold and save the said municipality free and harmless from any and all damage of any and every nature which may accrue to persons or property by virtue of the construction, operation and maintenance of said system or systems or any part thereof.

Sec. 5. It is expressly provided that in case the limits or boundaries of said municipality are, at any time or times, made less or smaller than they are at the time of the granting of this franchise, all franchises, rights and privileges herein granted shall continue to exist as to the part or parts of said municipality theretofore included in its limits or boundaries, as if said limits or boundaries had not been made less or smaller.

Sec. 6. All rights and privileges herein granted shall terminate and cease at the expiration of twenty (20) years from and after the date of the acceptance of this franchise by the grantee, provided, however, that in the event that the erection, construction, operation and maintenance of said system or systems herein provided for shall be enjoined or actually prohibited or prevented by the order of a court of competent jurisdiction, then in such event or events, such time as may be consumed by such injunction or order prohibiting or preventing the construction, operation or maintenance of said system or systems shall be deducted from and shall not be counted in said period of twenty years, but this franchise shall be in full force and effect for twenty years exclusive of such time as may be taken up or consumed by such injunction or order of the courts.

Sec. 7. It shall be unlawful for any person or persons to interfere with, disturb, impair, injure, break, destroy, deface, remove or in any manner tamper with any of the apparatus, poles, wires, ducts, insulators, pins, transformers, switchboxes, lamps, guys stops or other appliances or appurtenances belonging to said system or systems as authorized, installed, operated,

Sec. 8. Any person or persons who shall violate any of the provisions of Sec. 7 of this franchise shall be deemed guilty of a misdemeanor and shall, upon conviction thereof before the recorder be subject to a fine not exceeding \$50.00 or imprisonment in the city jail not exceeding 25 days, or by both such fine and imprisonment.

Sec. 9. The rights and privileges herein granted in this franchise are upon the considerations herein contained and upon the following conditions:

(a) That the grantee shall within 60 days from and after the date of the passage of this franchise, file with the City Recorder of said municipality its written acceptance of this franchise subject to the terms, conditions and restrictions and provisions in this franchise contained, and if at the expiration of such time said grantee shall fail or neglect to file its said acceptance the same shall become wholly void, inoperative and of no effect.

(b) That the said electric system or systems herein granted by this franchise shall be in actual operation not later than one year from the date of the acceptance hereof as above provided, provided that the said electric system or systems herein granted, and provided for, shall be deemed to be in actual operation when said grantee shall be actually furnishing and supplying electrical current or electrical energy for either lighting or power purposes to not less than twenty five (25) persons within the corporate limits of the said municipality, and provided further, that in the event that the construction, operation or maintenance of said system or systems shall be enjoined or actually prohibited or prevented by the order of a court of competent jurisdiction the said period of one year shall be extended to the actual time consumed by such injunction or court order.

(c) That the said grantee shall permit the said municipality to string one or more wires on the poles of said system or systems

for the purpose of a municipal fire alarm system, provided that such wires shall be strung, and in the location designated by the grantee, so as to interfere as little as possible with the wires and transmission lines of said grantee, provided, however, that said grantee shall not be responsible for any damage resulting to the wires of property of said municipality from the usage of its poles by said municipality.

(d) That the said grantee, are hereby prohibited from selling, transferring or assigning all or any of the rights and privileges herein granted to any competing person, firm or corporation, and the said grantee is further prohibited from purchasing or acquiring any franchise, right, privilege of any competing person, firm or corporation now operating or which shall hereafter operate in said municipality.

(e) That said Grantee shall not be allowed to charge a rate or toll for furnishing electric light or electrical energy in excess of the following rates.

1st. MAXIMUM METER RATE.

Ten cents (10¢) per kilo-watt hour with a minimum charge of one dollar per month.

2nd. MAXIMUM FLAT RATE.

Residences or business houses, forty cents per 16 candle power incandescent carbon lamp, per month; higher candle power at proportionate rates, with a minimum charge of one dollars per month; provided that the grantee may at its discretion and at its own expense install a meter or meters in lieu of said flat rate.

Sec. 10. This franchise shall be in full force and effect from and after its passage, approval by the Mayor, legal publication and filing of an acceptance of this franchise, according to its terms and conditions, by the grantee herein, to-wit; John Steidl and

Thomas Tweet.

Read First time April 6, 1915

Read second time April 20, 1915 and passed by the Council.

April 30, 1915, Vetoed by Mayor Miller

May 4, 1915, Mayor's veto read and ordinance passed by the Council over the Mayor's veto.

Attest:

Referendum election held on above franchise August 9, 1915 resulted as follows:

H. C. Ellis,

Recorder

Votes for said Franchise	219
Votes against said "	239

Ordinance No. 56- Page 5

ORDINANCE NO. 57

AN ORDINANCE to amend section four of Ordinance No. 40, entitled "An ordinance defining what shall constitute the fire limits of the City of Bend and providing for certain matters, concerning, affecting or relating to the construction, equipment, alteration or repair of buildings or structures erected or to be erected within the fire limits of the city of Bend.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That section four of ordinance number 40 of the City of Bend be and the same is hereby amended to read as follows:

All supporting walls for any building hereafter erected within the fire limits hereinafter described in the warehouse class including stores, offices, public assemblies, factory, business or other public buildings shall have a minimum thickness in accordance with the following table of stone, brick concrete or other like material;

		Minimum thickness in inches					
Foundation		height of building -- stories					
	stone	brick concrete	1	2	3	4	5
One story	20- -	16 - - -	8				
Two story	20 - -	16 - - -	12 - -	12			
Three story	20 - -	16 - - -	12 - -	12 - -	12 - -	12	
Four story	24 - -	20 - - -	16 - -	16 - -	16 - -	16 - -	12
Five story	28 - -	24 - - -	20 - -	16 - -	16 - -	16 - -	12

Read First time May 4, 1915
 Rules suspended by vote of 6 Alderman
 Read second time and passed by unanimous vote May 4, 1915.

Approved May 4, 1915.

H.A. Miller
 Mayor

Attest:
 H. C. Ellis
 Recorder

Repealed

ORDINANCE NO. 58.

AN ORDINANCE authorizing and empowering the Oregon Trunk Railway, a corporation, its successors and assigns, to construct, operate and maintain a system of railway tracks connecting with its main line tracks south of Koa Avenue and extending to and across the Deschutes River and over, along and upon the intervening streets, alleys and public and private lands, including over, along and upon the southerly one half of Alder Street in Bend, Crook County, Oregon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The Oregon Trunk Railway, a corporation, its successors and assigns, be and is hereby authorized and empowered to construct operate and maintain single or double railway tracks, with convenient spurs, side tracks, cross overs and switches, in the City of Bend, from a point of connection with its main line tracks south of Koa Avenue and extending to and across the Deschutes River and over, along and upon the intervening streets, alleys and public and private lands, including over, along and upon the southerly one half of Alder Street, which said Alder Street was known as Front Street in the original plat of Deschutes as the same is now on file and of record in the office of the County Clerk in and for Crook County, Oregon, and which said street was renamed Alder Street pursuant to the provisions of Section two of Ordinance No. 20 passed by the Common Council of the City of Bend on the 2nd day of December, 1913.

Section 2. Where the grade of any street or alley has been established, the track or tracks shall conform as near as practicable to the established grade, and the city reserves the right to establish and to change the grade of any street or alley now or hereafter laid out as may be required from time to time in the public interest but not so as to make the use of said tracks or track impracticable or unnecessarily inconvenient for railway use.

Section 3. Whereas the building of the railroad along the route herein described will make possible the construction of sawmills in this vicinity in the immediate future which will furnish work for large numbers of the unemployed persons in this locality

and materially better the conditions of the general public, this ordinance is hereby declared necessary for the immediate preservation of the public health, peace, safety and welfare and an emergency is therefore declared to exist and this ordinance is excepted from the powers of referendum and shall become of full force and effect from and after its passage and approval by the mayor.

Read First time May 18, 1915

Approved May 29, 1915

Read Second time May 29, 1915
and unaminously passed.

H. A. Miller
Mayor

Attest:

H. C. Ellis
Recorder

ORDINANCE NO. 59

AN ORDINANCE to establish, prescribe and fix building grades on Alder Street in Bend, Oregon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That the official building grade of Alder Street from its westerly extremity to its easterly extremity of the City of Bend, Oregon, be and the same is hereby established and fixed in accordance with the following table of elevations, to-wit:

S.W. Cor. Block 1, Deschutes,	Elevation	3629.40
S.E. Cor. Block 1,	"	3628.92
S.W. Cor. Block 2,	"	3628.80
S.E. Cor. Block 2,	"	3628.32
S.W. Cor. Block 3,	"	3628.20
S. E. Cor. Block 3,	"	3627.72
S.W. Cor. Block 4,	"	3627.60
S.E. Cor. Block 4,	"	3627.12
S.W. Cor. Block 5,	"	3627.00

Section 2. All elevations in this Ordinance are and shall be reckoned in reference to the United States Geological Survey Bench Mark as established in the City of Bend, Oregon, and the word "grade" as used in this Ordinance shall be construed to mean the elevation of the building line at the point or points where the elevations are established as prescribed in this Ordinance.

Approved May 29, 1915

Read First Time

May 29, 1915

Rules suspended by unanimous vote.

Read second time and passed May 29, 1915.

H. A. Miller,
Mayor

Attest:

H. C. Ellis

Recorder

ORDINANCE NO. 60

Repealed by 170

An Ordinance to amend Section 1 of Ordinance No. 34 entitled An Ordinance to prevent certain animals and fowls running at large and to provide for the impounding and sale of the same and to appoint a pound master.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND

Section 1. That Section 1 of original Ordinance No. 34 of the City of Bend be and the same is hereby amended to read as follows:

"Section 1. No horses, mules, cattle, sheep, swine, goats, chickens, geese, ducks, or any domestic animals or fowls shall be allowed to run at large or to be herded, tethered, baited, hobbled, picketed, staked out, or grazed or pastured in any manner whatsoever in or upon any of the streets, alleys, parks, or public places in the City of Bend; provided this shall not be construed to prevent the owner or owners of live stock from driving such stock through the streets and alleys of said City when necessary."

Read 1st time July 8, 1915
Rules suspended and read
2nd time and unaminously
passed July 8, 1915.

Attest:

Approved:

H. A. Miller
Mayor

H. C. Ellis
Recorder

*Repealed
120*

ORDINANCE NO. 61

Ordinance

AN ORDINANCE repealing Ordinance No. 53 of the City of Bend entitled "An Ordinance amending Ordinance No. 29 of the City of Bend, entitled "An Ordinance to regulate the registry of dogs and to provide for the taking up, impounding and killing of dogs without license tags."

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND

Section 1. That Ordinance No. 53 amending Ordinance No. 29 of the City of Bend be and the same is hereby repealed.

Approved:

Read 1st time July 8, 1915
Rules suspended and read
2nd time and unaminously
passed July 8, 1915.

H. A. Miller
Mayor

Attest:

H. C. Ellis,
Recorder

ORDINANCE NO. 62.

AN ORDINANCE to amend Ordinance 51 entitled
"An Ordinance providing for the licensing and regulating
the carrying on of certain professions, trades, callings and
occupations, within the corporate limits of Bend."

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That Section one of said above entitled
Ordinance be and the same is hereby amended to read as follows:

"Section 1. Every person owning or conducting a
moving picture show, shooting gallery or skating rink shall pay
a license fee of one dollar (\$1.00) per day or Ten Dollars
(\$10.00) per quarter. Every place where guns or pistols
are kept for shooting at targets whether for hire or not shall
be considered a shooting gallery."

Approved:

Read First time July 13, 1915
Rules ~~suspended~~ by unanimous
vote of all five Councilmen
present,
Ordinance read second time and
passed July 13th, 1915.

H. A. Miller
Mayor

Attest:

H. C. Ellis
Recorder

ORDINANCE NO. 63

AN ORDINANCE APPROVING AND CONFIRMING Assignment of Oregon Trunk Railway, a corporation, executed July 1st, 1915 and acknowledged July 3rd, 1915, unto Deschutes Railroad Company of that certain ordinance and franchise of the City of Bend, Oregon, wherein and whereby said Oregon Trunk Railway its successors and assigns, is authorized and empowered to construct, operate and maintain a system of railroad tracks connecting with its main line tracks South of Koa Avenue and extending to and across the Deschutes River and over, along and upon the intervening streets, alleys and public and private lands, including over, along and upon Alder Street, in Bend, Crook County, Oregon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1 Whereas, on the 29th day of May, 1915, acting by and through its common council, the City of Bend granted unto the Oregon Trunk Railway by ordinance passed adopted and approved by the proper officials of the said City of Bend, Oregon, a franchise authorizing and empowering the Oregon Trunk Railway to construct, operate and maintain, single or double railway tracks with convenient spurs, side tracks, cross overs and switches, in the City of Bend, from a point of connection with its main line tracks south of Koa Avenue and extending to and across the Deschutes River, and over, along and upon the intervening streets, alleys and public and private lands, including over, along and upon Alder Street, which said Alder Street was known as Front Street in the original plat of Deschutes as the same is now on file in the office of the County Clerk in and for Crook County, Oregon, and whereas, since the granting of said ordinance and on the 1st day of July 1915, said Oregon Trunk Railway assigned an undivided one-half interest in the said franchise and all rights thereunder unto the Deschutes Railroad Company, a corporation, said assignment being in writing and acknowledged by the said Oregon Trunk Railway, copy

of which assignment duly certified to be such by the Secretary of said Deschutes Railroad Company has been filed with the City Recorder of said City of Bend, Oregon.

NOW, THEREFORE, said assignment so made by said Oregon Trunk Railway to said Deschutes Railroad Company, be and the same is hereby recognized and sanctioned, and in all respects approved and confirmed by the City of Bend, Oregon, unto said Deschutes Railroad Company, its successors and assigns.

Attest

H. C. Ellis

Recorder

Approved Sept. 7, 1915

H. A. Miller

Mayor

Read first time August 3, 1915
Read second time, Sept. 7, 1915

AN ORDINANCE regulating and providing for the removal and preventing the accumulation of garbage, offal, filth, waste, rubbish and all refuse matter on private or public property, including streets, and alleys within the City of Bend, requiring the occupant of premises to remove or destroy the same upon notice and providing a penalty for the violation thereof and declaring an emergency. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That hereafter when in the judgment of the Common Council any premises or any portion thereof, or that half of any street, alley or Public way, adjoining thereto, shall be in an unsanitary condition by reason of the accumulation of any garbage, offal, filth, or other waste, or shall be in an unsafe or dangerous condition for fire by reason of the accumulation of any rubbish, boxes, or other waste, said Common Council shall order written notice to be served upon the occupant of any such premises, advising said occupant to destroy or remove such garbage, offal, filth, waste, rubbish or other refuse matter within 48 hours from the receipt of said notice.

Section II. It shall be unlawful for the occupant or occupants of any premises within the City of Bend after receiving the notice as provided in Section I of this Ordinance to allow any litter or accumulation of garbage, offal, filth, waste or other refuse matter to remain, or be, upon any portion of the premises occupied or controlled by such occupant or occupants, or upon that half of any street, alley or public way adjoining thereto.

Section III. Any person or persons failing to remove any such garbage, offal, filth, waste or other refuse matter from any such premises, street, alley or public way within forty eight hours after receipt of said notice, shall be guilty of a Misdemeanor, and upon conviction therefor shall be punished by fine of not more than Fifty (\$50.00) Dollars.

IT IS HEREBY ADJUDGED AND DECLARED that conditions are such that the passage of this ordinance is necessary for the immediate preservation of the public health and safety, owing to existing unsanitary conditions and fire dangers--an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Approved Sept. 7, 1915

H. A. Miller

Mayor

attest
H. C. Ellis
Recorder.

Read first time September 7, 1915
Rules suspended by following vote:
Brosterhous, Davidson, Knutsen and
Rudow
Ordinance read second time and
passed September 7, 1915

ORDINANCE NO. 65

AN ORDINANCE AMENDING SECTION 16, OF ORDINANCE NO. 40, ENTITLED AN ORDINANCE DEFINING WHAT SHALL CONSTITUTE THE FIRE LIMITS OF THE CITY OF BEND, AND PROVIDING FOR CERTAIN MATTERS CONCERNING, AFFECTING OR RELATING TO THE CONSTRUCTION, EQUIPMENT, ALTERATION OR REPAIR OF BUILDINGS OR STRUCTURES ERECTED OR TO BE ERECTED WITHIN THE FIRE LIMITS OF THE CITY OF BEND.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

SECTION I.

That Section 16 of Ordinance No. 40, entitled "An Ordinance defining what shall constitute the fire limits of the City of Bend, and providing for certain matters concerning, affecting or relating to the construction, equipment, alteration or repair of buildings or structures erected or to be erected within the fire limits of the City of Bend" be and the same is hereby amended so as to read as follows:

Section 16 The walls of all buildings, within the fire limits of the city of Bend, Oregon, shall be of brick or other non combustible material, and the roofs thereof shall be constructed in accordance with the terms of this Ordinance. This section of this Ordinance does not apply to buildings erected outside of the following boundaries in the said City of Bend, namely:

Beginning at the intersection of the alley running northerly through Block 16 of Bend and Ohio street, thence northerly along the center line of the alley in Blocks 16, 15 and 13 to a point in said alley in said Block 13 where the alley in Block 22 of Bend, Oregon would, if extended in a westerly direction, intersect said alley in said Block 13, thence from such point of intersection easterly along the center line of the alley in Blocks 22 and 25 of Bend to a point where said alley intersects with Division street, thence north along Division Street, and N. Division streets, to the point where Fir avenue intersects with said N. Division street; thence southerly and westerly along Fir Avenue to a point where said Fir Avenue intersects with N. Harriman street, thence southerly along N. Harriman street to a point where said N. Harriman street intersects Greenwood Avenue; thence westerly along the center line of Greenwood avenue to the point where the alley in Block 2 intersects with said Greenwood avenue, thence southerly along the center line of the alley in Blocks 2, 3 and 4 to a point where said alley in Block 4 intersects with Ohio street, thence easterly along Ohio street to the point of beginning.

Provided, however, that the provisions of this section shall not apply to private dwellings, private barns and other private outbuildings within said boundaries, but that all such private dwellings, private barns and other private outbuildings hereafter constructed within said boundaries, but which are not constructed in conformity with the above provisions of this section shall be constructed of or covered with corrugated iron or some other equally non combustible material.

SECTION II.

IT IS HEREBY ADJUDGED AND DECLARED BY THE COMMON COUNCIL OF THE CITY OF BEND that existing conditions are such that this Ordinance is necessary for the immediate preservation of public business, life, health and safety, owing to the great danger to persons and property from fire, and, therefore, this Council hereby declares that an emergency exists; that all ordinances and parts of ordinances in conflict herewith are hereby repealed and that this Ordinance shall take effect and be in full force from and after its passage by said Common Council and its approval by the Mayor.

Read for the first time
October 6, 1915

Rules suspended by the
following vote-Ayes-Aune
Caldwell, Rudow and Knut-
sen.

Read second time October 6,
1915

Passed by the Common Council
Oct. 6, 1915

Approved October 6, 1915

Attest

Recorder

ORDINANCE NO. 66

An Ordinance authorizing and empowering the Oregon Trunk Railway, a corporation, its successors and assigns to construct, operate and maintain a system of railway tracks connecting with its main line tracks south of Koa Avenue and extending to the logging railroad tracks of the Brooks-Scanlon Lumber Company on the east bank of the Deschutes River in Section Five (5), Township Eighteen (18) South Range Twelve (12) East Willamette Meridian, and over, along and upon the intervening streets, alleys, public and private lands, including over, along, upon and across Edgewater Avenue at a point north of Lots Two (2) Three (3) and Four(4) of Block One Hundred thirty eight (138) of the Second Addition to Bend Park, according to the recorded plat thereof, now on file in the office of the County Clerk in and for Crook County, Oregon, and over, along, upon and across the alley in said Block One hundred thirty eight (138) and over, along, upon and across Taft Avenue and First Street in said second addition to Bend Park at a point southerly and westerly of Lots Ten (10) and Eleven (11) of said Block One Hundred thirty eight (138) of the Second addition to Bend Park in Crook County, Oregon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section I.

That the Oregon Trunk Railway, a corporation, its successors and assigns, be, and is, hereby authorized and empowered to construct, operate and maintain single or double railway tracks with convenient spurs, side-tracks, cross-overs and switches in the City of Bend from a point of connection with its main line tracks south of Koa Avenue and extending southwesterly and connecting with the logging railroad tracks of the Brooks-Scanlon Lumber Company in Section Five (5), Township Eighteen (18) South of Range Twelve (12) East Willamette Meridian in Crook County, Oregon, and over, along and upon the intervening streets, alleys, public and private lands, including

over, along, upon and across Edgewater Avenue at a point north of Lots Two (2), Three (3) and Four(4) of Block One hundred thirty eight (138) of the Second Addition to Bend Park, according to the recorded plat thereof, now on file in the office of the County Clerk in and for Crook County, Oregon, and over, along, upon and across the alley in said Block One hundred thirty eight (138), and over, along, upon and across Taft Avenue and First Street in said Second Addition to Bend Park at a point southerly and westerly of Lots Ten (10) and Eleven (11) of said Block One Hundred thirty eight (138) of the Second addition to Bend Park in Crook County, Oregon.

Section II.

Where the grade of any street or alley has been established, the track or tracks shall conform as nearly as practicable to the established grade and the city reserves the right to establish or change the grade of any street or alley now or hereafter laid out as may be required from time to time in the public interests, but not so as to make the operation and use of said railway track or tracks impracticable or inconvenient for railroad use.

Approved Nov. 26, 1915

Read first time Nov. 5, 1915
" second " Nov. 26, 1915

(signed) M. D. Knutsen
President of the
Council and Acting
Mayor

Attest
(sgd) H. C. Ellis
Recorder

ORDINANCE NO. 67

AN ORDINANCE regulating and providing for the removal of snow and ice from the sidewalks within the fire limits of the City of Bend, and prescribing the method of the enforcement thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Sec. 1. That any person or persons, firm or corporation owning or having control of any real property with the fire limits of the City of Bend, as now constituted, or as hereafter may be constituted, which has a sidewalk or sidewalks or parts of sidewalk abutting along and upon such real/property, lot, lots, or parcel of land, shall keep such sidewalk or sidewalks, or parts thereof, free and clear of snow or ice, or either thereof. That such sidewalks shall be cleaned within twelve hours after any snow shall fall thereon, and any ice may become collected thereon.

Sec. 2. If any such owner shall fail, neglect, or refuse to clean such sidewalks as herein provided within said time, then the city shall have authority to have such sidewalks cleaned and charge the cost thereof to the owner of the property, and in case such owner or owners shall refuse to pay said charges within 30 days after notice of same has been given by the City Recorder, the same shall become a lien upon the property of the owner or owners against which said charges are made, and such lien may be enforced in the manner as is provided by Chapter XIX of the Charter of Bend for the enforcement of liens.

Sec. 3. The term owner as used herein shall include all persons in the possession of any premises as herein described.

Sec. 4. Inasmuch as the passage of this ordinance is for the immediate benefit, of the health and welfare of the city of Bend, an emergency is hereby declared, and this ordinance shall go into effect immediately upon its passage by the Council and approval by the Mayor.

Approved Dec. 27, 1915

M. D. Knutsen, Acting Mayor

ORDINANCE NO. 68

AN ORDINANCE regulating and providing for the removal and preventing the accumulation of garbage, offal, filth, waste, rubbish and all refuse matter on private or public property, including streets and alleys within the City of Bend, requiring the owner or occupant of premises to remove or destroy the same upon notice, and providing for the enforcement thereof, and providing for the removal thereof by the City of Bend in case of failure or refusal by occupant or owner, and providing that in such cases, the expense thereof shall become a lien upon the property involved, and providing the method of the enforcement of such lien, and providing a penalty for the violation thereof, and repealing Ordinance 64 of the City of Bend, and all other ordinances or parts of ordinances in conflict therewith, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND

Section I.

That hereafter when in the judgment of the Common Council any premises or any portions thereof, or that half of any alley, street or public way, shall be in an unsanitary condition by reason of the accumulation of any garbage, offal, filth or other waste, or shall be in an unsafe or dangerous condition for fire by reason of the accumulation of any rubbish, boxes or other waste, said Common Council shall order written notices to be served upon the owner or occupant, or the agent of such owner or occupant of any such premises, requiring said owner or occupant, or agent of any such owner or occupant to destroy or removed such garbage, offal, filth, waste, rubbish or other refuse matter forthwith.

SECTION II.

It shall be unlawful for the owner or occupant, or the agent of such owner or occupant, of any premises within the City of Bend after receiving the notice as provided in Section I. of this Ordinance to allow any litter or accumulation of

garbage, offal, filth, waste, rubbish or other refuse matter to remain on any portion of the premises occupied or controlled by said owner or occupant, or the agent of such owner or occupant, or upon that half of any alley, street or public way, adjoining thereto.

SECTION III.

If any such owner or occupant, or agent of such owner or occupant shall fail or refuse to remove such garbage, offal, filth, waste, rubbish or other refuse matter from any such premises, streets, alley or public way, upon receiving the notice as provided in Section I. of this Ordinance, he shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine of not less than Five Dollars (\$5.00), and not more than Fifty Dollars(\$50.00);

Provided, however, that in case of non resident property owners, and in case of the failure or refusal of owners, occupants or agents upon whom written notice may have been served, to so remove such garbage, offal, filth, waste, rubbish and other refuse matter, then the Common Council of the City of Bend shall cause such garbage, offal, filth, waste, rubbish or other refuse matter to be removed from such premises, street, alley or public way, and charge the costs of such removal to the premises involved. The City Recorder shall thereupon notify the owner or occupant, or the agent of such owner or occupant, of the amount of such costs, then if such owner or occupant, or the agent of such owner or occupant shall fail or neglect to pay such costs within thirty days after the receipt of such notice, then same shall become a lien upon any of such property involved, which lien shall be enforced in the manner provided in Chapter 19 of the Charter of the City of Bend, providing for the enforcement of liens.

SECTION IV.

That Ordinance No. 64 of the City of Bend, entitled "AN ORDINANCE regulating and providing for the removal and preventing the accumulation of garbage, offal, filth, waste, rubbish

and all refuse matter on private or public property, including streets, and alleys within the City of Bend, requiring the occupant of premises to remove or destroy the same upon notice, and providing a penalty for the violation thereof, and declaring an emergency", and all other ordinances or parts of ordinances, or amendments thereto, in conflict herewith, be and the same are hereby repealed.

IT IS HEREBY ADJUDGED AND DECLARED that conditions are such that the passage of this ordinance is necessary for the immediate preservation of the public health and safety, owing to existing unsanitary conditions and fire dangers-an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Attest:

Approved J. A. Eastes

H. C. Ellis
Recorder

Mayor

Read first time Feb. 8, 1916
Rules suspended

Ordinance read second time and
pass Feb. 8, 1916

ORDINANCE NO. 69

AN ORDINANCE TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN THE CITY OF BEND, PROVIDING A PENALTY FOR THE VIOLATION THEREOF AND DECLARING AN IMMURGENCY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. It shall be unlawful for any person, firm or corporation, clubs or associations of persons, from and after the date of the passage hereof, and its approval by the Mayor, to sell, offer to sell, give away or offer to give away any intoxicating liquor or liquors, within the City of Bend, Oregon, provided, however, that the provisions of this ordinance shall not prohibit the sale of intoxicating liquor within the city of Bend by any persons permitted to sell intoxicating liquors by Chapter 141 General Laws of Oregon for 1915, in the manner and under the conditions specified in said Chapter 141, it being the intention of this ordinance to conform to said State law with reference to the sale of intoxicating liquors; and provided further, that the term giving away as herein used shall mean when any person shall give away or offer to give away any intoxicating liquors for the purpose of evading the provisions of this ordinance or of the laws of the State of Oregon.

to be repealed

Section 2. Whenever any police officer of the City of Bend shall have good reason to believe that any person, firm or corporation is keeping any intoxicating liquor in any building within the city of Bend, for the purpose of evading this ordinance, or the laws of the State of Oregon, such police officer is hereby authorized and empowered to enter and search such building or buildings, without search warrant, and if he shall find any liquors, of which the sale thereof is prohibited by this ordinance, he shall arrest the person or persons having such liquor in storage. Any person violating this section shall upon conviction be subject to a fine not to exceed \$50.00 or imprisonment in the city jail not to exceed 20 days, or by both such fine and imprisonment.

Section 3. Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$50.00 or by imprisonment in the city jail not to exceed 20 days or by both such fine and imprisonment.

Section 4. WHEREAS the passage of this ordinance is necessary for the immediate preservation of the public health and public safety, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Read for first time, Feb. 23, 1916
Rules suspended Feb. 23, 1915 and
read second time.

Attest H. C. Ellis
Recorder

Approved

J. A. Eastes
Mayor

ORDINANCE #70.

AN ORDINANCE providing for licensing and regulating popcorn and peanut peddlers within the corporate limits of the city of Bend and declaring an emergency.

BE IT ORDAINED by the Common Council of the City of Bend;

Sec. 1. From and after the passage of this ordinance it shall be unlawful for any person, firm or corporation to sell or offer to sell any popcorn or peanuts from any wagon or stand within the city of Bend, Oregon, without first procuring a license so to do as hereinafter in this ordinance provided.

Sec. 2. Any person, firm or corporation desiring to sell or offer to sell any popcorn or peanuts or either thereof, within the city of Bend from any stand or vehicle which are not drawn or propelled by a horse or horses or any kind of electric, gas, oil, steam or other motive power, shall pay to the city Recorder a license fee of \$15.00 for the first quarter and \$3.00 per quarter thereafter in advance and the City Recorder shall issue a license to such person, provided that application for such license shall be made in writing and shall name and designate the kind of business such applicant intends to engage in.

Sec. 3. Any person, firm or corporation desiring to sell or offer to sell any popcorn or peanuts within the city of Bend, from any vehicle propelled or drawn by a horse, or horses, electric, gas, oil, steam or any other motive power, shall pay to the City Recorder a license fee of \$30.00 for the first quarter and \$15.00 per quarter thereafter in advance, and the City Recorder shall issue a license to such person, provided that application for such license shall be made in writing and shall name and designate the kind of business he shall engage in; provided that the provisions of this ordinance shall not apply to merchants selling popcorn and peanuts from stores or other buildings

see Ord 216

Sec. 4. Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, before the City Recorder, shall be fined in a sum not exceeding \$25.00.

WHEREAS it is necessary for the peace, health and prosperity of the city of Bend that this ordinance go into immediate effect, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved - April 4, 1916.

Read First time - April 4, 1916
Rules suspended - April 4, 1916
Read second time - April 4, 1916

J. A. EASTES
Mayor.

Attest - - H. C. ELLIS, Recorder.

ORDINANCE #71.

AN ORDINANCE regulating the construction, erection, raising, lowering, alteration, repair and use of buildings and to provide for protection against fire, and to definitely establish what shall constitute the fire limits of the City of Bend, and to repeal all ordinances and parts of ordinances or amendments in conflict with the provisions of this ordinance.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
BEND--- OREGON.

Sec. 1. (Building permits, By whom and when issued)
Any person, firm, company or corporation desiring to construct any building in the City of Bend, or to lower, raise, alter or repair any building or structure, including wooden buildings in said city, before commencing such work shall file, with the Recorder, a copy of the plans and specifications of the proposed construction, raising, lowering, alteration or repairs as the case may be, and shall present therewith an application in writing for permission to do such work. Such application shall designate the location of such building or proposed structure, and with the plans and specifications, shall be referred by the Recorder to the Building Inspector. If the plans and specifications be for the construction of a building and the Building Inspector shall find the same to comply with the terms of this ordinance, he shall indorse his approval thereon, and if the plans and specifications be for the raising, lowering, alteration or repair of a building then, in that case, the Building Inspector shall indorse thereon his approval, provided, such plans and specifications do not show the work to be done upon said building or structure is of a character calculated to increase its inflammability, sanitation, or amount to a substantial rebuilding of the same or increase the fire risk to surrounding property. Permissions shall be withheld in all cases where the building or structure, proposed to be altered, raised, lowered, or repaired,

as aforesaid, is supported by an unsubstantial foundation, or where its roof, frame or walls have become impaired or decayed from long use, neglect or exposure or damage by fire or otherwise, to the extent of at least 40 percent of the cost of erection and construction of a new building or structure of identical character of such building when new.

A separate permit shall be required for each building and the City Recorder shall keep a record of such permits and report the number of permits issued each month to the Common Council at each regular meeting thereof.

The City Recorder of the City of Bend shall, before issuing any building permit, collect the following fees therefor from the party or parties to whom such permit or permits are issued; one dollar (\$1.00) for each permit where the cost of the building does not exceed five hundred dollars (\$500.00) and two dollars (\$2.00) for each permit issued where the building cost over five hundred dollars (\$500.00).

Sec. 2. (Erection and Alteration of Buildings)

Every building hereafter erected, altered, enlarged, raised, or built upon, shall be erected, altered, enlarged, raised or built upon in accordance with the provisions of this ordinance.

This ordinance shall not apply to the height, or mode of construction of buildings constructed prior to the passage of this ordinance.

No building already erected or being erected in the City of Bend, shall be enlarged, raises, altered, or built upon otherwise than in accordance with the provisions of this ordinance.

Sec. 3. (Meaning of Terms) "Alterations" means any change or addition. "Repairs" means the reconstruction or renewal of any existing part of building or of its fixtures or appurtenances, by which the strength or the fire risk is not affected or modified. "Party Wall" means a wall that separates two or more buildings, and is used or is to be used jointly by said buildings. "Partition Wall" means any interior wall in a

building. "Bearing Wall" means a wall inside of a building which is to support the different floors at places where the joists are not of sufficient depth to sustain the load imposed upon them. "Exterior Wall" means every outer wall or vertical inclosure of a building other than a party wall. "Thickness of a Wall" means the minimum thickness of such wall between the floors or between floor and ceiling or roof. "Cellar or Basement" means a lower story, any part of which is below the level of the street, or streets, on which it faces, or of the general level of the ground for more than one-half the height of such lower story. "Story" means (for the purpose of calculating the thickness of foundation and size of studding) any part of a building of which three quarters or more is above the level of the street, or streets, on which it faces, or the general level of the ground, or which exceeds seven feet six inches in height.

Section 4. (Measurements for Height and Width of Buildings) For the purpose of this ordinance the greatest linear dimension of any building shall be its length and the next greatest linear dimension its width. The height shall be measured from the curb line opposite the center of the principal front for all buildings except those on a street corner.

For buildings erected on a street corner the measurements shall be taken from the curb line opposite the center of either front.

When the walls of a structure do not adjoin a street, the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure.

And heights shall be measured from above lines to the under side of ceiling joists for flat roof and one half of the height of roof for a pitch roof.

Any roof or portion of a roof above the extreme height allowed by this ordinance must not have a slope with the horizon of more than forty-five degrees.

shall be constructed with studding covered with weather boarding or shingles or cement plaster on the outside. No uncovered studding will be allowed against the wall of an adjoining building or structure.

Section 6. (Brick or Stone Vener) The outer walls of wood frame buildings over one story in height, veneered with brick or stone, shall be at least eight (8) inches in thickness including veneer and studding. No building shall be veneered with brick over three (3) stories in height.

Veneered walls must be anchored every three (3) feet in height to the inside studding, in manner subject to approval of the City Inspector.

When foundation walls of wood buildings are used for embankment or retaining wall, one, two, and three story buildings with basement shall have foundation of basement walls of brick or concrete not less than twelve (12) inches thick and not higher than eight (8) feet from top of footing to bottom of first floor joists (first tier of joists).

If a deeper basement be desired the walls thereof shall not be less than sixteen (16) inches thick; height of said walls shall not be greater than ten (10) feet from top of footing to under side of first-story floor joists, and the footing shall have a spread of one half ($\frac{1}{2}$) more than the thickness of the wall resting on it.

All buildings over four (4) stories in height shall have foundation or basement walls of brick, stone or concrete not less than twenty (20) inches thick, and shall not be more than twelve (12) feet high from top of footing to bottom of first story floor joist; footings shall have a spread of one-half ($\frac{1}{2}$) the thickness of the wall resting on it.

Where it is not allowable to have footings on the outside of a foundation or basement wall, the footings must extend far enough on the inside to make the required width.

Section 7. (Size of Studding for Exterior Walls)
For a building of two stories in height, except factories, mills or warehouses, the studding for the outside walls and bearing partitions shall not be less than 2 x 4 inches; for a building of three stories in height, the studding shall not be less than 2 x 6 inches to the bottom of the upper floor joists, and 2 x 4 inches for the remaining height; for a building of four stories in height, the studding shall not be less than 3 x 6 inches for the first story, and 2 x 6 inches or 3 x 4 inches for the second and third story, and 2 x 4 inches for the fourth story.

Section 8. (Framing and Size of Floor Joists) When stories are framed separately, each tier of studding must have top and bottom plates, and the top plates must be doubled; when stories are not framed separately, proper bridging must be placed behind the ribbon at the ceiling line and on top of the joist at the first floor line; bridging must be two inches thick and of the full width of the studding in every case.

All wood beams or joists shall be trimmed away at least one and one-half ($1\frac{1}{2}$) inches from all flues and chimneys whether the same be a smoke, air, or any other kind of chimney or flue.

The size of floor joists, girders, rafters, etc., and their spacing shall be subject to approval of City Inspector.

Section 9. Temporary inclosed wooden sheds, not to exceed twenty (20) feet in height, may be erected within the city limits to facilitate the erection of buildings in course of construction; when said buildings are completed the sheds must be removed.

Section 10. (Raising or Lowering Frame Buildings to Grade) Any frame building within the fire limits may be raised or lowered to the official grade of the street; provided, that in case said building is to be raised, a brick, stone or concrete basement or foundation of such dimensions as is required

by Section 16 of this ordinance shall be built under it up to the curb level.

(Removal of Buildings in the Fire Limits--When and How)

No building within the fire limit blocks shall be removed without the permission of the Mayor, and such permission shall not be given except to remove a building or buildings to any proportion of the same lot, on which it or they may stand, to make room for more permanent improvements (the meaning of the words "for more permanent improvements" means brick or stone) or for the removal of wooden buildings from within the fire limits to any part of the city outside of said limits, in which latter case the party or parties making application for such privilege shall first give security to the satisfaction of the city's Mayor that they will leave the street, or streets, over which said building or buildings shall be removed in as good order as they were before such removal; and that they will make such removal continuous, day by day, until completed, with the least possible obstruction to the thoroughfares thus occupied; and the said removal shall be subject to the control and direction of the City's Mayor, who may prescribe the mode and route of such removal.

Section 11. (Excavations and Foundations) All excavations for buildings, alterations, or obstructions in streets within the city limits shall be guarded and protected so as to prevent injury to life or limb by placing red lights between sundown and sunup.

Section 12. Before any tents or canvas houses shall be erected within the city limits of Bend, the owner shall first secure a building permit from the City Recorder, and before the City Recorder shall issue any permit for the erection of any tent or canvas house, he shall collect for such permit a fee of one dollar (\$1.00) provided, that sleeping tents near or adjoining any building belonging to the owner in which

no stove or stoves are used or are to be used in such tent or canvas house shall not come within the provisions of this section.

Section 13. All foundation walls of any building hereafter erected within the fire limits hereinafter designated shall be built of brick, stone or concrete and shall be at least four inches thicker than the wall next above them.

Section 14. All supporting walls for any building hereafter erected within the fire limits hereinafter described in the warehouse class including stores, offices, public assemblies, factory business or other public buildings shall have a minimum thickness in accordance with the following table:

MINIMUM THICKNESS IN INCHES.

	Foundation		Height of building - Stories				
	Stone	Brick	1	2	3	4	5
One story	20	19	12				
Two stories	20	16	12	12			
Three stories	20	16	12	12	12		
Four stories	24	20	16	16	16	12	
Five stories	28	24	20	16	16	16	12

Section 15. In all brick walls every sixth course shall be a header course except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by splitting the face of the brick in half and backing the same with a continuous row of headers. All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this ordinance.

Section 16. All exterior and division or party walls over 15 feet in height excepting where such walls are to be furnished with cornices, gutters or crown mouldings, shall have parapet walls not less than 8 inches in thickness and carried 18 inches above the roof.

Section 17. The planking and sheeting of the roofs of buildings shall not in any case be extended across the side of party wall thereof. Every building and the tops and sides of every dormer window thereon shall be covered and coped with brick, tile, slate, tin, copper, iron or fire resisting composition. Nothing

in this section should be construed to prohibit the repairing of any shingle roof within or without the fire limits provided the building is not altered in height but this shall not be construed to permit the renewal of the shingle roof.

Sec. 18. In every building hereafter erected or altered all the walls or partitions forming interior light or vent shafts shall be built of brick except when the area of any such shaft does not exceed 25 square feet the enclosing walls or partitions may be of such other fire proof material as may be approved by the building inspector. The walls of all light and vent shafts, whether exterior or interior hereafter erected shall be carried up not less than three feet above the level of the roof.

SEC. 19. All openings in roofs for the admission of light shall have the frames and sashes thereof constructed of metal and glazed. All sky lights other than elevator, stairways, dumb waiter shafts and theatre stage roofs shall have metal frames and sashes glazed with wire glass not less than one-fourth of an inch thick, or with glass protected above and below with wire screen of not less than No. 12 galvanized wire and not more than one inch mesh. Sky lights hereafter placed in buildings of a public character over any passageway or room for public resort shall have immediately beneath the glass thereof a wire netting, unless wire glass is used.

SEC. 20. All openings in floors for transmission of light to floors below shall be covered with floor lights constructed of metal frames and bars of glass in no case to be less than three quarters of an inch thick. If any glass in same measures more than 16 square inches, the glass shall be provided with strong wire netting under the same.

SEC. 21. No opening in any roof or floor shall be without solid covering or an enclosure, as provided for in this ordinance, to prevent the communication of fire from story to story.

SEC. 22. All elevator shafts, stairways, light wells or other shafts shall be enclosed in suitable walls of brick or with such other fire proof material and form of construction as in the opinion of the City Inspector may be equally as good, except that the enclosure walls in non-fire proof buildings exceeding three stories in height and used as warehouses, stores, or factories shall be of solid brick work.

SEC. 23. The walls of all buildings within the fire limits of the City of Bend, Oregon, shall be of brick or other non-combustible material, and the roof thereof shall be constructed in accordance with the terms of this ordinance. Provided, however, that the provisions of this section shall not apply to private barns and other private outbuildings on alleys hereafter constructed within said boundaries, but which are not constructed in conformity with the above provision of this section shall be constructed of or covered with corrugated iron or some other equally non-combustible material and not to cover more floor space than 500 square feet of floor space without the consent of a majority of the Council; nor to buildings outside of the following boundaries in the City of Bend, namely: Beginning at the intersection of the alley running northerly through block 16 of Bend and Ohio street, thence northerly along the center line of the alley in blocks 16, 15 and 13 of Harriman street, to a point where the alley in Block 22 of Bend intersects with said Harriman street; thence easterly along the center line of the alley in Blocks 22 and 25 of Bend to a point where said alley intersects with Division street, thence north along Division street and N. Division street to the point where Fir avenue intersects with said N. Division street; thence southerly and westerly along Fir

avenue to a point where said Fir avenue intersects with N. Division street, thence southerly along N. Harriman street to a point where said N. Harriman street intersects Greenwood avenue; thence westerly along the center line of Greenwood avenue to the point where the alley in Block 2 intersects with said Greenwood avenue; thence southerly along the center line of the alley in Blocks 2, 3, and 4 to a point where said alley in Block 4 intersects with Ohio street, thence easterly along Ohio street to the point of beginning.

SEC. 24. A brick boiler shall not be placed on any wood or combustible floor or beams. Wood or combustible floors or beams under and not less than 3 feet in front and 1 foot on the said of all portable boilers shall be protected by a brick foundation of 3 courses of brick work laid in mortar on sheet iron. A cast/iron ash pan of suitable thickness shall be placed under the boiler of width at least equal to the base of the boiler and extending at least 2 feet in front of it. All lath and plaster and wood ceilings and beams over and to a distance of not less than 4 feet in front of all boilers shall be shielded with metal. No combustible partition shall be within 4 feet of the sides and back and 6 feet from the front of any boiler, unless said partition shall be covered with metal to a height of at least 3 feet above the floor, and shall extend from the end or back of the boiler to at least 5 feet in front of it, then the distance shall not be less than 2 feet from the sides and 5 feet from the front of the boiler.

Sec. 27
SEC. 25. Steam or hot water heating pipes shall not be placed within 2 inches of any timber or wood unless the timber or wood work is protected by a metal shield, then the distance shall not be less than one inch. All steam and hot water pipe coverings shall consist of fire proof materials only.

SEC. 26. All gas brackets shall be placed at least 3 feet below any ceiling or wood work unless the same is properly protected with a shield, in which case the distance shall not be less than 18 inches. No swinging or folding gas brackets shall be placed against or near any stud, partition or wood work. No gas bracket or any lath or plaster partition or wood work shall be less than 5 inches in length, measuring from the burner to the plaster surface or wood work.

SEC. 27. No electrical wiring or installation of electrical apparatus or appliances for furnishing light or power shall be introduced into or placed in any building or structure in the City of Bend except in compliance with the rules and regulations of the National Board of Underwriters known as the National Electric Code, and said rules and regulations are hereby made a part of the requirements of this ordinance.

SEC. 28. The Common Council shall have the power and is hereby authorized to declare any building or structure of any nature whatsoever existing or erected in violation of the provisions of this ordinance a nuisance and is hereby empowered to abate the same.

SEC. 29. The owner or owners of any building or structure or part thereof or wall or any platform, staging or floor to be used for standing or seating purposes where any violation of this ordinance shall exist, and any architect, civil engineer, plumber, carpenter, mason, contractor, subcontractor, foreman, or any other person who may be employed to assist in the commission of any such violation and any and all persons who shall violate any of the provisions of this ordinance or shall fail to comply herewith or any requirements hereof, or who shall violate or fail to comply with any order or requirement made hereunder, or

who shall build in violation of any detail, specification or plans submitted and approved hereunder or any certificate of permit issued hereunder, shall severally, for each and every such violation and non-compliance respectively upon conviction thereof be punished by a fine of not less than \$10.00 nor more than \$200.00.

Sec. 30. From and after the passage of this Ordinance it shall be unlawful for any person or persons to erect in or near any building any chimney, flue or fire place, whether for heat, ventilation or whatsoever purpose, or to remodel any chimney, flue or fire place in any building unless such chimney, flue or fireplace shall be erected in accordance with the provisions hereinafter in this ordinance contained. All chimneys or flues for stoves, fire places or furnaces shall be well and securely built up through the building to a point at least three feet above flat roof and two and one half feet above ridge of peak roof of such building, and if on side of roof, must be at least as high as the peak.

SEC. 31. (CHIMNEYS, FLUES and FIREPLACES) Enclosing walls of all chimneys shall not be less than four (4) inches thick and division wall of all chimneys shall not be less than four (4) inches thick. Smoke flues of brick with two inlets shall not be less than seven and one half ($7\frac{1}{2}$) inches by seven and one half ($7\frac{1}{2}$) inches in the clear; for three inlets, the flue shall be eight by eight (8x8) inches in the clear. Flues in buildings of greater height shall be increased in size proportionately.

Flues larger than two hundred (200) square inches and less than five hundred (500) square inches must be surrounded by walls of not less than eight inches in thickness; flues larger than five hundred (500) and less than one thousand (1000) square inches must be surrounded by walls not less than twelve inches (12) in thickness up to a height of fifteen (15) feet above the inlet and eight (8) inches in thickness the remaining height; flues larger than one thousand (1000) square inches shall be proportionately increased in size and shall be lined with fire-brick for at least twenty (20) feet above the opening.

② The fire backs of all fireplaces hereafter erected shall be of solid masonry not less than eight (8) inches thick. When a grate is set in a fireplace a lining of fire-brick at least two (2) inches in thickness shall be added to the fire back unless soapstone tile or cast iron is used, and filled solidly behind with fire-proof material. The base of any fireplace shall be built wholly or partly on a wood base.

④ Any chimney flue larger than three hundred and fifty (350) square inches and less than five hundred (500) square inches, shall be carried up to a height of eight (8) feet above any roof immediately surrounding, or five feet above the highest part of the roof within a radius of fifty (50) feet of said chimney.

③ Every chimney which extends above the roof to a height equal to more than six times its thickness shall be properly anchored and secured.

⑥ On dwelling houses or stables three (3) stories or less in height, not less than six (6) of the top courses of chimney shall be laid in cement mortar, and the brick work shall be carefully bonded.

⑦ All flues shall be properly cleaned and all rubbish removed and the flues left smooth on the inside upon the completion of the building. All joints of all chimneys or flues shall be well filled and struck outside and inside. It shall be the duty of the building inspector to inspect all chimneys and flues under this ordinance and report any failure to comply with its provisions to the City Council.

SEC. 32. (CHIMNEY SUPPORTS) No chimney over fourteen (14) feet in height shall be built upon any floor or beam of wood, but must be run from the ground up.

Chimneys shall not be corbeled out more than eight (8) inches from the wall and the corbeling shall consist of at least five (5) courses of brick, but in twelve (12) inch brick walls corbeling shall not exceed four (4) inches. Piers which support the chimneys shall start from the foundation on the same face with the chimney breast and shall not be less than twelve (12) inches on the face and properly bonded into walls. When a chimney is to be cut off below, in whole or in part, it shall be wholly supported by stone, brick, iron or steel. Chimneys which are dangerous in any manner whatever shall be repaired and made safe or taken down.

When a smoke pipe enters a brick chimney a thimble shall be used and be bricked around with not less than four (4) inches of brick work brought out to face of thimbles.

Chimneys built wholly outside of frame structures or light walls thereof shall be well anchored to the stud walls with wrought iron anchors or bands on the outside at intervals not exceeding ten (10) feet.

SEC. 33. (STEAM and HOT WATER HEATING PIPES) All wood boxes or casings inclosing steam or hot air pipes and all wood covers to recesses in which steam or hot air pipes are placed, shall be lined with metal.

All pipes or ducts, used to convey air warmed by steam or hot water, shall be made of metal or other fireproof material. All steam or hot air coverings shall consist of fireproofing material only.

SEC. 34. (RANGES and STOVES) The backs of all ranges, candy furnaces and kettles, if set in brick and built against any woodwork, shall be not less than eight (8) inches thick, two (2) inches thick to a height of two (2) feet above the top of the furnaces or kettles.

In no case shall any range, candy furnace or kettle set in brick, be built against any brick wall with any combustible material between it and said wall, or upon said wall, for a height of two (2) feet above the top of such range, candy furnace or kettle.

All wood and lath and plaster or wooden ceilings over all ranges in hotels, restaurants and boarding houses, shall be guarded by metal hoods placed at least nine (9) inches below the ceilings, or shall be metal lined on walls and ceiling back of and above the range.

All ventilating pipes, connected with the hood over a range shall be at least nine (9) inches from any wood, lath and plaster or combustible material or such pipe shall be covered with one (1) inch of asbestos plaster on wire mesh, and shall not pass through any floor.

Stoves shall be kept twenty (20) inches, and their smoke pipes twelve (12) inches from any wood, lath or woodwork, or shall be protected with a metal shield arranged with at least one (1) inch air space behind such shield.

All low portable gas stoves or heaters shall be placed on iron stands or other incombustible bases, or the burners shall be at least six (6) inches above the base of the stove, and metal guard plates placed four (4) inches below the burners; all woodwork under them shall be covered with metal or other incombustible material.

37
SEC. 35. (CORNICES, BELTS, GUTTER and OTHER APPENDAGES)

All exterior cornices, belts, gutters and other appendages on buildings within the fire limits, shall be constructed of or covered entirely with fire proof material.

All metal cornices shall be rived and well secured into brackets not more than two (2) feet apart and properly built into the wall.

All wooden cornices or gutters on brick buildings, that are now or may hereafter become unsafe, shall be taken down and reconstructed of some fireproof material, upon an order from the building inspector.

Cornices of stone, brick or other masonry shall be properly supported on and well secured to the wall, and the greatest weight of material of such cornices shall be on the inside of the face of the wall.

SEC. 36. (SCUTTLES and LADDERS) All brick, stone or iron buildings shall have permanent means of access to the roof inside. The openings in the roof shall not be less than eighteen by thirty (18x30) inches. And when ladders are placed on the exterior of any building in the City of Bend, they shall be constructed of metal and bolted through the walls of said building at each story, with not less than five-eighths (5/8) bolts, with the nut and washers to show on the outside of the building.

SEC. 37. Subdivision 1. (ROOF COVERING) The roofs of all buildings hereafter erected within the fire limits and the roofs of all brick and stone buildings hereafter erected within the city, except buildings used as residences, shall be covered with either metal, slate, tiles or terra cotta or such material as may be approved by the City inspector.

Subdivision 2. Whenever the roof or roofs of any building or buildings within the fire limits shall (in the judgment of the Building Inspector) be or become damaged to the extent of forty (40) per cent of the value of said roof or roofs, then said roof or roofs shall be covered as provided in subdivision 1 of this section.

SEC. 38. (THICKNESS OF WALLS.--ENCLOSURE WALLS OF CLASS "A" BUILDINGS) Walls of brick built in between iron or steel columns, and supported wholly on iron or steel girders, shall not be less than twelve (12) inches thick for seventy five (75) feet of the uppermost height thereof, or to the tier of beams nearest to that measurement, in any building so constructed; any every lower section of sixty (60) feet, or to the tier nearest to such vertical measurement; or part thereof, shall have a thickness of four (4) inches more than is required for the section next above it down to the tier of beams nearest to the curb level; and thence downward, the thickness of the walls shall increase in the ratio of four (4) inches for every fourteen (14) feet, or part thereof.

and/or
SEC. 39. The Mayor, with the consent of the Council shall appoint an architect, civil engineer, competent builder or other competent person to be known as the chimney inspector, whose duty it shall be to examine and inspect all chimneys or flues hereafter erected, remodeled, or altered.

SEC. 40. Any person or persons, whether owner, builder or mechanic, who shall violate any section of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than \$10.00 for each offense; and any chimney or flue which is built in violation of any section of this ordinance shall be immediately demolished or rebuilt. It shall be the duty of the chimney inspector to see that this ordinance is enforced.

SEC. 41. Brick or stone chimneys or flues must be erected in any building hereafter constructed within the City of Bend, under the provisions of this ordinance, and the owner or owners of all buildings constructed in the City of Bend, prior to the passage of this ordinance, shall, within three months from the date of its taking effect, erect or cause to be erected or built in any such building or buildings, brick or stone flues or chimneys, in accordance with the provisions of this ordinance. The term "stone" as used herein, shall mean and include hard lava rock used in lime mortar.

copy
SEC. 42. Ordinance Number 39 of the City of Bend, Oregon, entitled: "An Ordinance to regulate the building of flues and chimneys for the prevention of fires" and Ordinance Number 40 of the City of Bend, entitled: "An Ordinance defining what shall constitute the fire limits of the City of Bend, and providing for certain matters concerning, affecting, or relating to the construction, equipment, alteration or repair of buildings or structures erected or to be erected within the fire limits of the City of Bend," and all amendments thereto, and all other ordinances or parts of ordinances of the City of Bend in conflict with any of the provisions of this ordinance be and the same are hereby repealed, providing, that such repeal shall not revive any ordinances repealed, by any of the ordinances which are hereby repealed.

SEC. 43. The invalidity of any Section or Provision of this Ordinance shall not invalidate any other Section or Provision hereof.

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Inasmuch as the immediate passage of this Ordinance is necessary for the protection, health and prosperity of the people of the City of Bend, and emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Read first time, April 4, 1916.
Read second time, April 7, 1916.

Approved April 7, 1916,

J. A. Eastes, Mayor.

Attest:

H. C. Ellis, Recorder.

ORDINANCE NO. 72

AN ORDINANCE regulating and licensing public dance halls and declaring an emergency..

BE IT ORDAINED by the Common Council of the City of Bend;
Section 1. No person, firm or corporation shall conduct, operate or maintain any public dance hall within the city limits of the city of Bend, except as by this ordinance provided.

Section 2. Any person, firm or corporation desiring to conduct, operate or maintain any public dance hall within the city of Bend, shall before doing so obtain and pay a license for such as follows:

Fifteen Dollars per quarter, all licenses shall be paid in advance. The City Recorder may issue permits or licenses to any person, firm or corporation desiring to conduct, operate or maintain any public dance hall within the City of Bend and all licenses fees shall be paid to the City Recorder.

Section 3. Any person violating any of the above provisions shall be deemed guilty of misdemeanor and upon conviction before the City Recorder shall be subject to a fine not exceeding \$25.00 or imprisonment in the city jail not exceeding 30 days or by both such fine and imprisonment.

Section 4. It shall be unlawful for any person, firm or corporation, or their agent or agents conducting, operating or maintaining any such public dance hall within the city of Bend, to allow or permit any female under the age of eighteen years to attend any dance conducted in such public dance hall, unless such female shall be accompanied by her parent or parents, guardian or other person having custody and control of such female person, or by written permission of such parents, guardian or person having custody or control of such female person.

Section 5. The Chief of Police or any police officer of the City of Bend is hereby empowered to act as dancing inspector, and his duties shall be to see that all dances shall be conducted in a decent and moral manner, and if at any time that such dancing inspector shall consider any such dance hall is being conducted in an immoral or indecent manner, he shall immediately cause the arrest of any such person, firm or corporation,

Repealed by 2012

or their agent or agents, who upon conviction before the city recorder shall be subject to a fine not exceeding \$25.00, or imprisonment in the City Jail not exceeding 30 days, or by both such fine and imprisonment, and the revocation of his license.

WHEREAS it is deemed to be to the best interest of the welfare, peace and prosperity of the City of Bend that this ordinance go into immediate effect therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council and its approval by the mayor.

Read first time June 13, 1916

Rules suspended by following vote:
McKay, Rudow, Silvis & Steidl
June 13, 1916 and passed.

Approved June 13, 1916
J. A. Eastes, Mayor

Attest H. C. Ellis
Recorder

ORDINANCE NO. 73

An ordinance providing that each hotel, rooming house, inn or tavern shall keep a register, requiring all patrons occupying same to register, and providing a penalty for violation thereof.

Section 1. That from and after the date and passage of this act and its approval by the Mayor, it shall be the duty of every hotel keeper, lodging house keeper, rooming house keeper, inn or tavern keeper to require all persons occupying a room or rooms in such hotel, lodging house, rooming house, inn or tavern to register his or her true name, before taking such room or rooms, such register to be kept in a convenient and public place, and shall at all times be subject to inspection by the city officials.

Section 2. Any hotel, rooming house, lodging house, inn or tavern keeper who shall violate Section 1 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction before the recorder's court shall be fined in a sum not less than \$5.00 or more than \$50.00, or by imprisonment in the city jail, not less than five days, nor more than twenty days, or by both fine and imprisonment.

Section 3. Any person, or persons occupying any room or rooms in such hotel, rooming house, lodging house, inn or tavern who shall fail, neglect or refuse to register his or her true name, shall be deemed guilty of a misdemeanor and upon conviction before the city recorder shall be subject to a fine of not less than \$5.00 nor more than \$50.00, or by imprisonment in the city jail not less than five nor more than twenty days, or by both fine and imprisonment.

Read first time May 2, 1916
Read second time and passed June 13, 1916.
Attest: H. C. Ellis, Recorder

Approved J. A. Eastes,
Mayor.

ORDINANCE NO. 74

AN ORDINANCE VACATING PORTIONS OF GREENWOOD AVENUE LYING WEST OF WALL STREET IN THE CITY OF BEND.

WHEREAS, the City Council of the City of Bend, did on the 31st day of January, 1916, by resolution, order certain portions of Greenwood Avenue vacated, and

WHEREAS, due and legal notice of same was duly given to the property owners adjacent to said Greenwood Avenue, by posting said notices and by mailing copies thereof to the said property owners, and

WHEREAS, each of said owners have consented to the vacation of said portion of Greenwood Avenue, therefore.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

That the following described portions of Greenwood Avenue lying west of Wall street in the city of Bend, and are hereby vacated:

Beginning at the Southeasterly corner of Lot 3, Block 1 of the plat of Bend, which point is at the intersection of Wall St. and Greenwood Ave. thence S. $36^{\circ} 33' 30''$ W. for 27.68 feet along the continuation of the Southeasterly line of said lot 3, thence N. $51^{\circ} 26' 30''$ W. for 67.38 feet, thence S. $73^{\circ} 46' 30''$ E. for 72.84 feet along the southerly line of said lot 3 to the point of beginning. Also beginning at the northerly corner of Lot 10 of Block 2 of the plat of Bend which point is at the intersection of the alley through said Block 2 and the south line of said Greenwood Avenue; thence N. $38^{\circ} 33' 30''$ E. for 32.64 feet, the same being a continuation of the Southeasterly line of said alley, thence S. $51^{\circ} 26' 30''$ E. for 79.45 feet to a point on the north line of said Lot 10, Block 2 of Bend, thence following the northerly line of said Lot 10 N. $73^{\circ} 46' 30''$ W. for 85.90 feet to the point of beginning, as the same are now located.

Read first time June 13, 1916

Rules suspended by vote: Steidl, Silvis, McKay & Rudow

Read second time and passed.

Attest H. C. Ellis
Recorder.

Approved
J. A. Eastes,
Mayor

ORDINANCE NO. 75

An ordinance regulating and limiting the rate of speed of vehicles, operated upon streets in the City of Bend, Oregon; providing for placing signs at certain street crossings, and providing a penalty for violation thereof.

BE IT ORDAINED BY THE CITY OF BEND:

Section 1. No vehicle run or operated upon any streets of the City of Bend, Oregon, shall at any time be run or operated at a greater speed than is reasonable and proper, having regard to the safety of the public and to the traffic and use of the street then traveled.

Section 2. It shall at all times be unlawful for any person whatsoever owning or operating or driving any vehicle upon any of the streets, to run or operate such vehicle at a greater speed than ²⁰ fifteen miles per hour; provided, however, that this section shall not apply to ambulances, while operated as such; and vehicles used by doctors, physicians and surgeons, while operating upon their respective businesses, shall be exempt from the provisions of this ordinance, where preference for right of way can be given them with due regard to the safety of the public, provided that each of such vehicles shall bear a red cross; nor shall the provisions of this ordinance apply to the Fire Department of the city; and provided, further, that with due regard to the safety of the public, the fire engines and fire apparatus shall have the right of way in all cases when in performance of service as such.

Section 3. The laws of the road everywhere in said city are declared to be as specified in the following subdivisions:

(1) Vehicles proceeding in opposite directions shall pass to the right, giving one half the street to each;

(2) Vehicles proceeding in the same direction overtake each other by passing to the left;

(3) The signal so to pass shall be given by one blast or stroke of horn, bell, whistle, gong or other signalling device;

(4) Should the overtaken vehicle then not give way, three such blasts or signals shall be given, and on failure to comply therewith the overtaking vehicle may at the next suitable place safe to both vehicles go by without further signal;

(5) It shall be the duty of every overtaken vehicle to turn to the right and give one half of the street to the overtaking vehicle;

(6) Vehicles approaching an intersecting street shall be under control so as to permit the vehicle on the right of the vehicle approaching to first cross the intersecting street;

(7) At all intersections the vehicle approaching the intersection from the right of any other vehicle approaching the intersection shall have the right of way.

(8) All vehicles approaching an intersection of a street, with the intention of turning thereat shall, in turning to the right, keep closely to the right, and in turning to the left, shall run to and beyond the center of the intersection, and in no event, shall a vehicle be turned at any other place than a street intersection;

(9) In all passing and overtaking such assistance shall be given by the occupants of each vehicle respectively to the other as the circumstances shall demand and either request and each of them exercise due care and caution to get clearance and avoid accidents. Every person having control or charge of any automobile, motor vehicle or motorcycle, whenever upon any public street and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, shall operate and manage and control such automobile, motor vehicle or motor cycle, in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened, the person in control of such motor vehicle shall reduce its speed, and, if requested by signal or otherwise by the driver of such horse or horses, shall not proceed further toward such animal, unless such movement be necessary to avoid accident or injury, or until such animal appears to be under control of its rider or driver;

(10) Every vehicle shall be kept upon the right half of the street traveled when the view ahead is not clear for at least one hundred

yards;

(11) No vehicle shall be moved, run or operated on the streets by any person unable or incapable to control the same with due regard to safety of the public and other vehicles; PROVIDED, that in all cases any person in a state of intoxication is deemed conclusively incapable and unable to operate and control the same;

(12) No vehicle used upon the streets shall be left standing unsecured, and howsoever it may be moved, its motive power shall be so secured that the same cannot operate or move the vehicle without some action upon the part of the owner and operator so to do; no part of the machinery of any vehicle shall be permitted to run while such vehicle is standing in any such street without an attendant; no vehicle shall stop with its left side to the curb.

(13) All vehicles left standing for a period of more than 10 minutes on the business streets of the City of Bend shall be parked along the side walk at an angle of 35 degrees.

Section 4. ⁸Equipment--Every motor vehicle shall be provided with adequate brakes sufficient to control the vehicle at all times and a suitable and adequate bell, horn, whistle or other signalling device, and shall, during the period from one hour after sunset to one hour before sunrise, display at least two white lights in lamps on the front and one red light in the rear of such vehicle. Said rear lamp shall show a white light across the rear of the vehicle. The white rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle. The light of the front lamps shall be visible at least two hundred feet in the direction in which the vehicle is proceeding; provided, that motor bicycles or motorcycles and all motor vehicles other than motor cars shall be required to display but one lighted lamp, such lamp to be placed on the front of the vehicle so that it shall be visible one hundred feet in the direction in which the vehicle is proceeding.

Section 5. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Municipal Court of

(2) write in spec 4 on spec 251 - 5-6-7

the City of Bend, be punished by a fine of not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars, and in case of failure or refusal to pay such fine, such person may be imprisoned in the city jail for a period not exceeding twenty-five (25) days, for the first offense, and for any second offense, such person shall, upon conviction thereof in said Court, be punished by a fine not exceeding One Hundred (\$100.00) Dollars and the cost of the prosecution, and in case of failure or refusal to pay such fine, the said person may be imprisoned in the city jail for a period not exceeding fifty (50) days, and for a third or any subsequent offense, such person shall, upon conviction thereof, be punished by a fine of not exceeding One Hundred and Fifty (\$150.00) Dollars and the cost of prosecution, and be imprisoned in the city jail for a period not exceeding seventy-five (75) days, or by both such fine and imprisonment.

Inasmuch as it is deemed to be for the best interests of the public health, peace and prosperity, that this ordinance go into effect immediately upon its passage and approval by the mayor, therefore an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage and approval by the mayor.

Read first time May 2, 1916

Read second time June 13, and passed.

Attest: H. C. ELLIS, Recorder. J. A. Eastes, Mayor

ORDINANCE NO. 76

Repealed by 169

An Ordinance regulating the placing of awnings within - the City of Bend, and providing for the changing of awnings already up before it was ordained by the Council of the City of Bend.

Section 1. All awnings which shall hereafter be placed or put up on any building within the corporate limits of the City of Bend, shall be in accordance with the provisions of this Ordinance hereinafter contained.

Section 2. Awnings with fringes, or lap below the frame work shall be placed not less than 6.6 feet above the sidewalk, and any awning not having a fringe or lap hanging below the frame work shall be placed not less than 6.6 feet above the sidewalk.

Section 3. All owners of buildings within the City of Bend which now have awnings hung which extend or project over the sidewalk which do not conform to Section 2 of this Ordinance shall replace or re-adjust such awnings so that the same shall conform with provisions of Section 2 of this Ordinance.

Section 4. Any person, firm or corporation desiring to put an awning on any building within the City of Bend shall first make application to the City Recorder for a permit to put such awning up; which application shall state the size of the awning, kind and distance to be placed above the sidewalk, and when such application conforms to the provisions of this Ordinance, the Recorder shall issue to such person, firm or corporation, a permit to put up such awning.

Section 5. It shall be the duty of the Chief of Police to immediately notify all owners of awnings within the City of Bend which do not conform with the provisions of this Ordinance to immediately replace or readjust such awnings that do not conform to the provisions of this Ordinance and if any such owner or owners shall refuse to so change or re-adjust his awning within thirty (30) days from date of receiving such notice, then the Chief of Police is hereby authorized to cause such awning or awnings to be re-adjusted so as to conform to the provisions of this Ordinance, or to cause such awning or awnings to be removed, the expense thereof to be charged to the owner or owners of such property.

Read first time May 3, 1916
Read second time Oct. 3, 1916

Approved Oct. 3, 1916
J. A. Eastes
Mayor

Passed Oct. 3, 1916

Attest:

H. C. Ellis
Recorder.

ORDINANCE NO. 77

Ard 88 Repeals Pedlar portion

AN ORDINANCE, providing for the licensing, regulating, and restraining of pedlars, hawkers, agents and canvassers within the corporate limits of the City of Bend, Oregon, and providing a penalty for the violation thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Sec. 1, It shall be unlawful for any person, firm or corporation, as principal or agent, to carry on the business of hawking and peddling within the corporate limits of the City of Bend, Oregon, by exposing or crying for sale within or upon any street, avenue, alley or public common of said City, or by going from house to house, or otherwise, any article of commerce without first obtaining a license from said city for said purpose;

Sec. 2. It shall be unlawful for any person, firm or corporation, as principal or agent, to carry on the business of canvassing by going from house to house, or from person to person to sell, or offer for sale by sample, order or otherwise, any article of commerce within the corporate limits of the City of Bend, without first obtaining a license from said City for said purpose; provided that the provisions of this Section shall not apply to those who sell by sample, order or otherwise, goods to be shipped from another State, and to be thereafter delivered;

No fee repealed until 3/1

Sec. 3. Licenses shall be obtained from the City Recorder of the City of Bend, and shall be signed by him upon the payment of license fees as follows:

For the sale of goods by travelling on foot:
Five Dollars (\$5.00) per day.

For the sale of goods from any kind of stand, vehicle, or any other similar device:

Twelve Dollars (\$12.00) per day.

No license issued under the provision of this ordinance shall be transferable.

Sec. 4. No person shall make, or cause, permit or allow to be made, any noise of any kind by crying, calling, shouting, or by means of any whistle, rattle, bell, horn, gong, hammer or similar device for the purpose of advertising any goods, wares or merchandise

or for attracting the attention, or inviting the patronage of any person to any business whatsoever upon any street, avenue, alley, public way or common of the City of Bend, Oregon;

Sec. 5. No person, whether licensed or not, shall erect, maintain, or keep, any stand, tray, vehicle or other container of goods of similar nature, used in connection with the sale of any article of commerce at any one place, or to stop the same upon any street, avenue, alley or public way or common within the City of Bend, except he be actually engaged in making a sale of an article; provided that the provisions of this section shall not apply to the sale of newspapers, milk, ice, nor to the sale of the products of any such person's own raising or manufacture.

Sec. 6. If any of the provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which shall not expressly be held to be void or unconstitutional shall continue in full force and effect.

Sec. 7. Any person, or persons, found guilty of violating any of the provisions of this ordinance, upon conviction therefor, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), or by imprisonment of not less than Two (2) Days, nor more than Twenty five (25) days, or by both such fine and imprisonment.

Sec. 8. All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance, shall be, and the same hereby are, repealed insofar as they are in conflict herewith, but not otherwise.

Read first time Oct. 10, 1916
Rules suspended Oct. 10, 1916
read second time and passed
October 10, 1916

Approved Oct. 10, 1916

Attest:
H. C. Ellis
Recorder

J. A. Eastes
Mayor

ORDINANCE NO. 78

An Ordinance to provide for regulating the sale of ethyl alcohol within the City of Bend by druggists, pharmacists, or any other person, firm or corporation permitted, under Chapter 141, 1915 Session Laws of Oregon, and providing penalty and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That from and after the passage of this ordinance and its approval by the Mayor, it shall be unlawful for any druggist or registered pharmacist, or any other person, firm or corporation permitted by law to sell ethyl alcohol, to sell or give away any ethyl alcohol in Bend, Oregon, except as hereinafter provided.

Section 2. No Druggist, registered pharmacist or any other person, firm or corporation shall sell to any person, firm or corporation in Bend, any ethyl alcohol or diluted alcohol, except such ethyl alcohol or diluted alcohol, is first denatured in accordance with formulas set out in the rulings of the United States Internal Revenue Department. Provided, however, that this section shall not prohibit physicians duly licensed to practise medicine in Oregon from giving prescriptions for such ethyl alcohol in the manner provided by law.

Section 3. Any person, firm or corporation violating the provisions of this ordinance shall, upon conviction before the Recorder's Court, be subject to a fine not exceeding Two Hundred Dollars, or imprisonment in the City Jail not to exceed 100 days or by both fine and imprisonment.

WHEREAS, it is deemed necessary for the peace, health and prosperity of the City of Bend that this Ordinance go into immediate effect. Therefore, this Ordinance shall become effective immediately upon its passage by the Council and approval of the Mayor.

Proposed Ordinance read first time
Oct. 27, 1916
Rules suspended by vote of Steidl, Silvis,
Caldwell, Rudow, McKay and Brosterhaus
Read second time and passed Oct. 27, 1916
Attest: H. C. Ellis
Recorder.

J. A. Eastes
Mayor

ORDINANCE NO. 79

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE TAKING OF A CENSUS OF THE INHABITANTS OF THE CITY OF BEND, CROOK COUNTY, OREGON, PROVIDING FOR THE APPOINTMENT OF A CENSUS TAKER, AND DECLARING AN EMERGENCY

Whereas, it is deemed desirable and necessary, and for the best interest of the City of Bend, Crook County, Oregon, that a census be taken of the inhabitants of the said City of Bend, in order to determine officially the population of the said city, in order to determine whether the population of the said city is sufficient to secure for the said city the benefits of the law of the State of Oregon particularly section 1 of Chapter 283 of the General Laws of Oregon, 1913, as amended by Chapter 105 of the General Laws of Oregon, 1915, relative to the building, owning, operating, and maintaining by incorporated cities and towns having a population of over one thousand, of waterworks, water systems, railways and railroads, electric light and power plants, within and without the boundaries of said corporation, for the benefit and use of the inhabitants thereof; Now, therefore, by reason of the premises:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That a census of the inhabitants of the said city of Bend is hereby authorized, ordered and directed to be taken for the purpose of determining the population of said city, as the same exists within the boundaries thereof, as said boundaries are defined by the charter of said city.

Section 2. That for the purpose of taking said census and enumerating the population of said city, within the boundaries thereof, as hereinbefore described, H. J. Overturf, a duly qualified elector of said city, is hereby appointed the official census-taker of said city, and is hereby authorized and directed to proceed with all convenient speed to enumerate the inhabitants of said city in a thorough and careful manner, so as to determine the correct number of the population thereof; and the said H. J. Overturf is authorized to purchase such books and supplies as will be necessary to make and keep a record of the census so taken by him, which record shall show the name, sex,

color, approximate age, and street address of each person in and around said city; the expense of said record books to be paid by the city of Bend, but is not to exceed \$50.00, after approval by the Mayor of said city.

Section 3. That the compensation of said official census-taker shall be \$50.00 to be paid out of the general fund of said city, and the said H. J. Overturf may, with the approval of the mayor, appoint no persons to assist him in taking the said census, each of which persons shall be paid no \$___ per day, to be paid out of said general fund; and said census shall be taken and completed and the record thereof duly certified to under oath, as being a true and correct enumeration of the population of said city, by said H. J. Overturf, and each person employed by him to assist in the taking of the said census, and filed with the city recorder on or before the 1st day of December, A. D. 1916.

Section 4. That before beginning his duties as such official census-taker, the said H. J. Overturf shall take and subscribe the oath of office required of the officers of the said city of Bend, which oath shall be filed with the city recorder; and each person employed to assist in taking said census as hereinabove provided, shall also take and subscribe the usual oath of office required of the officers of the said city, and each such oath shall be taken and filed with the said recorder prior to the commencement of the duties of each such person as an assistant of said census-taker.

Section 5. That inasmuch as it is deemed immediately necessary for the public health, peace and safety of the people of the city of Bend, that said census shall be taken as soon as possible, and that for that purpose this ordinance become effective at as early a date as possible, an immediate emergency is hereby declared to exist, and this ordinance shall take effect and be in full force from and after its passage and approval and shall not be subject to the referendum.

Passed by the common council this 21st day of November A.D.1916

Approved by the mayor this 21st day of November, A.D.1916

J. A. Eastes

Mayor of the City of Bend,
Crook County, Oregon

(S E A L)

H. C. Ellis
City Recorder of the City of
Bend, Crook County, Oregon

ORDINANCE NO. 80

AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION AND DELIVERY TO THE PURCHASERS OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000) NEGOTIABLE COUPON BONDS OF THE CITY OF BEND, CROOK COUNTY, OREGON, FOR THE PURPOSE OF BORROWING MONEY WITH WHICH TO BUILD AND EQUIP A RAILROAD WITHIN AND WITHOUT THE BOUNDARIES OF THE CITY FOR THE BENEFIT AND USE OF THE INHABITANTS THEREOF, AND FOR PROFIT; PRESCRIBING THE FORM OF SAID BONDS AND FIXING THE DETAILS OF THE ISSUE, AND PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A DIRECT ANNUAL AD VALOREM TAX UPON ALL OF THE TAXABLE PROPERTY OF SAID CITY, IN ADDITION TO ALL OTHER TAXES, SUFFICIENT TO CREATE A FUND WITH WHICH TO PAY THE INTEREST ACCRUING ON SAID BONDS WHEN AND AS THE SAME BECOMES DUE AND TO ESTABLISH A SINKING FUND WITH WHICH TO DISCHARGE THE PRINCIPAL THEREOF AT MATURITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

* * * *

Section 1. That it has been and it is hereby ascertained, determined and declared that the city of Bend, Crook county, Oregon, has a population of more than one thousand persons and is authorized and empowered by Section 21 of Chapter XXI of the charter of said city, as amended at an election held on the 15th day of August, A. D. 1916, to buy, build, equip, acquire, maintain and operate a railroad operated by steam, electric or other power within and without the boundaries of said city for the benefit and use of the inhabitants thereof and for profit, and that the Common Council deems it advisable and to the best interests of said city to exercise the said powers and build and equip a railroad for said city.

Section 2. That for the purpose of borrowing money with which to build and equip a railroad within and without the boundaries of the city for the benefit and use of the inhabitants thereof, and for profit, there shall be and there are hereby authorized, ordered and directed to be issued and delivered to the purchasers thereof the following described bonds:

Coupon bonds of the city of Bend, Crook county, Oregon, to be designated "RAILROAD BONDS" to an amount aggregating the principal sum of Thirty-five Thousand Dollars (\$35,000), comprised of 70 bonds, numbered from 1 to 70, inclusive, of the denomination of \$500.00 each, dated November 1st, A. D. 1916, due and payable November 1st, A. D. 1946 and optional for redemption by said city on and after November 1st, A. D. 1936 and bearing interest from their date until paid at the rate of six per centum (6%) per annum, payable semi-annually, on the first days of May and November, respectively, in each year, both principal thereof and interest thereon payable in lawful money of the United States of America at the Fiscal Agency of the State of Oregon, in the city and state of New York, U. S. A.

‡ Section 3. That each of said bonds and each of the interest coupons thereto attached, except as to their number, shall be in substantially the following form, to-wit:

* * * *

(FORM OF BOND)

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF CROOK

CITY OF BEND

NO. _____

\$500.00

Railroad Bond

KNOW ALL MEN BY THESE PRESENTS: That the City of Bend, Crook county, Oregon, acknowledges itself to owe and for value received hereby promises to pay to the bearer hereof the principal sum of Five hundred dollars on November first, A. D. 1946, together with interest thereon at the rate of six per centum per annum, payable semi-annually on the 1st day of May and November, respectively, in each year, evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due, both principal and interest hereby made payable in lawful money of the United States of America at the Fiscal Agency of the State of Oregon, in the city and state of New York, U. S. A.

This bond is issued by said city for the purpose of borrowing money to pay the cost of the construction and equipment of a railroad to run within and without said city for the benefit and use of the inhabitants thereof and for profit, under, by virtue of and in all respects in full and strict compliance with the constitution and laws of the state of Oregon and Section 21 of Chapter XXI of the charter of said city and an ordinance duly adopted by the common council thereof prior to the issuance of this bond.

It is hereby certified, recited and warranted that said city has been for many years past and is now a body politic and corporate and a municipal corporation duly organized, existing and operating as a city under and by virtue of the constitution and general laws of the state of Oregon.

And it is hereby further certified, recited and warranted that all things, acts and conditions required by the constitution and laws of the state of Oregon and the charter and the people of said city to exist and to happen and be done and performed precedent to and in the issuance of this bond, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and performed in regular and due form and time; that the total indebtedness of said city, including this bond, does not exceed any constitutional, statutory or charter limitation; and that due provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of the city, in addition to all other taxes, sufficient to create a fund to pay the interest accruing on this bond when and as the same becomes due and to establish a sinking fund with which to discharge the principal hereof at maturity.

The faith, credit and all of the taxable property of said city are hereby irrevocably pledged for the punctual payment of the principal and interest of this bond, respectively, as the same become due and are payable as aforesaid.

This bond is redeemable at the option of said city on and after November first, A. D. 1936.

IN TESTIMONY WHEREOF, The city of Bend, Crook county, Oregon, by its common council, has caused this bond to be signed by the Mayor, attested by the recorder and sealed with the corporate seal of said city and the attached interest coupons to be signed with the engraved facsimile signatures of its said officers, this _____ day of _____, A. D. 1916.

Mayor

(S E A L)

Attest:

Recorder.

(Form of Coupon)

No. _____

\$15.00

On May 1st,
November 1st, A. D. 19_____,

The city of Bend, Crook county, Oregon, for value received
promises to pay to the bearer hereof the sum of Fifteen Dollars in lawful
money of the United States of America, at the Fiscal Agency of the state
of Oregon, in the city and state of New York, U. S. A., being six months'
interest then due on its Railroad Bond, dated November 1st, A. D. 1916,
No. _____.

Mayor

Recorder

* * * *

RECORDED
INDEXED
FEB 10 1917
CROOK COUNTY

Section 4. That each of said bonds shall be signed by the mayor and attested by the recorder and sealed with the corporate seal, respectively, of said city, which seal shall be impressed thereon; and that the officers of said city in this section mentioned are hereby authorized, ordered and directed to cause said bonds to be prepared substantially in the form hereinabove set forth and to execute the same for and in behalf of said city as and in the manner aforesaid, and cause the bonds to be delivered without undue or unnecessary delay to _____, the lawful purchasers of the same, upon payment being made to said treasurer of the agreed purchase price of said bonds in a separate fund subject to the order of the common council of said city to be used exclusively for the purpose of building and equipping a railroad within and without the boundaries of the city for the benefit and use of the inhabitants thereof and for profit, but the purchaser of said bonds, or any subsequent holder shall be in nowise responsible for the application of the proceeds of the sale of said bonds by the said treasurer, common council or any of the officers of said city; and when said bonds, or any part thereof, shall have been delivered to said purchaser they shall thereafter be incontestable and their legality shall not be open to contest by any person or persons, corporation or corporations, or by the city, for any reason or reasons whatever.

Section 5. The interest falling due on said bonds on May 1st and November 1st, A. D. 1917, shall be and the same is hereby ordered appropriated and paid by the city treasurer from the general fund, or out of any moneys in his hands belonging to said city, and for the purpose of repaying the amount or amounts so borrowed and also to create a fund sufficient to pay the interest accruing on said bonds subsequent to November 1st, A. D. 1917, promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal thereof at maturity, there shall be and there is hereby levied upon all of the taxable property of said city, in addition to all other taxes, in each of the years 1917 to 1945, inclusive, a direct annual ad valorem tax sufficient to create and maintain a fund to pay said interest and principal as the same become due and payable; and said tax, when collected, shall be turned over to and by the city treasurer kept in a separate

fund to be known as and designated "Railroad Bonds, dated November 1st, 1916, bond interest and sinking fund," which shall be irrevocably pledged to and used solely for the payment of the interest on and principal of the said bonds hereby authorized when due, so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid; and for greater certainty, the common council of said city shall in each of said years 1917 to 1945, inclusive, include the bond tax hereinabove levied for such year in the annual estimate for said city for such year and said bond tax shall in each of said years at the lawful time and by the said common council and the officers of said city, be duly certified to the county officers having to do with the extending of the taxes upon the tax rolls, and it shall be the duty of the proper county and city officers, and they are hereby required annually at the time and in the manner provided by law for the levying and collecting of other taxes, to ratify and carry out the provisions of this ordinance, with reference to the levying and collecting of taxes, and requiring the officers of and for said county to levy, extend and collect such taxes in the manner provided by law, for the purpose of creating a fund for the payment of the interest upon and the principal of the said bonds hereby authorized; and the said taxes, when so collected shall be turned over to and by the city treasurer kept for and applied only to the payment of said interest and principal of said bonds as hereinabove specified, but nothing herein contained shall be so construed as to prevent said city from applying any funds that may be in the treasury and available for that purpose to the payment of said interest or principal as the same respectively mature, and the levy or levies hereinabove provided for may thereupon to that extent be diminished, and upon payment of the principal of any of the bonds issued hereunder in said manner, or by the use of the sinking fund herein provided for, the levy or levies herein provided for the payment of interest may to the extent of the interest on the bonds so paid be diminished.

Section 6. That on the 15th days of April and October, respectively, in each year, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued remain outstanding and unpaid, the city treasurer shall and he is hereby authorized, ordered

and directed, as and in the manner designated by Chapter 46, general laws of Oregon of 1911, to remit out of any moneys in his hands belonging to said city, in the form of check or draft payable in New York City, U. S. A., to the Fiscal Agency of the state of Oregon in said city of New York, a sum sufficient to pay the semi-annual interest accruing on said bonds on the first days of May and November, respectively, in each year, and any and all escrow charges made by said Fiscal Agency for handling said coupons; and on the 15th day of October in the year A. D. 1946, the said treasurer shall and he is hereby authorized, ordered and directed, as and in the manner provided by chapter 46 aforesaid, out of the sinking fund created under the provisions of this ordinance, to remit by check or draft payable in New York, to said Fiscal Agency, a sum sufficient to pay the principal amount of all of the said bonds as may then be outstanding, due and unpaid together with all accrued interest thereon, and any and all escrow charges made by said Fiscal Agency for handling the same.

Section 7. That the sale and award of the bonds of said city hereinbefore mentioned shall be made by the mayor and common council of said city, upon the best terms at which said bonds can be sold, to the highest and best bidders therefor, and the acts of the mayor and common council in the premises be and the same are hereby ratified, approved and confirmed.

Section 8. That the mayor, the treasurer and recorder, respectively, of said city, all, any or either of them are hereby authorized, ordered and directed to furnish the aforesaid purchaser of said bonds, with a complete certified copy of the charter of said city showing all amendments heretofore made thereto, and with such certificates, transcripts or other documents as will fully evidence the proceedings had preliminary to the issuance of said bonds and the indebtedness to be funded and paid thereby, the regularity and sufficiency thereof, and the acts of any one or all of said officers in the premises are hereby authorized, ratified, approved and confirmed.

Section 9. That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential

to the validity of the bonds hereinbefore and hereinabove mentioned and the indebtedness of the city to be funded and paid thereby, and required by law to be done, have been fully done and performed.

Section 10. That the provisions of this ordinance and each of the bonds and each of the interest coupons issued pursuant thereto, shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said bonds and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

Section 11. That all resolutions, ordinances or orders in conflict with the provisions hereof, be and the same are hereby repealed, rescinded and annulled.

Section 12. That this ordinance being for the purpose of carrying into effect the objects authorized and ordered by a majority vote of the qualified electors of said city as expressed at the special election held therein on August 15th, A. D. 1916, for the purpose of amending the charter of the city, more particularly by amending Section 21 of Chapter XXI of said charter, is necessary for the immediate preservation of the peace, health and safety of the city and an emergency exists and the same shall therefore be in full force and effect from and after its passage and approval and shall not be subject to the referendum.

Section 13. That this ordinance shall be forever irrevocable until the indebtedness thereby funded both as to principal and interest, shall have been fully paid, satisfied and discharged.

Approved this 21 day of Nov, A. D. 1916.

J. A. Easton
Mayor of the City of Bend, Crook
County, Oregon.

(S E A L)

Attest:

H. C. Ellis
Recorder of the City of Bend, Crook
County, Oregon.

STATE OF OREGON }
COUNTY OF CROOK } SS
CITY OF BEND }

I, H. C. ELLIS, Recorder of the city of Bend, do hereby certify that the foregoing nine typewritten sheets, numbered from 1 to 9, inclusive, and marked at the beginning "Ordinance No. 80", constitute a true, perfect and complete copy of said Ordinance No. 80 passed by the common council of said city on the 21 day of November, A. D. 1916 and approved by the mayor on the 21 day of November, A. D. 1916; that on its final passage, the number of votes cast for said ordinance were 10; that the number of votes cast against said ordinance were none; that said ordinance became of full force and effect the 21 day of Nov, A. D. 1916, and the same was duly and lawfully passed and approved and became of full force and effect in accordance with the constitution and laws of the state of Oregon, and the charter of the city of Bend.

H. C. Ellis
Recorder of the city of Bend.

(S E A L)

ORDINANCE NO. 81

AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION AND DELIVERY TO THE PURCHASERS OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000) NEGOTIABLE WARRANTS OF THE CITY OF BEND, CROOK COUNTY, OREGON, FOR THE PURPOSE OF BORROWING MONEY WITH WHICH TO BUILD AND EQUIP A RAILROAD WITHIN AND WITHOUT THE BOUNDARIES OF THE CITY FOR THE BENEFIT AND USE OF THE INHABITANTS THEREOF, AND FOR PROFIT; PRESCRIBING THE FORM OF SAID WARRANTS AND FIXING THE DETAILS OF THE ISSUE, AND PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION, OF A DIRECT ANNUAL AD VALOREM TAX UPON ALL OF THE TAXABLE PROPERTY OF SAID CITY, IN ADDITION TO ALL OTHER TAXES, SUFFICIENT TO CREATE A FUND WITH WHICH TO PAY THE INTEREST ACCRUING ON SAID WARRANTS AND TO DISCHARGE THE PRINCIPAL THEREOF; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That it has been and is hereby ascertained, determined and declared that the city of Bend, Oregon has a population of over one thousand (1,000) persons, and is authorized and empowered by its charter to build, acquire, own, operate and maintain a railroad operated by steam, electric or other power, and that it is to the best interest of said city to exercise the said power and authority pursuant to provisions of section 21 of chapter XXI of the charter of said city as amended by an election held August 15th., A. D. 1916.

Section 2. That for the purpose of borrowing money with which to build and equip a railroad within and without the boundaries of the city for the benefit and use of the inhabitants thereof, and for profit, there shall be and there are hereby authorized, ordered and directed to be issued and delivered to the purchasers thereof the following described warrants:

General fund warrants of the city of Bend, Crook county, Oregon, to an amount aggregating the principal sum of Thirty-five thousand dollars (\$35,000), bearing interest from their date until paid at the rate of six (6) per centum per annum, payable semi-annually.

Section 3. That each of said warrants, except as to their number, amount and name of payee, respectively, shall be in substantially the following form, to-wit:

RECEIVED
CITY OF BEND
CROOK COUNTY
OREGON

(Form of Warrant)

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF CROOK

CITY OF BEND

No. _____

\$5,000

General Fund Warrant

TO THE TREASURER OF THE CITY OF BEND, Oregon:

For value received, pay to bearer out of the general fund of the city of Bend, Oregon, the sum of Five Thousand Dollars, together with interest thereon at the rate of six per centum per annum, payable semi-annually.

This warrant is issued by said city for the purpose of borrowing money to pay the cost of the construction and equipment of a railroad to run within and without said city for the benefit and use of the inhabitants thereof and for profit, under, by virtue of and in all respects in full and strict compliance with the constitution and laws of the state of Oregon and Section 21 of Chapter XXI of the charter of said city and an ordinance duly adopted by the common council thereof prior to the issuance of this warrant, and it is hereby certified, recited and warranted that all things, acts and conditions required by the constitution and laws of the state of Oregon and the charter and people of said city to exist and to happen and be done and performed precedent to and in the issuance of this warrant, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and performed in regular and due form and time; that the total indebtedness of said city, including this warrant, does not exceed any constitutional, statutory or charter limitation; and that due provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of the city, in addition to all other taxes, sufficient to create a fund to pay the interest accruing on this warrant and to discharge the principal hereof.

IN TESTIMONY WHEREOF, The city of Bend, Crook County, Oregon,
by its common council, has caused this warrant to be signed by the
mayor, attested by the recorder and sealed with the corporate seal of
said city, this 18 day of Dec, A. D. 1916.

Mayor

(S E A L)

Attest:

Recorder.

Section 3. That each of said warrants shall be signed by the mayor and attested by the recorder and sealed with the corporate seal, respectively, of said city, which seal shall be impressed thereon; and that the officers of said city in this section mentioned are hereby authorized, ordered and directed to cause said warrants to be prepared substantially in the form hereinabove set forth and to execute the same for and in behalf of said city as and in the manner aforesaid, and cause the warrants to be delivered without undue or unnecessary delay to The First National Bank of Bend, the lawful purchasers of the same, upon payment being made to said treasurer of the agreed purchase price therefor; that said treasurer shall hold the proceeds of the sale of said warrants in a separate fund subject to the order of the common council of said city to be used exclusively for the purpose of building and equipping a railroad within and without the boundaries of the city for the benefit and use of the inhabitants thereof and for profit, but the purchaser of said warrants, or any subsequent holder shall be in nowise responsible for the application of the proceeds of the sale of said warrants by said treasurer, common council or any of the officers of said city; and when said warrants, or any part thereof, shall have been delivered to said purchaser they shall thereafter be incontestable and their legality shall not be open to contest by any person or persons, corporation or corporations, or by the city, for any reason or reasons whatever.

Section 4. The interest falling due on said warrants semi-annually, shall be and the same is hereby ordered appropriated and paid by the city treasurer from the general fund, and for the purpose of reimbursing and supplying said fund with money sufficient to pay the interest accruing on said warrants and to discharge the principal thereof, there shall be and there is hereby levied upon all of the taxable property of said city, in addition to all other taxes, in each of the years 1916 to 1922, inclusive, a direct annual ad valorem tax sufficient to create and maintain a fund to pay said interest and principal on or before seven years from the date of said warrants; and said tax, when collected, shall be turned over to

and by the city treasurer kept in a general fund and shall be used solely for the payment of the interest on and the principal of the said warrants hereby authorized, so long as any of said warrants or the interest thereon remain outstanding and unpaid; and for greater certainty, the common council of said city shall in each of said years 1916 to 1922, inclusive, include the warrant tax hereinabove levied for such year in the annual estimate for said city for such year and said warrant tax shall in each of said years at the lawful time and by the said common council and the officers of said city, be duly certified to the officers having to do the extending upon the tax roll and the collection of the same, and it shall be the duty of said officers, and they are hereby required annually at the time and in the manner provided by law for the levy and collecting of other taxes, to ratify and carry out the provisions of this ordinance, with reference to the levying and collecting of the taxes herein provided, for the purpose of creating a fund for the payment of the interest upon and the principal of the said warrants hereby authorized; and the said taxes, when so collected shall be turned over to and by the city treasurer kept for and applied only to the payment of said interest and principal of said warrants as hereinabove specified, but nothing herein contained shall be so construed as to prevent said city from applying any funds that may be in the treasury and available for that purpose to the payment of said interest or principal, and the levy or levies hereinabove provided for may thereupon to that extent be diminished, and upon payment of the principal of any of the warrants issued hereunder in said manner, or by the use of the moneys herein provided for, the levy or levies herein provided for the payment of interest may to the extent of the interest on the warrants so paid be diminished.

Section 5. That semi-annually from the date of said warrants, so long as any of the said warrants hereby authorized to be issued remain outstanding and unpaid, the city treasurer shall and he is hereby authorized, ordered and directed to pay the interest due on said warrants at the rate of six (6) per centum per annum; and as soon as there

are moneys in the general fund of said city, in addition to moneys required for the payment of interest, sufficient to pay the principal of one or more of said warrants, then the city treasurer shall give notice of his intention to pay one or more of said warrants, according to the amount of funds in his hands, said warrants to be paid in numerical order. The said notice shall designate the time of payment and the number or numbers of the warrant or warrants to be paid and shall be published for three successive weeks prior to the date of said payment, the first publication to be not less than thirty days prior to said date of payment.

Section 6. That the sale and award of the warrants of said city hereinbefore mentioned heretofore made by the mayor and common council of said city, upon the best terms and at the lowest rate of interest at which said warrants can be sold, namely at six (6) per cent interest per annum, to The First National Bank of Bend the highest and best bidders therefor, be and the same is hereby ratified, approved and confirmed.

Section 7. That the mayor, the treasurer and the recorder, respectively, of said city, all, any or either of them are hereby authorized, ordered and directed to furnish the aforesaid purchaser of said warrants, with a complete certified copy of the charter of said city shewing all amendments heretofore made thereto, and with such certificates, transcripts or other documents as will fully evidence the proceedings had preliminary to the issuance of said warrants, the regularity and sufficiency thereof, and the acts of any one or all of said officers in the premises are hereby authorized, ratified, approved and confirmed.

Section 8. That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential to the validity of the warrants hereinbefore and hereinabove mentioned and required by law to be done, have been fully done and performed.

Section 9. That the provisions of this ordinance and each of the warrants, shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said warrants and the holder from time to time of each of

said warrants.

Section 10. That all resolutions, ordinances or orders in conflict with the provisions hereof, be and the same are hereby repealed, rescinded and annulled.

Section 11. That this ordinance being for the purpose of carrying into effect the objects authorized and ordered by a majority vote of the qualified electors of said city as expressed at the special election held therein on the 15th day of August, A. D. 1916, for the purpose of amending the charter of the city, more particularly by amending Section 21, Chapter XII of said charter, is necessary for the immediate preservation of the peace, health and safety of the city and therefore an emergency exists and the same shall therefore be in full force and effect from and after its passage and approval and shall not be subject to the referendum.

Section 12. That this ordinance shall be forever irrevocable until the indebtedness hereby created, both as to principal and interest, shall have been fully paid, satisfied and discharged.

Approved this 18 day of Sept, A. D. 1916

(S E A L)

J. E. Easton
Mayor of the city of Bend, Crook
county, Oregon.

Attest:

H. C. Ellis
Recorder of the city of Bend, Crook
County, Oregon.

STATE OF OREGON)
COUNTY OF CROOK) SS
CITY OF BEND)

I, H. C. ELLIS, the undersigned, do hereby respectively certify with regard to the city of Bend, Crook County, Oregon, and Ordinance No. 81 thereof as follows:

1. That I am the duly qualified, sworn and acting recorder in and for said city and the lawful custodian of the books and records of said office.

2. That at a special meeting of the common council of said city lawfully called and duly held on the 18 day of Dec, A. D. 1916, at the hour of 8 o'clock P. M. the said ordinance was introduced; that because of an emergency declared to be existing, upon motion duly made, seconded and unanimously carried the provisions of the charter of said city requiring an interval of ten days between the first and second reading of any proposed ordinance was suspended in accordance with the provisions of Section 1, Article "A", Chapter 8, of said charter, and said ordinance was read the first and second time and passed finally at said meeting.

That on roll call, the voting upon the suspension of said charter requirement resulted as follows:

Those voting Aye: Councilmen Clyde M. McKay, John Steidl, Chas. V. Silvis, E. P. Brosterhouse, Samuel C. Caldwell and L. C. Rudlow.

Those voting No - None.

That upon roll call, the voting upon the final passage of said Ordinance No. 81 resulted as follows:

Those voting Aye: Councilmen McKay John Steidl
Silvis Brosterhouse Caldwell Rudlow

Those voting No - None.

3. That the foregoing 8 typewritten sheets numbered from one to eight inclusive, constitute a true, perfect and complete copy of said Ordinance No. 81 hereinabove referred to, and filed in the office of the city recorder on the 18 day of Dec 1916.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the corporate seal of the city of Bend, Crook County, Oregon, this
18 day of Dec, A. D. 1916.

H. C. Ellis
City Recorder in and for the City
of Bend, Crook County, Oregon.

(S E A L)

ORDINANCE NO. 82

"AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION AND DELIVERY OF THIRTY FIVE THOUSAND DOLLARS (\$35,000) NEGOTIABLE COUPON FUNDING BONDS OF THE CITY OF BEND, CROOK COUNTY, OREGON, FOR THE PURPOSE OF FUNDING, PAYING AND REDEEMING A LIKE AMOUNT OF THE WARRANT INDEBTEDNESS OF SAID CITY OUTSTANDING, DUE AND UNPAID AND HERETOFORE INCURRED FOR THE CONSTRUCTION AND EQUIPMENT OF A RAILROAD; PRESCRIBING THE FORM OF SAID BONDS AND FIXING THE DETAILS OF THE ISSUE AND PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A DIRECT ANNUAL AD VALOREM TAX UPON ALL OF THE TAXABLE PROPERTY OF SAID CITY, IN ADDITION TO ALL OTHER TAXES, TO CREATE A FUND SUFFICIENT TO PAY THE INTEREST ACCRUING UPON SAID BONDS PROMPTLY WHEN AND AS THE SAME BECOMES DUE AND TO ESTABLISH A SINKING FUND WITH WHICH TO DISCHARGE THE PRINCIPAL THEREOF AT MATURITY.

- - - - -

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That for the purpose of funding, paying and redeeming a like amount of the warrant indebtedness of said city now outstanding, due and unpaid and heretofore incurred pursuant to the provisions of the charter and ordinances of said city for the construction of a railroad by said city, there shall be and there are hereby authorized, ordered and directed to be issued, delivered and exchanged for said outstanding warrants, dollar for dollar, the negotiable funding bonds of said city to an amount equal to said outstanding warrant indebtedness, aggregating the principal sum of \$35,000; that said bonds shall be known as and designated "Funding Bonds"; shall be comprised of 35 bonds numbered consecutively from 1 to 35, inclusive, of the denomination of \$1,000 each, shall bear date of November 1st, A. D. 1916, and become due and payable serially in equal annual amounts of \$5,000 each, commencing on November 1st, A. D. 1940; shall bear interest from their date until paid at the rate of six (6) per centum per annum, payable semi-annually on the first days of May and November, respectively, in each year, which installments of interest to date of maturity of principal shall

be evidenced by appropriate coupons attached to each bond; and both the principal thereof and the interest thereon shall be payable in lawful money of the United States of America, at the Oregon Fiscal Agency, in the city and state of New York, U. S. A.

Section 2. That each of said bonds and each of the interest coupons to be thereto attached shall be in substantially the following forms, respectively, to-wit:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF CROOK

CITY OF BEND

NO. _____

\$1,000

Funding Bond

KNOW ALL MEN BY THESE PRESENTS, That the city of Bend, Crook county, Oregon, acknowledges itself to owe and for value received hereby promises to pay to the bearer hereof the principal sum of One Thousand Dollars on November first, A. D. 19____, together with interest on said sum from the date hereof until paid at the rate of six per centum per annum, payable semi-annually on the first days of May and November, respectively, in each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due; and both the said principal and interest are hereby made payable in lawful money of the United States of America, at the Fiscal Agency of the state of Oregon, in the city and state of New York, U. S. A.

This bond is issued by said city for the purpose of funding, paying and redeeming a like amount of its valid and legal outstanding warrant indebtedness heretofore incurred under, by virtue of and in all respects in full and strict compliance with the constitution and laws of the state of Oregon and the charter of said city, and in particular section 21 of chapter XXI of said charter adopted by a vote of the qualified electors of said city on the 15th day of August, A. D. 1916, and an ordinance of said city duly adopted by the common council thereof prior to the issuance of this bond.

And it is hereby certified, recited and warranted that said city has been for many years past and is now a body politic and corporate and a municipal corporation duly organized, existing and operating as a city under and by virtue of the constitution and general laws

of the state of Oregon and in particular a charter adopted by the vote of the people of the city of Bend November 22nd 1911 and all supplementary and amendatory acts; that all things, acts and conditions required by the constitution and laws of the state of Oregon and the charter and people of said city to exist and to happen and be done and performed precedent to and in the issuance of this bond, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and performed in regular and due form and time; that the indebtedness for the fundment and payment of which this bond is issued was lawfully incurred for lawful city purposes, and at the time it was incurred and at the time of its fundment and payment hereby constituted the valid, binding and subsisting indebtedness of said city and was of a character authorized by the constitution and laws of said state and the charter of said city to be funded; that the indebtedness of the city is not increased by the issue hereof; that the total indebtedness of said city, including this bond, does not exceed any constitutional, statutory or charter limitation; and that due provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of the city, in addition to all other taxes, to create a fund sufficient to pay the interest accruing upon this bond promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal hereof at maturity.

The faith, credit and all of the taxable property of said city are hereby irrevocably pledged for the punctual payment of the interest and the redemption of the principal of this bond, respectively, as the same become due and are payable as aforesaid.

IN TESTIMONY WHEREOF, the city of Bend, Crook county, Oregon, by its common council, has caused this bond to be signed by the mayor, attested by the recorder, and sealed with the corporate seal of said city, and the attached interest coupons to be signed with the engraved facsimile signatures of its said officers, the first day of November, A.D. 1916.

Mayor

(S E A L)
Attest:

Recorder.

(Form of Coupon)

No. _____

\$30.00

On May 1st,
November 1st, A. D. 19_____

The city of Bend, Crook county, Oregon, for value received promises to pay to the bearer hereof the sum of Thirty Dollars in lawful money of the United States of America, at the Fiscal Agency of the state of Oregon, in the city and state of New York, U. S. A., being six months' interest then due on its funding bond, dated November 1st, A. D. 1916, No. _____

Mayor

Recorder

* * *

Section 3. That each of said bonds shall be signed by the mayor and attested by the recorder and sealed with the corporate seal, respectively, of said city, which seal shall be impressed thereon, and each of the interest coupons to be attached to each of said bonds shall be signed by the engraved facsimile signatures of said officers; that the officers of said city in this section mentioned are hereby authorized, ordered and directed to cause said bonds and coupons to be prepared substantially in the forms, respectively, hereinabove set forth and to execute the same for and in behalf of said city as and in the manner aforesaid, and with the city treasurer cause the bonds to be delivered without undue or unnecessary delay to Keeler Brothers, of Denver, Colorado, the lawful purchasers of the same, upon payment being made to said treasurer of the agreed purchase price therefor; that said treasurer shall hold the proceeds of the sale of said bonds in a separate fund subject to the order of the common council of said city to be used exclusively for the purpose of funding and paying a like amount in the outstanding, due and unpaid warrant indebtedness of said city heretofore incurred for the construction of a railroad by said city, but the purchaser of said bonds, or any subsequent holder shall be in no wise responsible for the application of the proceeds of the sale of said bonds by the said treasurer, common council or any of the officers of said city; and when said bonds, or any part thereof, shall have been delivered to said purchaser, they shall thereafter be incontestable and neither the legality of said bonds nor any of the indebtedness thereby funded shall be open to contest by any person or persons, corporation or corporations, or by the city, for any reason or reasons whatever.

Section 4. The interest falling due on said bonds on May 1st and November 1st, A.D. 1917, shall be and the same is hereby ordered appropriated and paid by the city treasurer from the general fund or out of any moneys in his hands belonging to said city, and for the purpose of repaying the amount or amounts so borrowed and also to create a fund sufficient to pay the interest accruing on said bonds subsequent to November 1st, A.D. 1917, promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal thereof at maturity, there shall be and there is hereby

levied upon all of the taxable property of said city, in addition to all other taxes, in each of the years 1917 to 1945, inclusive, a direct annual ad valorem tax sufficient to create and maintain a fund to pay said interest and principal as the same become due and payable, as follows:

In the year 1917, a direct annual ad valorem tax sufficient to produce the net sum of \$4,200, being for interest.

In each of the years 1918 to 1938, inclusive, a direct annual ad valorem tax sufficient to produce the net sum of \$7,100, being \$2,100 for interest and \$5,000 for principal.

In each of the years 1939 to 1945, inclusive, a tax sufficient to produce the net sum for principal and interest as follows:

<u>Year</u>	<u>Principal</u>	<u>Interest</u>
1939	\$5,000	\$2,100
1940	5,000	1,800
1941	5,000	1,500
1942	5,000	1,200
1943	5,000	900
1944	5,000	600
1945	5,000	300
		8,400

and said tax, when collected, shall be turned over to and by the city treasurer kept in a separate fund to be known as and designated "Funding Bonds, dated November 1, 1916, bond interest and sinking fund", which shall be irrevocably pledged to and used solely for the payment of the interest on and principal of the said bonds hereby authorized when due, so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid; and for greater certainty, the common council of said city shall in each of said years 1917 to 1945, inclusive, include the bond tax hereinabove levied for such year in the annual estimate for said city for such year and said bonds tax shall in each of said years at the lawful time and by the said common council and the officers of said city, be duly certified to the county officers having to do with the extending of the taxes upon the tax rolls, and it shall be the duty of the proper county and city officers, and they are hereby required annually at the time and in the manner provided by law for the levying and collecting of other taxes, to ratify and carry out the provisions of this ordinance, with reference to the levying and collecting of taxes, and requiring the officers of and for said city and county to levy, extend and collect such taxes in the man-

ner provided by law, for the purpose of creating a fund for the payment of the interest upon and the principal of the said bonds hereby authorized; and the said taxes, when so collected shall be turned over to and by the city treasurer kept for and applied only to the payment of said interest and principal of said bonds as hereinabove specified, but nothing herein contained shall be so construed as to prevent said city from applying any funds that may be in the treasury and available for that purpose to the payment of said interest or principal as the same respectively mature, and the levy or levies hereinabove provided for may thereupon to that extent be diminished, and upon payment of the principal of any of the bonds issued hereunder in said manner, or by the use of the sinking fund herein provided for, the levy or levies herein provided for the payment of interest may to the extent of the interest on the bonds so paid be diminished.

Section 5. That on the 15th days of April and October, respectively, in each year, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued remain outstanding and unpaid, the city treasurer shall and he is hereby authorized, ordered and directed, as and in the manner designated by chapter 46, general laws of Oregon of 1911, to remit out of any moneys in his hands belonging to said city, in the form of check or draft payable in New York City, U. S. A., to the Fiscal Agency of the state of Oregon in said city of New York, a sum sufficient to pay the semi-annual interest accruing on said bonds on the first days of May and November, respectively, in each year, and any and all escrow charges made by said Fiscal Agency for handling said coupons; and on the 15th day of October in each of the years 1940 to 1946, inclusive, the said city treasurer shall and he is hereby authorized, ordered and directed, as and in the manner provided by chapter 46 aforesaid, out of the sinking fund created under the provisions of this ordinance, to remit by check or draft payable in New York, to said Fiscal Agency, a sum sufficient to pay the principal amount of all of the said bonds as may then be outstanding,

due and unpaid together with all accrued interest thereon, and any and all escrow charges made by said Fiscal Agency for handling the same.

Section 6. That the sale and exchange of the bonds of said city hereinbefore mentioned made by the mayor and common council of said city, upon the best terms and at the lowest rate of interest at which said bonds can be exchanged, namely, at six (6) per cent interest per annum, be and the same is hereby ratified, approved and confirmed.

Section 7. That the mayor, the treasurer and recorder, respectively, of said city, all, any or either of them are hereby authorized, ordered and directed to furnish the aforesaid purchaser of said bonds, with a complete certified copy of the charter of said city showing all amendments heretofore made thereto, and with such certificates, transcripts or other documents as will fully evidence the proceedings had preliminary to the issuance of said bonds and the indebtedness to be funded and paid thereby, the regularity and sufficiency thereof, and the acts of any one or all of said officers in the premises are hereby authorized, ratified, approved and confirmed.

Section 8. That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential to the validity of the bonds hereinbefore and hereinabove mentioned and the indebtedness of the city to be funded and paid thereby, and required by law to be done, have been fully done and performed.

Section 9. That the provisions of this ordinance and each of the bonds and each of the interest coupons issued pursuant thereto, shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said bonds and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

Section 10. That all resolutions, ordinances or orders in conflict with the provisions hereof, be and the same are hereby repealed, rescinded and annulled.

Section 11. That this ordinance being for the purpose of carrying into effect the objects authorized and ordered by a majority vote of the qualified electors of said city as expressed at the special

election held therein on August 15, A. D. 1916, for the purpose of amending the charter of the city, more particularly by amending Section 21 of Chapter XXI of said charter, is necessary for the immediate preservation of the peace, health and safety of the city and therefore an emergency exists and the same shall be in full force and effect from and after its passage and approval and shall not be subject to the referendum.

Section 12. That this ordinance shall be forever irrevocable until the indebtedness thereby funded both as to principal and interest, shall have been fully paid, satisfied and discharged.

Approved this 19 day of Dec, A. D. 1916.

(S E A L)

J. C. [Signature]
Mayor, city of Bend, of Crook county,
Oregon.

Attest:

H. C. Ellis
Recorder of the city of Bend,
Crook county, Oregon.

STATE OF OREGON }
COUNTY OF CROOK } SS:
CITY OF BEND }

I, H. C. ELLIS, the undersigned, do hereby respectfully certify with regard to the city of Bend, Crook County, Oregon, and Ordinance No. 82 thereof as follows:

1. That I am the duly qualified, sworn and acting recorder in and for said city and the lawful custodian of the books and records of said office.

2. That at a special meeting of the common council of said city lawfully called and duly held on the 19 day of Dec A.D. 1916, at the hour of 103'clock A.M. the said ordinance was introduced; that because of an emergency declared to be existing, upon motion duly made, seconded and unanimously carried, the provisions of the charter of said city requiring an interval of ten days between the first and second reading of any proposed ordinance was suspended in accordance with the provisions of Section 1, Article "A", Chapter 8, of said charter, and said ordinance was read the first and second time and passed finally at said meeting.

That on roll call, the voting upon the suspension of said charter requirement resulted as follows:

Those voting Aye: Councilmen, Clyde M. McKay, John Steidl, Chas. V. Silvis, H.P. Brosterhouse, Samuel C. Caldwell and L.C. Rudlow.

Those voting No - None.

That upon roll call, the voting upon the final passage of said Ordinance No. 82 resulted as follows:

Those voting Aye: Councilmen Clyde M. Mc Kay, John Steidl, Chas. V. Silvis, H.P. Brosterhouse, Samuel C. Caldwell and L.C. Rudlow.

Those Voting No - None.

That the 10 foregoing typewritten sheets numbered from 1 to 10 inclusive, constitute a true, perfect and complete copy of said Ordinance No. 82 hereinabove referred to, and filed in the office of the city recorder on the 19 day of Dec, A.D. 1916.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the corporate seal of the city of Bend, Crook County, Oregon, this
19 day of June A.D. 1916.

H. C. Ellis
City Recorder in and for the
city of Bend, Crook
county, Oregon.

(S E A L)

WILBROW
PAPER CO
ALBANY

ORDINANCE NO. 83

An Ordinance amending Section Twenty three (23) of Ordinance No. 71 of the City of Bend, Oregon, entitled an "Ordinance Regulating the construction, erection, raising, lowering, alteration, repair and use of buildings, and to provide for protection against fire, and to definitely establish what shall constitute the fire limits of the City of Bend, and to repeal all ordinances and parts of ordinances or amendments in conflict with the provisions of this ordinance"

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND,
OREGON:

That Section 23 of Ordinance No. 71 of the City of Bend, entitled "An Ordinance regulating the construction, erection, raising, lowering, alteration, repair and use of buildings, and to provide for protection against fire, and to definitely establish what shall constitute the fire limits of the City of Bend, and to repeal all ordinances and parts of ordinances or amendments in conflict with the provisions of this ordinance", be and the same is hereby amended to read as follows:

Section 23. The walls of all buildings within the fire limits of the City of Bend, Oregon, shall be of brick or other non-combustible material, and the roof thereof shall be constructed in accordance with the terms of this ordinance. Provided, however, that the provisions of this Section shall not apply to private barns and other private outbuildings on alleys hereafter constructed within said boundaries, but which are not constructed in conformity with the above provision of this section, shall be constructed of, or covered with corrugated iron or some other equally non-combustible material and not to cover more floor space than 500 square feet of floor space without the consent of a majority of the Council, nor to buildings outside of the following boundaries in the City of Bend, namely:
Beginning at the intersection of the alley running northerly through Block Sixteen (16) of Bend, and Ohio Street; thence northerly along the center line of the alley in Blocks Sixteen (16), Fifteen (15) and Thirteen (13) to Greenwood Avenue; Thence westerly along Greenwood Avenue to the point where the alley in Block Two (2) intersects with said Greenwood Avenue; thence southerly along the Center line of the alley in Blocks Two (2), Three (3) and Four (4) to a point

where said alley in Block Four (4) intersects with Ohio Street,
thence easterly along Ohio Street to the Point of beginning.

Read first time Oct. 10, 1916
Rules suspended Oct. 10, 1916 by vote of
4 to 1.

Read second time Jan. 2, 1916.

Attest:

H. C. Ellis
Recorder

Approved

Jan. 6, 1916

S. C. Caldwell
Mayor

Ord. No. 83 -2-

ORDINANCE NO. 84

AN ORDINANCE regulating pawn brokers, second hand dealers, junk dealers and junk shops and providing a penalty for the violation thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. It shall be unlawful for any pawn broker, junk dealer or dealer in second hand goods:

1. To purchase any article of value from a minor.
2. To purchase any article of value from any person without making a statement in writing of such purchase, in a record book kept for that purpose, containing a true, itemized list of the articles purchased and the price paid for each article.
3. To sell any article within ten days from the date of its purchase.

Section II. It shall be unlawful for any person:

1. To sell any article of value to any pawn broker, second hand dealer, junk dealer or junk shop without first making and signing a true written statement in the purchase book provided for in Paragraph 2 of Section 1 herein, that he is the owner of said articles, or has authority from the owner to sell the same.

Section III. Any member of the Police force, or of the Committee on Police of the Common Council of the City of Bend, shall have the right at any time to examine said record of purchases.

Section IV. Any person or persons found guilty of violating any of the provisions of said ordinance, upon conviction therefor, shall be punished by a fine of not less than five or more than Fifty Dollars, or by imprisonment of not less than two or more than 25 days, or by both such fine and imprisonment.

Approved Feb. 13, 1917
S. C. Caldwell,
Mayor

Attest: H. C. Ellis
Recorder.

Read first time Feb. 13, 1917

Rules suspended and read second time
Feb. 13, 1917

Read second time and passed
Feb. 13, 1917.

ORDINANCE NO. 85

An Ordinance amending Sections 5, 6 & 7 of Ordinance No. 25, entitled: An Ordinance to provide and regulate the manner of constructing curbs and sidewalks upon certain streets within the City of Bend; to prescribe the method of giving notice of sidewalk construction to owners of abutting property; authorizing the construction of such sidewalks and curbs by the City in certain cases, and providing that in such cases, the expense of construction shall be a lien upon abutting property and providing the method of enforcement of such lien.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. Sections Five (5), Six (6) and Seven (7) of the above named Ordinance No. 25 be amended so as to read as follows:

Section 5. All sidewalks hereafter constructed, repaired or altered, lying outside of the district described in Section One hereof and within said City, shall be constructed in accordance with the provisions of this ordinance and not otherwise.

Section 6. All such wooden sidewalks shall be of good sound yellow pine or fir, free from loose knots, shall be located with the inner edge at the property line, and shall be constructed according to the following specifications; all walks on streets less than 50 feet in width shall be constructed with two rows of stringers, two by six inches in size, said stringers to be set on edge and firmly bedded on a solid foundation; the plank covering same to be of good quality of sound lumber, uniformly two inches by six inches in size and three and one half feet long, without variation and surfaced on the upper side, such plank being well spiked to the stringers with not less than four thirty penny wire nails per plank, the heads well countersunk. cut away

All walks on streets having a width of fifty feet or more, shall be constructed with at least three rows of stringers, two by six inches in size, said stringers to be set on edge and firmly bedded on a solid foundation; that plank covering same to be of good quality of sound lumber, uniformly two inches by six inches in size and six feet long without variation and surfaced on the upper side, such plank being well spiked to the stringers with not less than five thirty penny wire nails per plank, the heads well countersunk.

All such wooden sidewalk shall be true to line both on the

inside and outside edges; the surface planks shall be evenly sized to present a smooth surface; all walks to be sloped to drain toward the center of the street at a cross slope of $\frac{1}{4}$ of an inch per foot; and all plank comprising the top surface of such walks to be uniformly spaced with a gauge to a distance of five eighths of an inch between each plank, excepting on curves where the curve is to be taken up in the spacing as far as possible, no spacing on the outside edge of such curve to be greater than three fourths of one inch, all plank to be laid at a true right angle with the property line.

Provided, however, that should the property owner desire to lay cement sidewalk in the district defined in Section 5 hereof, such walk shall be laid as directed by the City engineer and the Committee on Streets, Public Ways and Sewers, of the City Council.

Section 7. Whenever the Council shall deem it advisable to have any curbs or sidewalks constructed, altered or repaired, it shall so declare by resolution duly entered upon its minutes, which resolution shall correctly describe the property by lot and block, and thereupon the City Recorder shall cause a notice to be issued, addressed to "the owner" of said property, correctly describing the same, notifying said owner of the action of said City Council, stating that unless the construction, alteration, or repair of such sidewalk or curb is commenced within thirty days from the date of the publication of such notice, as hereinafter provided and completed within sixty days from said date, that the City of Bend will construct the same, and charge the expense and cost thereof to the abutting property. The notice herein mentioned shall be served by publishing the same once in a regular issue of a weekly newspaper published in the City of Bend, Oregon, said notice to be printed in a conspicuous place on the local page, headed "Notice to build sidewalk(or curb), said heading to be printed in 12 point type; notification to any number of owners may be embraced in one notice; proof of publication of said notice shall consist of the affidavit of the fore-

man of the publisher of said newspaper, which affidavit shall be
filed with the City Recorder.

Approved: March 6, 1917
S. C. Caldwell
Mayor of the City of
Bend.

Read first time March 6, 1917
Rules suspended March 6, 1917
Read second time March 6, 1917

Attest: H. C. Ellis
Recorder

Ord. No. 85 -3-

ORDINANCE NO. 86

An Ordinance vacating certain portions of Highland Addition to Bend, Oregon.

WHEREAS, the Bend Company by petition filed with the Recorder of the City of Bend, on the 6th day of December, 1916, prayed for the vacation of that portion of the plat of Highland Addition to Bend, Oregon, described as follows:

Beginning at the South-west corner of Block Thirty-four (34) Highland Addition; thence East for 210.42 feet to the South-east corner of Lot ten (10), Block Twenty nine (29) of said Highland Addition; thence North for 825.00 feet to the north-east corner of Lot Seven (7), Block Twenty seven (27), Highland Addition; thence west for 210.42 feet to the north-west corner of Block Thirty-two (32) Highland Addition; thence south along the west boundary of Highland Addition for 825 feet to the point of beginning, according to the plat of Highland Addition to Bend, as filed in the office of the County Clerk of Crook County, Oregon, and

WHEREAS, notice of the filing of said petition was given by posting notices thereof in three different places within the City of Bend for a period of thirty days, such notice containing a description of the property to be vacated, and

WHEREAS, the said Bend Company appearing to be the owner in fee of all the property affected by the proposed vacation, has filed with the recorder of the City of Bend, its due consent to the vacation prayed for.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Bend, that that portion of the plat of Highland Addition to Bend, Oregon, described as follows: Beginning at the South-west corner of Block Thirty four (34) Highland Addition; thence east for 210.42 feet to the south-east corner of Lot Ten (10), Block Twenty nine (29) of said Highland Addition, thence north for 825.00 feet to the northeast corner of Lot 7, Block 27, Highland Addition; thence west for 210.42 feet to the northwest corner of Block Thirty two (32) Highland Addition; thence south along the west boundary of Highland Addition for 825 feet to the point

of beginning, be and the same is hereby vacated.

Approved:

S. C. Caldwell.
Mayor

Read first time March 6, 1917
Read second time March 13, 1917

Attest:

H. C. Ellis
Recorder

Ord. No. 86 -2-

ORDINANCE NO. 87

An Ordinance naming certain Streets within the corporate limits of the City of Bend, providing for numbering the houses of the City of Bend, and repealing Ordinance No. 20 of the City of Bend.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That from and after the passage of this ordinance and its approval by the Mayor, the names of the streets, avenues, places, roads, drives and lanes shall be as indicated and named on that certain map of the City of Bend, which is hereto attached, referred to and made a part of this Ordinance and entitled "Map of the City of Bend, Oregon, compiled by Robert B. Gould, City Engineer, W. L. Shanks, Draftsman, 1916" and showing thereon in small figures in the streets, the index numbers of the house numbering system.

Section 2. Hereafter it shall be the duty of the City Engineer to see that all Streets conform in name to the general plan indicated on the map before approving any plats, and it shall be the duty of said Engineer to see that on any and all plats submitted for approval, only streets running in a general northerly and southerly direction be named or designated "Streets", that only streets running in a general Easterly and westerly direction be called "Avenues", and that only streets west of the Deschutes River and not included in some numerical or alphabetical system of street naming be called "Roads", that only streets lying between the Deschutes River and the right-of-way of the Oregon Trunk Railway and north of the south line of Township Seventeen (17) South, and not included in some numerical or alphabetical system of street naming be called "places", that only streets lying east of the right-of-way of the Oregon Trunk Railway, and not included in some numerical or alphabetical system of street naming, be called "drives" and that only streets lying between the Deschutes River and the right-of-way of the Oregon Trunk Railway and south of the south line of Township Seventeen (17) south, and not included in some numerical or alphabetical system of street naming be called "Lanes", and no plat or plats shall be approved by the City Engineer which do not

conform to the requirements of this paragraph.

Section 3. The City Engineer is hereby directed and instructed to arrange for a house numbering system within the City of Bend in accordance with the plan indicated on said map, and providing for one hundred numbers for each block as far as practicable, with the odd numbers on the south and west sides of all streets, avenues, places, roads, drives and lanes as far as practicable, with one odd and one even number being allowed for each ten feet of distance, provided, that in case where blocks are more than five hundred feet in length, the numbers through such block shall be based on a unit length of more than ten feet, such unit length to be determined by the City Engineer.

Section 4. Each and every property owner shall be required to number the building on his premises in accordance with the plan herein outlined upon notice from the City Engineer to that effect.

Section 5. Ordinance No. 20 of the City of Bend, Oregon, is hereby repealed, and all other ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Read first time Jan. 2, 1917
Read second time March 13, 1917

Approved:

Attest:

March 13, 1917
S. C. Caldwell, Mayor.

H. C. Ellis
Recorder

Ord. No. 87 -2-

ORDINANCE NO. 88

AN ORDINANCE, providing for the licensing, regulating and restraining of pedlars within the corporate limits of the City of Bend, Oregon, and providing a penalty for the violation thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section I. The term "pedlar" as used in this ordinance, means and includes the following persons: (1) Every person who for himself, or as the agent of another, goes from place to place, or from house to house carrying for sale and offering, or exposing for sale, any article of commerce, and (2) Every person who, for himself, or as the agent of another goes from place to place, or from house to house, selling, or offering to sell for future delivery, by sample or catalog at retail, to individual purchasers, who are not dealers in the articles sold, any article of commerce, the term "peddle" as used in this ordinance, means and includes any sale or offering for sale or exposing for sale, any article of commerce by any pedlar in the pursuit of his occupation as a pedlar.

Section II. It shall be unlawful for any person, firm or corporation to peddle within the corporate limits of the City of Bend, Oregon, any article of commerce without first obtaining a license from said City for that purpose; PROVIDED: that the provisions of this Section shall not apply to those who sell by sample, order or otherwise, goods to be shipped from another State, and to be delivered thereafter; and PROVIDED, further, that the provisions of this Section shall not apply to the sale of newspapers, milk, ice, or to the sale of the products of the farm or garden owned or rented by the seller or to the sale of articles manufactured by him.

Section III. Licenses shall be obtained from the City Recorder of the City of Bend, and shall be issued by him upon the payment of license fees as follows:

For peddling on foot:
Three dollars per week or One Dollar per day

For peddling from a stand or vehicle;
Ten Dollars per week or two dollars per day

and no license issued hereunder shall be transferrable.

Section IV. No person shall peddle any food product within the City of Bend, which is unfit for human consumption.

Section V. Any person violating any of the provisions of this Ordinance upon conviction thereof shall be punished by a fine of not less than Five Dollars or more than Fifty Dollars or by imprisonment for not

*No fee reported
understanding over 21*

less than two days, or more than fifty days, or by both such fine and imprisonment.

Section VI. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Approved March 13, 1917
S. C. Caldwell
Mayor

Read first time March 6, 1917
Read second time March 13, 1917

Attest H. C. Ellis
Recorder.

ORDINANCE NO. 89

An Ordinance to amend Ordinance No. 29, to regulate the registry of dogs and to provide for the taking up, impounding and killing of dogs without license tags.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That Section Five of an ordinance, entitled "Ordinance No. 29 to regulate the registry of dogs and to provide for taking up, impounding and killing of dogs without license tags" be amended so as to read as follows:

Sec. 5. Any person owning or having charge, care or control of any fierce, dangerous or mischievous dog, shall, when ordered so to do by the Chief of Police, securely muzzle, with a muzzle made of wire or other metal, such dog before permitting it to run at large within the city limits of Bend; and in case of failure forthwith to obey the orders of such officer, it shall be his duty to kill such dog without further notice to the owner, or person having charge, care, or control of such dog"

To be inserted

Read first time March 6, 1917
Read second time March 13, 1917

Approved S. C. Caldwell
Mayor

Attest:

March 22, 1917

H. C. Ellis
Recorder

90
Repealed by
111

ORDINANCE NO. 91

An Ordinance authorizing and empowering Oregon Trunk Railway and Deschutes Railroad Company, their successors and assigns, to construct, maintain, and operate a line of poles, wires, and other apparatus and appliances for the purpose of connecting the city office of the Western Union Telegraph Company in the City of Bend with the telegraph wires maintained and constructed along and upon the right of way of said railway companies in and through the City of Bend, Oregon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. Oregon Trunk Railway, a corporation duly organized and existing under and by virtue of the laws of the State of Washington, and Deschutes Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Oregon, and their successors and assigns, are hereby authorized and empowered to construct, maintain, and operate a line of poles, wires, and other apparatus and appliances necessary or convenient for the purpose of connecting the city office of the Western Union Telegraph Company in the City of Bend with the telegraph wires constructed, operated, and maintained along and upon the right of way of said railway companies in and through the City of Bend, Oregon. Said pole line shall be constructed, operated, and maintained along and upon Hawthorne Avenue from the railway right of way to Oregon Street and thence to and opposite block ten (10) of the City of Bend, for the purpose of reaching the office of the Western Union Telegraph Company in the O'Kane building, or along and upon such other streets, avenues, alleys, highways, and public grounds in the City of Bend, Crook County, Oregon, which may be necessary or convenient to use so as to permit a connection by telephone or telegraph wires between the wires located and maintained upon said railway right of way and the city office which is or may be maintained at any place within said City of Bend.

Section 2. All of said poles, wires, apparatus, and appurtenances shall be so constructed, operated and maintained that the same shall be no impediment to the ordinary use and occupation of said streets, avenues, alleys, highways and public grounds, and

said railway companies shall construct, make, replace and keep in order and repair to the satisfaction of the Common Council of the city, all that part of said streets, avenues, alleys, highways, and public grounds which it shall disturb or use in the construction, operation and maintenance of its said pole line. In the event that the grantees shall fail and neglect to construct, make, replace, keep in order and repair such parts of said streets, avenues, alleys, highways and public grounds so occupied and used by them, then the City of Bend shall have the right to construct, make, replace and keep the same in order and repair and the cost thereof, shall be paid by said grantees, their successors and assigns.

Section 3. The City of Bend shall not be liable in any manner to the grantees, their successors and assigns, for any injury that may be done to their poles, wires, or other apparatus or appurtenances by reason of the breaking or overflowing of any water from any sewer or drain, or from the breaking of any gas or water pipe by reason of the change in any grade on any of the streets, avenues, alleys, highways or public grounds, or by reason of any other public work which may be done or made in said city. Said grantees, their successors and assigns, shall be liable for, and shall hold and keep the said city free and harmless from any and all damage of any and every nature whatsoever, which may accrue to persons or property by reason of the construction, maintenance or operation of said poles, wires, apparatus or appurtenances or any part thereof.

Section 4. This ordinance shall take effect and be in force from and after its passage and its approval by the mayor and legal publication and the filing with the City Recorder of an acceptance of the terms of the ordinance by the grantees herein, to-wit: Oregon Trunk Railway and Deschutes Railroad Company.

Read first time
March 6, 1917

Approved: March 22, 1917
S. C. Caldwell, Mayor

Read second time
March 22, 1917

Attest:

H. C. Ellis
Recorder.

Ord. No. 91

-2-

121

ORDINANCE NO. 92

AN ORDINANCE to amend Section 21 of Ordinance 31, entitled: An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section I.

That Section 21 of Ordinance 31, entitled: An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend, is hereby amended so as to read as follows:

Section 21. The proprietors or agents of all exhibitions, shows, or theatrical performances for money, not specifically mentioned in this Ordinance, including boxing, sparring and wrestling matches and exhibitions of juggling and sleight of hand, shall pay a license fee of \$5.00 per day; provided, however, that whenever the receipts of any theatre, concert, exhibition, lecture or entertainment is to be, or will be chiefly appropriated to any church, school, religious or benevolent purpose within the City of Bend, there shall be no license charged to the person or persons conducting the same.

amendment

Approved March 22, 1917
S. C. Caldwell
Mayor

Read first time March 13, 1917

Read second time March 22, 1917

Attest:

H. C. Ellis
Recorder

ORDINANCE NO. 93

AN ORDINANCE to amend Section 23 of Ordinance No. 31, entitled: An ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations within the corporate limits of Bend.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section I.

That Section 23 of Ordinance 31, entitled An Ordinance providing for licensing and regulating the carrying on of certain professions, trades, callings and occupations with the corporate limits of Bend, is hereby amended so as to read as follows:

Section 23. Any person, firm or corporation conducting a billiard, bagatelle or pool room within the corporate limits of the City of Bend shall pay in advance into the City Treasury for such privilege a license fee of \$8.00 per quarter for the first table; \$5.00 per quarter for the second table, \$2.50 per quarter for each additional table. Provided, however, that the provisions of this ordinance shall not apply to owners of pool or billiard tables kept only for use in private homes or private clubs.

Read first time March 13, 1917
Read second time March 22, 1917

Approved: March 22, 1917
S. C. Caldwell
Mayor

Attest:

H. C. Ellis
Recorder

ORDINANCE NO. 94

*Ordinance No. 94
repealed by NS-1497
passed 7-15-89*

AN ORDINANCE to establish, fix and prescribe building grades on West Fifth Street, from Newport Avenue to Trenton Avenue; and on Wall Street and Broadway, in the City of Bend, and to repeal all Ordinances or parts of ordinances in conflict therewith.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The word, "grade", as used in this ordinance shall be construed to mean the elevation of the building line at the point or points where the elevations are established by this Ordinance.

Section 2. All grade elevations given in this Ordinance are referred to the official city datum as heretofore established.

Section 3. That the official building grades of West Fifth street from Newport Avenue to Trenton Avenue, in the City of Bend, are as follows:

Location	Elevation in feet.
Northeast corner of West Fifth St. & Newport Avenue	3607.00
Northwest corner of West Fifth St. & Newport Avenue,	3607.00
Southwest corner of West Fifth St. & Ogden Avenue	3608.50
Northwest corner of West Fifth St. & Ogden Avenue	3608.50
East margin W. 5th Street, opposite South Margin of Ogden Ave.,	3608.50
East margin W. 5th Street, opposite North Margin of Ogden Ave.	3608.50
Southwest corner West 5th Street and Portland Avenue	3607.50
Northwest corner West 5th Street and Portland Avenue	3609.50
Southeast Corner West 5th Street and Portland Avenue	3606.50
Northeast Corner West 5th Street and Portland Avenue	3608.00
Southwest Corner, West 5th Street and Quincy Avenue	3627.50
Northwest Corner West 5th Street and Quincy Avenue	3631.00
East margin W. 5th Street, opposite South Margin Quincy Avenue	3626.00
East margin W. 5th Street, opposite North Margin Quincy Avenue	3630.00
Southeast Corner W. 5th Street & Roanoke Avenue	3633.00
Northeast corner W. 5th Street & Roanoke Avenue	3635.50
Southeast Corner W. 5th Street & Saginaw Avenue	3647.00
Northeast Corner W. 5th Street & Saginaw Avenue	3650.00
Southwest Corner W. 5th Street & Saginaw Avenue	3643.50
Northwest Corner W. 5th Street & Saginaw Avenue	3650.00
Southwest Corner, W. 5th Street & Trenton Avenue	3661.00

Section 4. That the official building grades of Wall Street, in the City of Bend are as follows:

Location	Elevation in feet.
South corner of Wall and Louisiana Avenue	3621.00
East corner Wall and Louisiana Avenue,	3621.00
North corner Wall and Louisiana Avenue	3620.75

Section 5. That the official building grades of Broadway, in the City of Bend, are as follows:

Location	Elevation in feet.
South corner Broadway and Kansas Avenue	3620.50
East corner Broadway and Kansas Avenue	3620.50
North corner Broadway and Kansas Avenue	3620.25
West Corner Broadway and Kansas Avenue	3620.25

South corner Broadway and Louisiana Avenue	3619.75
East corner Broadway and Louisiana Avenue	3620.00
North corner Broadway and Louisiana Avenue	3619.50
West corner Broadway and Louisiana Avenue	3619.50
Point on the South-easterly line of Broadway, 100 feet north-east of intersection of Broadway and Louisiana Ave.	3620.00
Point on the North-westerly line of Broadway, 100 feet northeast of intersection of Broadway and Louisiana Avenue	3619.50
South corner of Broadway and Franklin Avenue	3619.00
East corner of Broadway and Franklin Avenue	3619.00

Section 6. All ordinances or parts of ordinances in conflict
herewith are herewith repealed.

Read first time March 13, 1917.
Read second time March 20, 1918
Passed March 20, 1918

Approved
S. C. Caldwell
Mayor

Attest: H. C. Ellis
Recorder

ORDINANCE NO. 95

An Ordinance amending an ordinance, entitled, "An Ordinance adopting a seal for the city of Bend.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1.

That Section 1 of an Ordinance, entitled, An Ordinance adopting a seal for the City of Bend, be amended so as to read as follows:

"Section 1, The seal to be hereafter used and known as the Seal of the City of Bend shall consist of a representation of the sun setting behind the Three Sisters Mountains, which representation shall be surrounded by an outer rim wherein shall be the words, 'Seal of the City of Bend, Deschutes County, Oregon,' and also the figures, '1905'. Said seal shall make an impression $1 \frac{7}{8}$ inches in diameter"

cut out

Read First time Mar. 20, 1917
Rules suspended read second
time March 20, 1917
Passed March 20, 1917.

Approved March 22, 1917
S. C. Caldwell
Mayor

Attest:

H. C. Ellis
Recorder.

ORDINANCE NO. 96.

An Ordinance adopting and submitting to the legal voters of the city of Bend, Deschutes County, Oregon, at an election hereby called and ordered to be held in said City on Monday, to-wit: The 30th day of April, A. D. 1917, an Amendment to Chapter XXI of the Charter of said City, by adding thereto a Section, to be designated "Section 22", said amendment relating to the powers of the common council of said city, ratifying, approving and validating certain outstanding warrant indebtedness, and authorizing and directing the common council to issue funding bonds in the name, for, and upon the credit of said city, in the aggregate principal sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00), said bonds to be designated "Funding Bonds," to bear interest at a rate of not to exceed Six (6) per centum per annum, payable semi-annually, for the purpose of cancelling, paying and redeeming said outstanding warrant indebtedness of said city, heretofore legally issued and incurred, together with interest on such indebtedness from the date of registration of said warrants, and providing for the levy of a direct annual ad valorem tax upon all the taxable property in said city, in addition to all other taxes, and requiring the collection thereof, sufficient to pay the interest and principal of said bonds promptly when and as the same become due; repealing all Ordinances, Resolutions, or Orders, or parts thereof, in conflict herewith; and declaring an emergency.

WHEREAS, It appears from the report of the city recorder and city treasurer of the City of Bend, Deschutes County, Oregon, heretofore presented to this council, and considered and approved and now on file in the office of the recorder, that said city has outstanding, due and unpaid warrants, drawn on the general expense fund of said city for the ordinary and necessary expenses of said city, which warrant indebtedness, together with interest thereon at the rate of six (6) per centum per annum from the date of registration of each of said warrants, respectively, as set forth in said report, to April 1, 1917, amounts to the sum of Seventeen Thousand, Two Hundred Fifty-Two Dollars and Four Cents (\$17,252.04); and,

WHEREAS, Each and every of the warrants hereinbefore mentioned and specifically set forth in the said report of the city recorder and city treasurer heretofore presented to this council, and approved, and now on file in the office of the city recorder, represents an indebtedness of said city, incurred only for lawful city purposes, authorized by the constitution of the State of Oregon and the charter of said city, and each item of said indebtedness represents a demand, duly verified as to its correctness, duly presented to and allowed by the common council of said city, and each warrant therefor was legally authorized and directed to be issued by said council, and was drawn upon the city treasurer and signed by the recorder and countersigned by the mayor, and payable out of the general fund of said city, and issued to the claimant entitled thereto, and each of said warrants was presented by the holder to the city treasurer, and by him registered and marked "not paid for want of funds," on the dates respectively as shown by each of said warrants and the records of said city recorder and said city-treasurer, and each of said warrants was duly numbered in the order of its issuance, and specified the purpose for which such warrant was drawn and the fund out of which it was to be paid, and each and all of said warrants were and are drawn upon the general fund of said city for general city purposes, to-wit: Salaries and wages of officers and employes of said city, election expenses, printing and stationary supplies, repair and expenses necessary to the existence and welfare of said city; and, expense necessary to the existence and welfare of said city; and,

WHEREAS, It appears from said report of said city recorder and city treasurer of said city that there are no funds in the treasury of said city for the payment of said indebtedness or any part thereof; and,

WHEREAS, It is deemed advisable and to the best interests of said city and necessary to maintain the credit thereof, that said warrant indebtedness shall be ratified, approved and validated, and that the city council shall be authorized and empowered to issue funding bonds in the name, for, and upon the credit of said city, in an aggregate amount sufficient to cancel, pay and redeem said outstanding warrant indebtedness and the interest accrued thereon to the date of redemption and a portion of the costs of adopting said charter amendment, and that the charter of said city be amended so as to ratify, approve and validate said warrant indebtedness and to authorize and direct the issuance, sale or exchange of said funding bonds for the purpose of cancelling, paying and redeeming said indebtedness;

NOW, THEREFORE, By reason of the premises,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The common council hereby adopts and submits to the electors of the city an amendment to the city charter, being the charter of said city proposed by initiative petition, ordained by the common council of said city, and approved by a majority of the qualified electors thereof at an election held on Wednesday, to-wit: the 22nd day of November, A. D. 1911, by amending Chapter XXI of said charter by adding thereto Section 22, the said Section 22 to be in words and figures the following:

"Section 22. That the indebtedness of the City of Bend, Deschutes County, Oregon, heretofore incurred in the period commencing March 8th, A. D. 1916, and ending February 14th, A. D. 1917, evidenced by warrants Nos. 954 to 999, inclusive, and Nos. C1 to 357, inclusive, in the year 1916, and warrants Nos. 358 to 438, inclusive, in the year 1917, which said warrants were issued for the ordinary and necessary expenses of said city as authorized by law, and are now outstanding, due and unpaid, in the aggregate principal sum of Sixteen Thousand Seven Hundred Seventeen Dollars and Twenty-Five Cents (\$16,717.25), together with interest thereon at the rate of Six per centum (6) per annum from the date of registration of said warrants until paid, which interest to April 1st, 1917, amounts to the sum of Five Hundred Thirty-Four Dollars and Seventy-Nine Cents (\$534.79), all as particularly set forth in the report of the recorder and treasurer, approved by the common council and filed on the 16th day of April, A. D. 1917, be and the same is hereby ratified, approved and validated, and the common council is authorized and directed to issue funding bonds in the name, for and upon the credit of the City of Bend, Deschutes County, Oregon, in the aggregate principal sum of Seventeen Thousand, Five Hundred Dollars (\$17,500), and to sell or exchange said bonds for the purpose of cancelling, paying and redeeming the said outstanding, due and unpaid warrant indebtedness, together with interest thereon at the rate of Six (6) per centum per annum to date of payment of said indebtedness and paying a portion of the costs of adopting this amendment. Said bonds shall be designated "Funding Bonds," and be of the denomination of Five Hundred Dollars (\$500) each, dated April 1, A. D. 1917, due April 1, A. D. 1937, bearing interest at a rate of not to exceed Six (6) per centum per annum, payable semi-annually, and redeemable at the option of the city serially, in numerical order, in equal annual amounts, as near as may be, commencing April 1, A. D. 1928. Said bonds shall be general obligation bonds, and in addition to any and all other indebtedness, or obligation, of the city, and not within any limitation of indebtedness, and a direct annual ad valorem tax, in an amount to be computed by the taxing officials of the city, and fixed by ordinance, sufficient to pay the interest upon said bonds and to create a sinking fund with which to pay the principal there-

of when and as the said interest and principal shall become due is hereby assessed and levied upon all the taxable property in the city, in addition to all other taxes, and the same shall be levied and collected at the same time and in the same manner as general city taxes and used solely to pay the interest and principal on said bonds, in accordance with the tenor thereof. The common council shall by ordinance prescribe the form of said bonds and the interest coupons attached thereto, and shall exchange said bonds, or so much thereof as may be necessary, for said outstanding warrant indebtedness and accrued interest thereon, dollar for dollar, or sell the same at public or private sale upon such terms and in such manner as are deemed for the best interests of the city and without any previous or other submission to the electors of the city for ratification, and use said proceeds exclusively to pay and redeem said outstanding warrant indebtedness, together with said interest thereon to date of payment, and to pay the costs of adopting this amendment to the extent of the balance, if any, of said proceeds.

All parts of the charter in conflict with this subdivision are hereby repealed."

Section 2. That the foregoing amendment to Chapter XXI of the charter of the city is hereby submitted to the qualified electors of the city for their rejection or approval, to be voted on at a special election as provided in Section 3 of this ordinance.

Section 3. A special election is hereby called and ordered to be held in and for said city, between the hours of 8 o'clock a. m. and 8 o'clock p. m. on the 30th day of April, A. D. 1917, for the purpose of voting on the said proposed

amendment, and the city recorder is hereby directed to give notice of said election by publishing the same for a period of at least ten days prior to said election in "Bend Bulletin," a newspaper published in said city, and hereby designated the official newspaper thereof, and by posting the said notice at least ten days prior to said election in three public places in said city, which notice shall be in substantially the following form:

SPECIAL CITY ELECTION NOTICE

STATE OF OREGON
COUNTY OF DESCHUTES ss.
CITY OF BEND

NOTICE is hereby given that a special election will be held in the city of Bend, Deschutes County, Oregon, on Monday to-wit: the 30th day of April, A. D. 1917, between the hours of 8 o'clock a. m. and 8 o'clock p. m. The voting place in said city for said election shall be at the hose house at the corner of Minnesota Avenue and Lava Road.

The judges and clerks of said election shall be as follows:

Clyde M. McKay, Chairman
J. F. Arnold
E. A. Sather
Judges of Election
Walter Ferguson
Ray G. Lambertson
Clerks of Election

Said election is called and held for voting upon the adoption or rejection of a certain amendment to the charter of the city of Bend, adopted by the common council and referred by the common council to the voters of the city.

Said proposed amendment is printed in pamphlet form by the city and copies mailed to every legal voter within the city whose address is known, and said pamphlet can be had at the office of the recorder of said city upon application.

The general purport of said charter amendment is expressed in the ballot title therefor adopted by the common council and which will appear upon the ballot in the following words:

REFERRED BY THE COMMON COUNCIL

Shall Chapter XXI of the Charter of the City of Bend, Deschutes County, Oregon, be amended by adding thereto a section, to be designated "Section 22," and thereby ratify, approve and validate certain warrant indebtedness, in the sum of Sixteen Thousand Seven Hundred and Seventeen Dollars and Twenty-Five Cents (\$16,717.25), together with interest thereon at Six (6) per centum per annum from the date of registration of said warrants, as more fully described in Ordinance No. 96 passed and approved on the 16th day of April A. D. 1917, and authorize and direct the common council to issue funding bonds in the name, for, and upon the credit of said city, in the aggregate principal sum of Seventeen Thousand Five Hundred Dollars (\$17,500), said bonds to be designated "Funding Bonds," to be dated April 1, 1917, due April 1, 1937, redeemable in numerical order, in equal annual amounts, as near as may be, commencing April 1, 1928, and bear interest at a rate not to exceed Six (6) per centum per annum, payable semi-annually April 1 and October 1, for the purpose of cancelling, paying and redeeming said outstanding, due and unpaid warrant indebtedness, together with said interest thereon to the date of payment of said warrants, and provide for the levy and collection of a direct annual ad valorem tax upon all the taxable property in said city, in addition to all other taxes, sufficient to create a fund with which to pay the interest on said bonds and the principal thereof promptly when and as the same become due, and authorize and direct the exchange of said bonds, dollar for dollar, for a like amount of said warrant indebtedness and the interest thereon, or the sale thereof by the common council at public or private sale, upon such terms and in such manner as may be deemed to be the best interests of the city, and without further authorization by the voters of the city; and repeal all parts of the charter in conflict with said Section 22 of Chapter XXI?

VOTE YES OR NO

300 YES

301 NO

Dated this 16th day of April, A. D. 1917.

S. C. CALDWELL

Mayor (of the City of Bend, Deschutes County, Oregon.)

H. C. ELLIS

City Recorder (of the City of Bend, Deschutes County, Oregon.)

CORPORATE
(SEAL)

Section 4. The voting place for said special election in said city and the polling place therein shall be at the hose house at the corner of Minnesota Avenue and Lava Road.

Section 5. The following named persons are hereby selected and appointed as judges and clerks to serve as such officers at said special election:

Clyde M. McKay, Chairman
J. F. Arnold
E. A. Sather
Judges of Election
Walter Ferguson
Ray G. Lambertson
Clerks of Election

Section 6. The following ballot title for said charter amendment is hereby adopted, and shall be printed on all ballots used at said election, viz.:

"Shall Chapter XXI of the Charter of the City of Bend, Deschutes County, Oregon, be amended by adding thereto a section, to be designated "Section 22," and thereby ratify, approve and validate certain warrant indebtedness, in the sum of Sixteen Thousand Seven Hundred and Seventeen Dollars and Twenty-Five Cents (\$16,717.25), together with interest thereon at Six (6) per centum per annum from the date of registration of said warrants, as more fully described in Ordinance No. 96 passed and approved on the 16th day of April A. D. 1917, and authorize and direct the common council to issue funding bonds in the name, for, and upon the credit of said city, in the aggregate principal sum of Seventeen Thousand Five Hundred Dollars (\$17,500), said bonds to be designated "Funding Bonds," to be dated April 1, 1917, due April 1, 1937, redeemable in numerical order, in equal annual amounts, as near as may be, commencing April 1, 1928, and bear interest at a rate not to exceed Six (6) per centum per annum, payable semi-annually April 1 and October 1, for the purpose of cancelling, paying and redeeming said outstanding, due and unpaid warrant indebtedness, together with said interest thereon to the date of payment of said warrants, and provide for the levy and collection of a direct annual ad valorem tax upon all the taxable property in said city, in addition to all other taxes, sufficient to create a fund with which to pay the interest on said bonds and the principal thereof promptly when and as the same become due, and authorize and direct the exchange of said bonds, dollar for dollar, for a like amount of said warrant indebtedness and the interest thereon, or the sale thereof by the common council at public or private sale, upon such terms and in such manner as may be deemed to the best interests of the city, and without further authorization by the voters of the city; and repeal all parts of the charter in conflict with said Section 22 of Chapter XXI?"

Section 7. The form of the official ballots for use at said election shall be printed and in substantially the following form:

OFFICIAL BALLOT FOR THE CITY OF BEND, OREGON, FOR SPECIAL ELECTION HELD APRIL 30th, A. D. 1917.

Those voting in favor of the amendment submitted will mark their ballot with an X between the number and the word "Yes." Those voting against the amendment submitted will mark their ballot with an X between the number and the word "No."

REFERRED BY THE COMMON COUNCIL

Shall Chapter XXI of the Charter of the City of Bend, Deschutes County, Oregon, be amended by adding thereto a section, to be designated "Section 22," and thereby ratify, approve and validate certain warrant indebtedness, in the sum of Sixteen Thousand Seven Hundred and Seventeen Dollars and Twenty-Five Cents (\$16,717.25), together with interest thereon at Six (6) per centum per annum from the date of registration of said warrants, as more fully described in Ordinance No. 96 passed and approved on the 16th day of April A. D. 1917, and authorize and direct the common council to issue funding bonds in the name, for, and upon the credit of said city, in the aggregate principal sum of Seventeen Thousand Five Hundred Dollars (\$17,500), said bonds to be designated "Funding Bonds," to be dated April 1, 1917, due April 1, 1937, redeemable in numerical order, in equal annual amounts, as near as may be, commencing April 1, 1928, and bear interest at a rate not to exceed Six (6) per centum per annum, payable semi-annually April 1 and October 1, for the purpose of cancelling, paying and redeeming said outstanding, due and unpaid warrant indebtedness, together with said interest thereon to the date of payment of said warrants, and provide for the levy and collection of a direct annual ad valorem tax upon all the taxable property in said city, in addition to all other taxes, sufficient to create a fund with which to pay the interest on said bonds and the principal thereof promptly when and as the same become due, and authorize and direct the exchange of said bonds, dollar for dollar, for a like amount of said warrant indebtedness and the interest thereon, or the sale thereof by the common council at public or private sale, upon such terms and in such manner as may be deemed to the best interests of the city, and without further authorization by the voters of the city; and repeal all parts of the charter in conflict with said Section 22 of Chapter XXI?"

VOTE YES OR NO

200 **YES**

301 **NO**

Section 8. Should any of the judges or clerks appointed by this ordinance fail to appear or qualify, the remaining judges shall select a qualified person from the bystanders at such polling place to fill such vacancy. Before proceeding to perform any official act at such election, the judges and clerks shall each make and subscribe an oath of office in substantially the following form:

"I do solemnly swear that I will perform the duties of (judge or clerk) of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election. So help me God."

Section 9. Inasmuch as it is immediately necessary for the preservation of the public peace, health and safety of said city that the amendment to the charter of said city herein provided for shall be submitted to the qualified electors of said city and adopted as soon as the provision of law will permit; an emergency is hereby declared, and this Ordinance shall take effect and be in full force from and after its passage and approval by the mayor, and shall not be subject to the referendum.

APPROVED: This 16th day of April, A. D. 1917.

S. C. CALDWELL

Mayor.

H. C. ELLIS
City Recorder.

Attest:
CORPORATE
(SEAL)

ORDINANCE NO. 97.

An Ordinance adopting and submitting to the legal voters of the City of Bend, Deschutes County, Oregon, at an election hereby called and ordered to be held in said city on the 30th day of April, A. D., 1917, an amendment to the Charter of said city by amending Sections 4, 11 and 12 of Chapter XIX thereof, so as to provide a method for the improvement of any street, alley or public way, or any portion of any street, alley or public way, and to provide a method for assessing the cost thereof upon the property benefited thereby, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The common council hereby adopts and submits to the electors of the city, an amendment to the city charter, being the charter of said city proposed by initiative petition, ordained by the common council of said city, and approved by a majority of the qualified electors thereof at an election held on Wednesday, to-wit: the 22nd day of November, A. D., 1911, by amending Sections 4, 11 and 12 of Chapter XIX of said charter, so as to read as follows:

Section 4. The improvement of any street, alley or public way or any portion of any street, alley or public way which the Common Council may declare its intention to improve, shall be called "Local Improvement Number..." and not more than a single street, alley or public way shall be included in a single local improvement nor shall two or more portions of the same street, alley or public way be combined in a single local improvement if the said portions differ substantially in the nature of the completed improvement required.

Every ordinance or resolution ordering any local improvement payment for which shall be made in whole or in part by special assessments shall establish a local improvement district to be called "Local Improvement District Number....." which number shall be the same as that of the corresponding local improvement, and which local improvement district shall embrace as near as may be, all the property specially benefited by such improvement. The first subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district as hereinbefore described.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivision first, second, third, fourth, and fifth, respectively, are related to each other as are the numbers 45, 25, 20, 10 and 5 respectively, and shall be ascertained in the following manner: The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, and the numbers 45, 25, 20, 10 and 5, respectively, shall be ascertained, and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The products of the resultant quotient and the numbers 45, 25, 20, 10 and 5, respectively, shall be the separate rates of assessment per square foot for subdivisions first, second, third, fourth and fifth, respectively. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property within such district shall be entered upon the assessment roll as the amount to be levied and assessed against each such separate lot, tract, parcel of land, or other property.

Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the local improvement district hereinbefore described and defined the Common Council may create an enlarged district which shall include as near as may be all the property peculiarly or indirectly benefited by such improvement, excepting however such property as may be improved in any local improvement district that may be created in connection with the same improvement. Should an enlarged district be created the ordinance or resolution initiating such improvement shall state that it is proposed to create an enlarged district to pay the entire cost and expense of such improvement or such ordinance or resolution shall state that it is proposed to create both an enlarged district and a local improvement district which shall each pay a portion of the cost and expense of such improvement and should such ordinance or resolution state that it is proposed to create both an enlarged district and a local improvement district it shall state further what sum, portion or proportion of the cost and expense of such improvement shall be borne by the enlarged district, and such sum portion or proportion as is to be borne by the enlarged district thus created, shall be distributed and assessed against all the property in such enlarged district by the City Engineer in accordance with the peculiar and indirect benefits enjoyed, and the assessments on the local improvement district thus created shall be determined in the same manner as in the case of local improvement districts hereinbefore described. Should the Common Council create an enlarged district it shall in the said ordinance or resolution initiating the said improvement, specify and de-

provement. Except in the cases herein otherwise specifically provided for and unless otherwise provided in the ordinance or resolution ordering such improvement, such districts shall include all the property between the termini of said improvement abutting upon, adjacent, vicinal or proximate to the street, alley or public way proposed to be improved to a distance back of the marginal lines thereof to the center line of the blocks facing or abutting thereon; provided that such distance back shall be at least ninety feet, but shall not extend beyond the margin of any street other than the one to be improved, extending however over any intervening alleys; and provided further, That in case of unplatted property, the distance back shall be the same distance as that included in the assessment of the platted lands immediately adjacent thereto. All property included within said limits of such local improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to area and distance back from the marginal line of the street, alley, or other public way improved. Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against each separate lot, tract, parcel of land or other property within said district, be divided into subdivisions or zones paralleling the margin of the street, alley or public way to be improved, said subdivisions to be numbered respectively first, second, third, fourth and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet, respectively, from said street margins. The third subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet, respectively, from said street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet, respectively, from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district as hereinbefore described.

Whenever the Council shall deem it expedient or necessary to improve any street, alley or public way or any part thereof, it shall require from the City Engineer plans and specifications for an appropriate improvement and estimates of the work to be done and the probable cost thereof, and the City Engineer shall forthwith prepare the same and shall file such plans, specifications and estimates in the office of the Recorder. If the Council shall find such plans, specifications and estimates to be satisfactory it shall approve the same and shall determine whether or not the conditions justify the creation of an enlarged district. The Council shall, by resolution, declare its purpose of making such improvement, describing the same and including the City Engineer's estimate of the probable cost thereof, and should the Council have determined that the conditions justified the creation of an enlarged district they shall therein set forth and define the boundaries of the said enlarged district and shall state what sum, portion or proportion of the cost and expense of such improvement shall be borne by the enlarged district, and the action of the Council in the creation of such enlarged district and in the determination of the portion of the cost and expense of the improvement to be borne by said enlarged district, shall be final and conclusive.

Section 11. The City Engineer, taking the cost of the street improvement as estimated in Section 8, shall apportion the cost thereof (except the share to be paid in case of street improvement by railroad, street railway company or other public service corporation by reason of their use of the streets); upon the lots, parts of lots and parcels of land in the assessment district in accordance with the provisions of Section 4 hereof, and when he shall have determined the apportionment of said cost upon each lot or part thereof, or parcel of land within said district, the same shall be a proposed assessment and he shall file the same with the City Recorder, and the Recorder shall, thereupon, cause to be published in a newspaper published in the city, a notice stating that said proposed assessment has been apportioned and is on file in the office of the City Recorder and subject to examination, and that any objection to such apportionment that may be made must be made in writing to the Common Council and filed with the City Recorder within ten (10) days from the publication of such notice and that the same will be heard by the Common Council before the passage of any resolution assessing the cost of said improvement.

Section 12. After the time specified in said notice has elapsed, the Council shall consider said proposed assessment and the objections made thereto, if any, and shall have the power, in its discretion and without any further notice, to consider, ascertain and decide whether or not the amount of the proposed assessment against each lot, part of lot, or parcel of land, has been assessed by the City Engineer in accordance with the provisions of Section 4 hereof, and the assessment against each such lot, or part thereof or parcel of land shall be reduced or increased by the Council so as to conform to the provisions of said Section 4. After the Council shall have ascertained the just apportionment of said cost in accordance with the provisions of said section, it shall declare said assessment by resolution and direct the Recorder to enter in the docket of city liens, a statement thereof containing:

1. A description of each lot, part of a lot,

or acreage property liable for such improvement.

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

3. The sum assessed upon the said property, and the day of entering the same in the said docket of city liens; but such date need be given but once for all the entries made therein on the same day.

Section 2. That the foregoing amendment to Chapter XIX of the charter of the city is hereby submitted to the qualified electors of the city for their rejection or approval, to be voted on at a special election as provided for in Section 3 of this ordinance.

Section 3. A special election is hereby called and ordered to be held in and for said city between the hours of 8 o'clock A. M. and 8 o'clock P. M. on the 30th day of April, A. D., 1917, for the purpose of voting on the said proposed amendment, and the city recorder is hereby directed to give notice of said election by publishing the same for a period of at least ten days prior to said election in the "Bend Bulletin," a newspaper published in said city, and hereby designated the official newspaper thereof, and by posting the said notice at least ten days prior to said election in three public places in said city, which notice shall be in substantially the following form:

SPECIAL CITY ELECTION NOTICE.

State of Oregon, County of Deschutes, City of Bend, ss.

Notice is hereby given that a special election will be held in the City of Bend, Deschutes County, Oregon, on Monday, to-wit: the 30th day of April, A. D., 1917, between the hours of 8 o'clock A. M. and 8 o'clock P. M. The voting place in said city for said election shall be at the hose house at the corner of Minnesota avenue and Lava road.

The Judges and Clerks of said election shall be as follows:

Clyde M. McKay, chairman, J. F. Arnold, E. A. Sather, Judges of Election; Walter Ferguson, Ray G. Lamberson, Clerks of Election.

Said election is called and held for voting upon the adoption or rejection of a certain amendment to the charter of the City of Bend, adopted by the Common Council and referred by the Common Council to the voters of the city.

Said proposed amendment is printed in pamphlet form by the city and copies mailed to every legal voter within the city whose address is known, and said pamphlet can be had at the office of the recorder of said city upon application.

The general purport of said charter amendment is expressed in the ballot title therefor adopted by the Common Council and which will appear upon the ballot in the following words:

"Shall Sections 4, 11 and 12 of Chapter XIX of the Charter of the City of Bend be amended so as to provide a method for the improvement of any street, alley or public way, or any portion of any street, alley or public way, and providing a method for assessing the cost thereof upon the property benefited thereby?"

VOTE YES OR NO.

302 YES.

303 NO.

Dated this 16th day of April, A. D., 1917.
S. C. CALDWELL,
Mayor of the City of Bend, Deschutes

County, Oregon. H. C. ELLIS,
City Recorder of the City of Bend, Deschutes County, Oregon.
(Corporate Seal.)

Section 4. The voting place for said special election in said city and the polling place therein shall be the hose house at the corner of Minnesota Avenue and Lava Road.

Section 5. The following named persons are hereby selected and appointed as Judges and Clerks to serve as such officers at said special election:

Clyde M. McKay, chairman; J. F. Arnold, E. A. Sather, Judges of Election; Walter Ferguson, Ray G. Lamberson, Clerks of Election.

Section 6. The following ballot title for said charter amendment is hereby adopted, and shall be printed on all ballots used at said election, to-wit:

"Shall Sections 4, 11 and 12 of Chapter XIX of the charter of the City of Bend be amended so as to provide a method for the improvement of any street, alley or public way, or any portion of any street, alley or public way, and providing a method for assessing the cost thereof upon the property benefited thereby?"

Section 7. The form of the official ballot for use at said election shall be printed and in substantially the following form:

OFFICIAL BALLOT FOR THE CITY OF BEND, OREGON, FOR SPECIAL ELECTION HELD APRIL 30TH, A. D., 1917.

Those voting in favor of the amendment submitted will mark their ballot with an X between the number and the word "Yes." Those voting against the amendment submitted will mark their ballot with an X between the number and the word "No."

REFERRED BY THE COMMON COUNCIL.

"Shall Sections 4, 11 and 12 of Chapter XIX of the Charter of the City of Bend be amended so as to provide a method for the improvement of any street, alley or public way, or any portion of any street, alley or public way, and providing a method for assessing the cost thereof upon the property benefited thereby?"

VOTE, YES OR NO.

302. Yes.

303. No.

Section 8. Should any of the Judges or Clerks appointed by this ordinance fail to appear or qualify, the remaining Judges shall select a qualified person from the bystanders at such polling place to fill such vacancy. Before proceeding to perform any official act at such election, the Judges and Clerks shall each make and subscribe an oath of office in substantially the following form:

"I,..... do solemnly swear that I will perform the duties of (Judge or Clerk) of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election. So help me God."

Section 9. Inasmuch as it is immediately necessary for the preservation of the public peace, health and safety of said city that the amendment to the charter of said city herein provided for shall be submitted to the qualified electors of said city and adopted as soon as the provision of law will permit; an emergency is hereby declared, and this Ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and shall not be subject to the referendum.

Approved: This 16th day of April, A. D., 1917.

S. C. CALDWELL,
(Corporate Seal.) Mayor.

Attest: H. C. ELLIS, City Recorder.

ORDINANCE 98

An ordinance adopting and submitting to the legal voters of the City of Bend, Deschutes County, Oregon, at an election hereby called and ordered to be held in said city on Monday, to-wit: the 30th day of April, 1917, an Amendment to Chapter XXII of the Charter of said city by adding thereto three sections to be designated sections 15, 16 and 17; said amendment exempts municipal officers from personal liability, imposes liability upon abutting owners for injuries from defective sidewalks, and limits the amount of damages recoverable against the municipality.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The Common Council hereby adopts and submits to the electors of the city, an amendment to the city charter, being the charter of said city proposed by initiative petition ordained by the Common Council of said city and approved by a majority of the qualified electors thereof, at an election held on Wednesday, to-wit the 22nd day of November, A. D. 1911, by amending Chapter XXII of said Charter by adding thereto Sections 15, 16 and 17, the said sections 15, 16 and 17 to be in the words and figures following:

"Section 15. No recourse shall be had against any officer, agent or servant of the municipality of Bend for damage or loss sustained by reason of the defective condition or want of repair of any street, alley, public place, bridge or sidewalk in said city, or by reason of accident sustained on any such street, alley, public place, bridge or sidewalk.

Section 16. It shall be the duty of property owners to keep in repair and in a safe condition for public use, all sidewalks abutting upon their property and such property owners are hereby declared liable for any damage arising from their fault or negligence in failing to keep such sidewalk in repair and in a safe condition for public use.

Section 17. The Municipality of Bend shall not in any event, be liable for damages to any person for injury caused by any defect or dangerous place at, or in any street, alley, bridge, public ground, public building, ditch or crossing, unless the Mayor, a member of the City Council, some member of the Police Department, or some officer having actual supervision of the construction or repair of the streets, alleys, public ways and public grounds of said city, shall have received actual notice of such defect or dangerous place, and a reasonable time thereafter shall have elapsed within which to repair or remove such defect or dangerous place before the happening of such accident or injury, and in no case shall more than \$100.00 be recovered as damages from said city for such accident or injury, provided that in no event and under no circumstances shall said city be liable for any injure or damage arising from the defective or dangerous condition of any sidewalk within said city."

All parts of the charter in conflict with this subdivision are hereby repealed."

Section 2. That the foregoing amendment to Chapter XXII of the charter of the city is hereby submitted to the qualified electors of the city for their rejection or approval, to be voted on at a special election as provided in Section 3 of this ordinance.

Section 3. A special election is hereby called and ordered to be held in and for said city, between the hours of 8 o'clock a. m. and 8 o'clock p. m. on the 30th day of April, A. D. 1917, for the purpose of voting on the said proposed amendment, and the city recorder is hereby directed to give notice of said election by publishing the same for a period of at least ten days prior to said election in "The Bend Press," a newspaper published in said city, and hereby designated the official newspaper thereof, and by posting the said notice at least ten days prior to said election in three public places in said city, which notice shall be in substantially the following form:

SPECIAL CITY ELECTION NOTICE

STATE OF OREGON
COUNTY OF DESCHUTES ss.
CITY OF BEND

NOTICE is hereby given that a special election will be held in the city of Bend, Deschutes County, Oregon, on Monday to-wit: the 30th day of April, A. D. 1917, between the hours of 8 o'clock a. m. and 8 o'clock p. m. The voting place in said city for said election shall be at the hose house at the corner of Minnesota Avenue and Lava Road.

The judges and clerks of said election shall be as follows:

- Clyde M. McKay, Chairman
- J. F. Arnold
- E. A. Sather
- Judges of Election
- Walter Ferguson
- Ray G. Lambertson
- Clerks of Election

Said election is called and held for voting upon the adoption or rejection of a certain amendment to the charter of the city of Bend, adopted by the common council and referred by the common council to the voters of the city.

Said proposed amendment is printed in pamphlet form by the city and copies mailed to every legal voter within the city whose address is known, and said pamphlet can be had at the office of the recorder of said city upon application.

The general purport of said charter amendment is expressed in the ballot title therefor adopted by the common council and which will appear upon the ballot in the following words:

REFERRED BY THE COMMON COUNCIL

"Shall the Charter of the City of Bend be amended by adding to Chapter XXII thereof, three sections to be numbered respectively Sections 15, 16 and 17, which sections exempt the municipal officers from personal liability, impose liability upon abutting owners for injuries from defective sidewalks, and limit the amount of damages recoverable against the municipality."

VOTE YES OR NO

304 **YES**
305 **NO**

Dated this 16th day of April, A. D. 1917.

S. C. CALDWELL
Mayor (of the City of Bend, Deschutes County, Oregon.)
H. C. ELLIS
City Recorder (of the City of Bend, Deschutes County, Oregon.)

CORPORATE
(SEAL)

Section 4. The voting place for said special election in said city and the polling place therein shall be at the hose house at the corner of Minnesota Avenue and Lava Road.

Section 5. The following named persons are hereby selected and appointed as judges and clerks to serve as such officers at said special election:

Clyde M. McKay, Chairman

J. F. Arnold

E. A. Sather

Judges of Election

Walter Ferguson

Ray G. Lambertson

Clerks of Election

Section 6. The following ballot title for said charter amendment is hereby adopted, and shall be printed on all ballots used at said election, viz.:

REFERRED BY THE COMMON COUNCIL

"Shall the Charter of the City of Bend be amended by adding to Chapter XXII thereof, three sections to be numbered respectively Sections 15, 16 and 17, which sections exempt the municipal officers from personal liability, impose liability upon abutting owners for injuries from defective sidewalks, and limit the amount of damages recoverable against the municipality."

Section 7. The form of the official ballots for use at said election shall be printed and in substantially the following form:

OFFICIAL BALLOT FOR THE CITY OF BEND, OREGON, FOR SPECIAL ELECTION HELD APRIL 30th, A. D. 1917.

Those voting in favor of the amendment submitted will mark their ballot with an X between the number and the word "Yes." Those voting against the amendment submitted will mark their ballot with an X between the number and the word "No."

REFERRED BY THE COMMON COUNCIL

"Shall the Charter of the City of Bend be amended by adding to Chapter XXII thereof, three sections to be numbered respectively Sections 15, 16 and 17, which sections exempt the municipal officers from personal liability, impose liability upon abutting owners for injuries from defective sidewalks, and limit the amount of damages recoverable against the municipality."

VOTE YES OR NO

304 YES

305 NO

Section 8. Should any of the judges or clerks appointed by this ordinance fail to appear or qualify, the remaining judges shall select a qualified person from the bystanders at such polling place to fill such vacancy. Before proceeding to perform any official act at such election, the judges and clerks shall each make and subscribe an oath of office in substantially the following form:

"I do solemnly swear that I will perform the duties of (judge or clerk) of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election. So help me God."

Section 9. Inasmuch as it is immediately necessary for the preservation of the public peace, health and safety of said city that the amendment to the charter of said city herein provided for shall be submitted to the qualified electors of said city and adopted as soon as the provision of law will permit; an emergency is hereby declared, and this Ordinance shall take effect and be in full force from and after its passage and approval by the mayor, and shall not be subject to the referendum.

APPROVED: This 16th day of April, A. D. 1917.

S. C. CALDWELL

Mayor.

H. C. ELLIS
City Recorder.

Attest:
CORPORATE
(SEAL)

ORDINANCE NO. 99

AN ORDINANCE DECLARING THE RESULT AND VALIDITY OF THE SPECIAL ELECTION HELD IN AND FOR THE CITY OF BEND, DESCHUTES COUNTY, OREGON, ON APRIL 30, A. D. 1917 AND AUTHORIZING THE MAYOR TO PUBLISH A PROCLAMATION OF THE RESULT OF SAID ELECTION; AND DECLARING AN EMERGENCY.

WHEREAS, In accordance with Ordinance No. 90, duly adopted by the common council at a special meeting thereof lawfully called and duly held on the 20 day of March, A. D. 1917, a special election was called and ordered to be held in the said city of Bend, Deschutes County, Oregon, on Monday to-wit: the 30 day of April, A. D. 1917, for the purpose of voting upon the adoption of an amendment to the charter of said city, by amending Chapter XXI of the charter of said city, by adding thereto a section, designated "Section 22", said Section 22 being in words and figures following:

"Section 22. That the indebtedness of the city of Bend, Deschutes county, Oregon, heretofore incurred in the period commencing March 8th, A. D. 1916, and ending February 14th, A.D., 1917, evidenced by warrants Nos. 954 to 999, inclusive, and Nos. 01 to 357, inclusive, in the year 1916, and warrants Nos. 358 to 438, inclusive, in the year 1917, which said warrants were issued for the ordinary and necessary expenses of said city as authorized by law, and are now outstanding, due and unpaid, in the aggregate principal sum of sixteen thousand seven hundred seventeen dollars and twenty-five cents (\$16,717.25), together with interest thereon at the rate of six per centum (6%) per annum from the date of registration of said warrants until paid, which interest to April 1st, 1917, amounts to the sum of five hundred thirty-four dollars and seventy-nine cents (\$534.79), all as particularly set forth in the report of the recorder and treasurer, approved by the common council and filed on the 16 day of April, A.D., 1917, be and the same is hereby ratified, approved and validated, and the common council is author-

ized and directed to issue funding bonds in the name, for and upon the credit of the city of Bend, Deschutes county, Oregon, in the aggregate principal sum of seventeen thousand, five hundred dollars (\$17,500), and to sell or exchange said bonds for the purpose of cancelling, paying and redeeming the said outstanding, due and unpaid warrant indebtedness, together with interest thereon at the rate of six (6) per centum per annum to date of payment of said indebtedness and paying a portion of the costs of adopting this amendment. Said bonds shall be designated "Funding Bonds," and be of the denomination of five hundred dollars (\$500) each, dated April 1st, A. D., 1917, due April 1st, A. D., 1937, bearing interest at a rate of not to exceed six (6) per centum per annum, payable semi annually, and redeemable at the option of the city serially, in numerical order, in equal annual amounts, as near as may be, commencing April 1st, A. D., 1928. Said bonds shall be general obligation bonds, and in addition to any and all other indebtedness, or obligation, of the city, and not within any limitation of indebtedness, and a direct annual ad valorem tax, in an amount to be computed by the taxing officials of the city, and fixed by ordinance, sufficient to pay the interest upon said bonds and to create a sinking fund with which to pay the principal thereof when and as the said interest and principal shall become due is hereby assessed and levied upon all the taxable property in the city, in addition to all other taxes, and the same shall be levied and collected at the same time and in the same manner as general city taxes and used solely to pay the interest and principal on said bonds, in accordance with the tenor thereof. The common council shall by ordinance prescribe the form of said bonds and the interest coupons attached thereto, and shall exchange said bonds, or so much thereof as may be necessary, for said outstanding warrant indebtedness and accrued interest thereon, dollar for dollar, or sell the same at public or private sale upon such terms and in such manner as are deemed for the best interests of the city and without any previous or other submission to the electors of the city for ratification, and use said proceeds exclusively to pay and redeem said outstanding warrant indebtedness, together with said interest thereon to date of payment, and to pay the costs of adopting this amendment to the

extent of the balance, if any, of said proceeds.

All parts of the charter in conflict with this subdivision are hereby repealed."

AND WHEREAS, It has been determined and is hereby declared as follows: That the ordinance passed and approved April 16, A.D., 1917, containing said proposed charter amendment and ordering and calling said special election, was filed in the office of the city recorder not less than ten days, nor more than thirty days prior to said election and posted in three public places in said town, and notice of said election was posted in three public places in said city at least ten days prior to said election and published in two consecutive issues of the "Bend Bulletin," a weekly newspaper published in said city and the official newspaper thereof, the first publication being at least ten days prior to said election in the manner required by law and the direction of said council; that a printed pamphlet containing the text of said charter amendment together with the form and number of the ballot title, as the same would be printed on the official ballot, was duly distributed in due form, time and manner to each of the registered voters of the city, as well as to each bona fide elector thereof, so far as known; that said election was duly held and conducted in the manner prescribed by said constitution, laws, charter and ordinances; that each and every person voting at said election possessed the qualifications prescribed by said constitution, laws and charter, and had been duly registered; that the ballots cast at said election were duly canvassed by the common council and city recorder, as required by the charter and ordinances of said city, and the result thereof declared by said council, and the same made a matter of record in the journal of the proceedings of said council;

NOW THEREFORE, In consideration of said premises,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND,

as follows:

Section 1. That the special election held in said city on Monday, to-wit: the 30 day of April, A. D. 1917, be and the same is hereby determined and declared to have been duly called, noticed and held in strict compliance with the law, as set forth in the preamble hereof.

Section 2. That the returns of said special election have been duly filed with the recorder of said city and said returns have been duly canvassed and declared by the common council, as set forth in the preamble hereof.

Section 3. That the said canvass and the result thereof as so entered of record shows:

That the total number of ballots cast in the said city of Bend, Oregon, at the special election held April 30, A. D. 1917, upon the question submitted to the qualified voters of said city, proposing an amendment to Chapter XXI of the charter of said city, by adding thereto Section 22, as set forth in full in the preamble hereof, was 144, of which 106 were "Yes" and 38 were "no", and that a majority of 68 of all of the effective ballots cast at said election was in the affirmative and in favor of the adoption of said charter amendment.

Section 4. That at said special election a majority of all the qualified electors of said city present and voting thereat, voted in favor of amending Chapter XXI of the charter of said city by adding thereto a section designated "Section 22", as set forth in the preamble hereof and it is therefore hereby determined and declared that said charter amendment has been duly carried by the requisite majority vote, and that this council is hereby duly authorized and empowered to carry out the purpose and provisions of the said amendment.

Section 5. That the mayor of said city be and he is hereby authorized, ordered and directed to cause a proclamation of the result of said election to be posted in three public places in said city, embodying therein this ordinance.

Section 6. That this ordinance, being for the purpose of carrying into effect the objects authorized and ordered by a majority vote of the qualified electors of said city as expressed at the said

special election therein held on April 30, A. D. 1917, and is deemed necessary for the immediate preservation of the public health, peace and safety, and the same shall therefore be in full force and effect upon its passage and approval, and shall not be subject to the referendum.

PASSED this 30 day of April, A. D. 1917.

APPROVED this 30 day of April, A. D. 1917.

Confructi
(SEAL)

S. S. Caldwell
Mayor of the city of Bend,
Deschutes county, Oregon.

ORDINANCE NO. 100

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, EXECUTION AND DELIVERY OF SEVENTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$17,500) GENERAL OBLIGATION FUNDING BONDS, OF, FOR AND ON BEHALF OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON, FOR THE PURPOSE OF FUNDING, CANCELLING, PAYING AND REDEEMING THE OUTSTANDING WARRANT INDEBTEDNESS OF SAID CITY EVIDENCED BY WARRANTS HERETOFORE LEGALLY ISSUED AND VALIDATED AND APPROVED AND AUTHORIZED TO BE FUNDED BY SECTION 22 OF CHAPTER XXI OF THE CHARTER OF SAID CITY, ADOPTED AT AN ELECTION HELD APRIL 30th, A. D. 1917, TOGETHER WITH INTEREST ON SAID INDEBTEDNESS FROM THE DATE OF REGISTRATION OF SAID WARRANTS TO DATE OF PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS AND FIXING THE DETAILS OF THE ISSUE THEREOF AND PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A DIRECT ANNUAL AD VALOREM TAX UPON ALL THE TAXABLE PROPERTY OF SAID CITY, IN ADDITION TO ALL OTHER TAXES, SUFFICIENT TO CREATE A FUND WITH WHICH TO PAY THE INTEREST ACCRUING UPON SAID BONDS PROMPTLY, WHEN AND AS THE SAME BECOMES DUE, AND TO ESTABLISH A SINKING FUND, WITH WHICH TO DISCHARGE THE PRINCIPAL THEREOF AT MATURITY, REPEALING ALL ORDINANCES RESOLUTIONS OR ORDERS OR ANY PARTS THEREOF IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, At a special election in the City of Bend, Deschutes County, Oregon, duly called and held on the 30th day of April, A. D. 1917, Chapter XXI of the charter of the said city was amended by adding thereto a section designated Section 22, wherein and whereby the indebtedness of the said city incurred in the period commencing March 8th, A. D. 1916, and ending February 14th, A. D. 1917, evidenced by warrants Nos. 954 to 999, inclusive, and Nos. C-1 to 357, inclusive, in the year 1916, and Warrants Nos. 358 to 438 inclusive in the year 1917, which said warrants were issued for the ordinary and necessary expenses of the said city as authorized by law, and are now outstanding, due and unpaid, together with interest thereon, at the rate of six (6) per centum per annum from the date of registration of said warrants, to the date of payment thereof, was ratified, approved and validated, and the common council of said city was and is authorized and directed to borrow money upon the credit of said city, and to issue and sell negotiable bonds thereof, of, for and on behalf of the city in the aggregate principal sum of Seventeen Thousand five hundred dollars (\$17,500) for the purpose of cancelling, paying and redeeming said outstanding, due and unpaid warrant indebtedness of said city, together with said interest thereon, said bonds to be designated "Funding Bonds", and be of the denomination of \$500 each, dated April 1st, A. D. 1917, due April 1st, A. D. 1937, bearing interest at the rate of not to exceed six (6) per centum per annum, payable semi-annually and redeemable at the option of the city serially in numerical order in equal annual amounts as near as may be,

commencing April 1st, A. D. 1928, and

WHEREAS, said Seventeen Thousand five hundred dollars (\$17,500) funding bonds have heretofore been sold by this Council to Keeler Brothers Investment Bankers, of Denver, Colorado, at the best rate of interest said bonds can be sold, to-wit: six (6) per cent per annum, payable semi-annually: and

WHEREAS, The duty devolves upon the common council to carry out the provisions and directions of said charter amendment; Now therefore, by reason of the premises:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That for the purpose of funding, cancelling, paying and redeeming the warrant indebtedness of said city now outstanding, due and unpaid and particularly set forth in Section 22 of Chapter XXI of the charter of said city, there shall be and there are hereby authorized, ordered and directed to be issued, executed and delivered to the lawful purchasers thereof, the negotiable funding bonds of said city in the aggregate principal sum of \$17,500.00; that said bonds shall be known as and designated "Funding Bonds"; shall be comprised of 35 bonds numbered consecutively from 1 to 35, inclusive, of the denomination of \$500 each, shall bear date of April 1st, A. D. 1917, and become due and payable April 1st, A. D. 1937; shall bear interest from their date until paid at the rate of six (6) per centum per annum, payable semi-annually on the first days of April and October, respectively, in each year, which installments of interest to date of maturity of principal shall be evidenced by appropriate coupons attached to each bond; and both the principal thereof and the interest thereon shall be payable in lawful money of the United States of America, at the Oregon Fiscal Agency, in the city and state of New York, U. S. A., and said bonds shall be redeemable serially in numerical order as follows:

Ord. No. 100 -2-

<u>Numbers</u>	<u>Amount</u>	<u>When Redeemable</u>
1 to 3 inclusive	\$1,500.00	On and after April 1st, 1928
4 " 7 "	2,000.00	" " " April 1st, 1929
8 " 11 "	2,000.00	" " " April 1st, 1930
12 " 15 "	2,000.00	" " " April 1st, 1931
16 " 19 "	2,000.00	" " " April 1st, 1932
20 " 23 "	2,000.00	" " " April 1st, 1933
24 " 27 "	2,000.00	" " " April 1st, 1934
28 " 31 "	2,000.00	" " " April 1st, 1935
32 " 35 "	2,000.00	" " " April 1st, 1936

Section 2. That each of said bonds and each of the interest coupons to be thereto attached shall be in substantially the following forms, respectively, to-wit:

33,677-8

Ord. No. 100 -3-

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND

Funding Bond

\$500

No. _____

KNOW ALL MEN BY THESE PRESENTS, That the city of Bend, Deschutes County, Oregon, acknowledges itself to owe, and for value received hereby promises to pay to the bearer hereof, the principal sum of Five Hundred dollars on April 1st, A. D. 1937, together with interest on said sum from the date hereof until paid at the rate of six per centum per annum, payable semi-annually on the first days of April and October, respectively, in each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due; and both the said principal and interest are hereby made payable in lawful money of the United States of America, at the Fiscal Agency of the State of Oregon, in the city and state of New York, U. S. A.

This bond is issued by said city for the purpose of funding, paying and redeeming a like amount of its valid and legal outstanding warrant indebtedness, together with interest thereon, under, by virtue of and in all respects in full and strict compliance with the constitution and laws of the State of Oregon and the charter of said city, and in particular Section 22 of Chapter XXI of said charter adopted by a vote of the qualified electors of said city on the 30th day of April, A. D. 1917, and an ordinance of said city duly adopted by the Common Council thereof prior to the issuance of this bond.

And it is hereby certified, recited and warranted that said city has been for many years past and is now, a body politic and corporate and a municipal corporation duly organized, existing and operating as a city under and by virtue of the constitution and

Ord. No. 100-4-

general laws of the State of Oregon, and in particular the charter of said city adopted by a vote of the people thereof in the year A. D. 1911; that all things, acts and conditions required by the constitution and laws of the State of Oregon, and the charter and people of said city to exist and to happen and be done and performed precedent to, and in the issuance of this bond, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and performed in regular and due form and time; that the indebtedness for the funding and payment of which this bond is issued was lawfully incurred for lawful city purposes, and at the time it was incurred and at the time of its funding and payment hereby constituted the valid, binding and subsisting indebtedness of said city and was of a character authorized by the constitution and laws of said state and the charter of said city to be funded; that the total indebtedness of said city, including this bond, does not exceed any constitutional, statutory or charter limitation; and that due provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of the city, in addition to all other taxes, to create a fund sufficient to pay the interest accruing upon this bond promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal hereof at maturity.

The faith, credit and all of the taxable property of said city are hereby irrevocably pledged for the punctual payment of the interest and the redemption of the principal of this bond, respectively, as the same become due and are payable as aforesaid.

This bond is redeemable at the option of said city on and after April 1st, A. D. 19_____

IN TESTIMONY WHEREOF, the city of Bend, Deschutes County, Oregon, by its common council, has caused this bond to be signed by the

Mayor, attested by the recorder, and sealed with the corporate seal of said city, and the attached interest coupons to be signed with the engraved facsimile signatures of its said Mayor and Recorder, the first day of April A. D. 1917.

(S E A L)

Mayor

Attest:

Recorder

(Form of Coupon)

No _____

\$15.00

On April 1st,
October 1st, A. D. 19_____

The City of Bend, Deschutes County, Oregon, for value received promises to pay to the bearer hereof, the sum of Fifteen dollars in lawful money of the United States of America, at the Fiscal Agency of the State of Oregon, in the city and state of New York, U. S. A., being six months' interest then due on its funding bond, dated April 1st, A. D. 1917, No. _____

Recorder

Mayor

Ord. No. 100 -6-

Section 3. That each of said bonds shall be signed by the mayor and attested by the recorder, and sealed with the corporate seal, respectively, of said city, which seal shall be impressed thereon, and each of the interest coupons to be attached to each of said bonds shall be signed by the engraved facsimile signatures of said officers; that the officers of said city in this section mentioned are hereby authorized, ordered and directed to cause said bonds and coupons to be prepared substantially in the forms, respectively, hereinabove set forth, and to execute the same for and in behalf of said city as, and in the manner aforesaid, and cause the bonds to be issued and delivered without undue or unnecessary delay to the lawful purchasers thereof, upon the payment of the purchase price therefor, for the purpose of funding, paying and redeeming a like amount in the outstanding, due and unpaid warrant indebtedness of said city heretofore incurred for the ordinary and necessary expenses of said city as authorized by Section 22 of Chapter XXI of the charter of the said city; and when said bonds, or any part thereof, shall have been delivered to the lawful purchasers thereof, they shall thereafter be incontestable and neither the legality of said bonds, nor any of the indebtedness thereby funded shall be open to contest by any person or persons, corporation or corporations, or by the city, for any reason or reasons whatever.

Section 4. The interest falling due on said bonds on October 1st, A. D. 1917, and April 1st and October 1st, A. D. 1918, shall be and the same is hereby ordered appropriated and paid by the city treasurer from the general fund or out of any moneys in his hands belonging to said city, and for the purpose of repaying the amount or amounts so borrowed, and also to create a fund sufficient to pay the interest accruing on said bonds subsequent to October 1st, A. D. 1918, promptly when, and as the same becomes due and to establish a sinking fund with which to discharge the principal thereof at maturity, there shall be and there is hereby levied upon all of the taxable

property of said city, in addition to all other taxes, in each of the years 1917 to 1935, inclusive, a direct annual ad valorem tax sufficient to create and maintain a fund to pay said interest and principal as the same becomes due and payable, as follows:

In the year 1917, a direct annual tax sufficient to produce the net sum of \$2,625, being for interest.

In each of the years 1918 to 1925, inclusive, a direct annual tax sufficient to produce the net sum of \$1,050, being for interest.

In the year 1926, a direct annual tax sufficient to produce the net sum of \$2,550, being \$1,500 for principal and \$1,050 for interest.

In each of the years 1927 to 1934, inclusive, a direct annual tax sufficient to produce the net sum of \$3,050, being \$2,000 for principal and \$1,050 for interest.

In the year 1935, a tax sufficient to produce the net sum of \$525, being for interest.

and said tax, when collected, shall be turned over to and by the city treasurer kept in a separate fund to be known as and designated "Funding Bonds, dated April 1st, 1917, bond interest and sinking fund", which shall be irrevocably pledged to and used solely for the payment of the interest on and principal of the said bonds hereby authorized when due, so long as any of said bonds, or the interest coupons thereto appertaining remain outstanding and unpaid; and for greater certainty, the common council of said city shall in each of said years 1917 to 1935, inclusive, include the bond tax hereinabove levied for such year in the annual estimate for said city for such year and said bond tax shall in each of said years at the lawful time and by the said common council and the officers of said city be duly certified to the county officers having to do with the extending of the taxes upon the tax rolls, and it shall be the duty of the proper county and city officers, and they are hereby required annually at the time and in the manner provided by law for the levying and collecting of other taxes, to ratify

and carry out the provisions of this ordinance, with reference to the levying and collecting of taxes, and requiring the officers of and for said county to levy, extend and collect such taxes in the manner provided by law, for the purpose of creating a fund for the payment of the interest upon and the principal of the said bonds hereby authorized; and the said taxes, when so collected shall be turned over to and by the city treasurer, kept for and applied only to the payment of said interest and principal of said bonds as hereinabove specified, but nothing herein contained shall be so construed as to prevent said city from applying any funds that may be in the treasury and available for that purpose to the payment of said interest or principal as the same respectively mature, and the levy or levies hereinable provided for may thereupon to that extent be diminished, and upon payment of the principal of any of the bonds issued hereunder in said manner, or by the use of the sinking fund herein provided for, the levy or levies herein provided for the payment of the interest may to the extent of the interest on the bonds so paid be diminished.

Section 5. That on the 15th days of March and September, respectively, in each year, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued remain outstanding and unpaid, the city treasurer shall, and he is hereby authorized, ordered and directed, as and in the manner designated by Chapter 46, general laws of Oregon of 1911, to remit out of any moneys in his hands belonging to said city, in the form of check or draft payable in New York City, U. S. A. to the fiscal agency of the State of Oregon in said City of New York, a sum sufficient to pay the semi-annual interest accruing on said bonds on the first days of April and October, respectively, in each year, and any and all escrow

charges made by said fiscal agency for handling said coupons; and on the 15th day of March in the year A. D. 1937, the said city treasurer shall and he is hereby authorized, ordered and directed, as and in the manner provided by Chapter 46 aforesaid, out of the sinking fund created under the provisions of this ordinance, to remit by check or draft payable in New York, to said fiscal agency, a sum sufficient to pay the principal amount of all of the said bonds as may then be outstanding, due and unpaid, together with all accrued interest thereon, and any and all escrow charges made by said fiscal agency for handling the same.

Section 6. That the sale of the bonds of said city hereinbefore mentioned heretofore made to Keeler Brothers Investment Bankers, of Denver, Colorado, be and the same is hereby ratified, approved and confirmed.

Section 7. That the mayor, the treasurer and recorder, respectively, of said city, all, any or either of them are hereby authorized, ordered and directed to furnish the purchasers of said bonds, with a complete certified copy of the charter of said city showing all amendments heretofore made thereto, and with such certificates, transcripts or other documents as will fully evidence the proceedings had preliminary to the issuance of said bonds and the indebtedness to be funded and paid thereby, the regularity and sufficiency thereof, and the acts of any one or all of said officers in the premises are hereby authorized, ratified, approved and confirmed.

Section 8. That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential to the validity of the bonds hereinbefore and hereinabove mentioned and the indebtedness of the city to be funded and paid thereby, and required by law to be done, have been fully done and performed.

Section 9. That the provisions of this ordinance and each of the bonds and each of the interest coupons issued pursuant thereto

shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said bonds and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

Section 10. That all resolutions, ordinances or orders in conflict with the provisions hereof, be and the same are hereby repealed, rescinded and annulled.

Section 11. That this ordinance being for the purpose of carrying into effect the objects authorized and ordered by a majority vote of the qualified electors of said city as expressed at the special election therein held on April 30th, A. D. 1917, for the purpose of amending the charter of the city, more particularly by amending Chapter XXI of said charter by adding thereto Section 22, and being immediately necessary for the preservation of the peace, health and safety of the city, an emergency exists, and this ordinance shall therefore be in full force and effect from and afters its passage and approval and shall not be subject to the referendum.

Section 12. That this ordinance shall be forever irrepealable until the indebtedness thereby funded both as to principal and interest, shall have been fully paid, satisfied and discharged.

PASSED By the Common Council this 26th day of May, A. D. 1917
APPROVED this 26th day of May, A. D. 1917.

(S E A L)

Attest:

H. C. Ellis
Recorder of the City of Bend,
Deschutes County, Oregon

S. C. Caldwell
Mayor of the City of Bend,
Deschutes County, Oregon

ORDINANCE NO. 101

An Ordinance providing for the sprinkling of the streets, alleys or public ways of the City of Bend, or any portion thereof, and for the application thereto of oil or other dust preventative, assessing the cost thereof on the abutting property, providing a method of collecting the same, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That the Common Council may, by resolution, order any street, alley or public way, or any portion thereof within said city, sprinkled or treated with oil or other dust preventative, whenever, in its judgment, the same is necessary; and it shall order said improvement, upon a petition representing a majority of the abutting frontage actually occupied by the owners thereof.

Section 2. Said improvement shall be done by contract let to the lowest responsible bidder who shall execute a surety company bond to the City of Bend in the amount of his contract, conditioned for the faithful performance thereof; no contract under this ordinance shall be let until the Recorder, by order of the Common Council, shall have given ten days' notice thereof by publication in some newspaper published in said city or by posting notices thereof in three public places therein for not less than ten days prior to the time of letting said contract; said notices shall specify when and where the Common Council shall meet to consider said bids and that it reserves the right to reject any or all bids.

Section 3. As soon as the memorandum of contract and bond herein provided for are executed the city engineer shall proceed to determine the proportion of the cost thereof accruing to each lot or part thereof or parcel of land, according to its frontage, abutting upon the street, alley or public way or portion thereof, upon which said improvement is to be made, and the Common Council shall declare said assessment by resolution in two publications of a weekly newspaper published in said city.

Sec. 4. Not less than thirty (30) nor more than sixty (60) days after the first publication of said resolution, the City Recorder shall enter in the docket of city liens a statement of all assessments

Repealed

*Repealed
4/109*

contained in said resolution then unpaid, containing:

1. A description of each lot, part of lot or acreage property liable for each improvement.

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

3. The sum assessed upon said property and the day of entering the same in said docket of city liens; but such date need not be given but once for all the entries made therein on the same day.

Sec. 4. The subsequent proceedings for enforcing the payment of delinquent assessments for said street improvement shall be governed in all respects by the provisions of Sections 13 to 24, both inclusive, of Chapter XiX of the Charter of the City of Bend.

Sec. 5. Whereas, it is deemed necessary for the preservation of the public health that this ordinance go into effect immediately;

Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Common Council and its approval by the Mayor.

Read first time May 25, 1917
Rules suspended May 25, 1917
Read second time and passed May 25, 1917
Attest: H. C. ELLIS, City Recorder

Approved S. C. Caldwell,
Mayor

ORDINANCE NO. 102

AN ORDINANCE FORBIDDING THE SALE, BARTER, GIVING AWAY, DISPOSAL OF OR DISPLAY OF SHOT GUNS, RIFLES, REVOLVERS, PISTOLS AND ALL OTHER FIRE ARMS AND THE AMMUNITION FOR THE SAME: PERMITTING ANY PEACE OFFICER OF SAID CITY TO INSPECT THE STOCK OF ALL DEALERS IN FIRE ARMS AND AMMUNITION: PROVIDING A PENALTY FOR THE VIOLATION THEREOF AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. It shall be unlawful for any person, firm or corporation to display any shot gun, rifle, revolver, pistol or other fire arm or the ammunition for use in any fire arm, fuse, dynamite, loose powder, fulminating caps, or other explosives, or to sell, barter, give away or dispose of the same to any person whomsoever, excepting to a member of the police force or a peace officer of said City, unless the purchaser shall have a permit therefor, signed by the City Recorder; PROVIDED: that the City Recorder shall not issue such permit unless the applicant furnish him written approval signed by at least two members of the Common Council of the city, vouching for the good moral character of the applicant.

Section 2. All persons, firms and corporations engaged in the sale of any of the articles mentioned in Section 1 of this Ordinance, shall keep a record of the sale of fire arms by the name and address of the purchaser, the number, make and calibre of the arm, with the date of sale; and a record of ammunition and explosives sold, the name and address of the purchaser, calibre, quantity, name of maker and date of sale, and shall transmit same to the Chief of Police of said City on the 1st and 15th days of each calendar month.

Section 3. The Chief of Police of said City shall have the right at any time to inspect the record of sales provided for in Section 2 hereof, and also to inspect the stock of any dealer in the articles mentioned in Section 1 hereof.

Section 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and on convict-

ion thereof, shall be punished by a fine of not less than \$25.00, or more than \$150.00, or by imprisonment in the City Jail for not more than fifty days, or by both such fine and imprisonment.

Section 5. Whereas, it is deemed necessary for the preservation of the public peace and safety that this ordinance go into effect immediately, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Common Council and its approval by the Mayor.

Read the first time July 19th, 1917:
Rules suspended July 19th, 1917
Read second time and passed July 19th,
1917.

Attest:

Recorder,
H. C. Ellis

Approved

President of the
Common Council

C. M. McKay

ORDINANCE NO. 103

AN ORDINANCE AMENDING SECTIONS 26 and 28 of ORDINANCE NO. 31, ENTITLED AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS WITHIN THE CORPORATE LIMITS OF BEND.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That Section 26 of original Ordinance No. 31 of the City of Bend, be and the same is hereby amended to read as follows:

"Section 26. It shall be unlawful for any person under the age of twenty-one years to engage in any billiard, pool or card game in, or frequent or loiter about any public billiard, pool or card room"

Section 2. That Section 28 of original Ordinance No. 31 of the City of Bend be and the same is hereby amended to read as follows:

"Section 28. It shall be unlawful for any person, firm or corporation conducting any public billiard, pool or card room, either as principal or agent, to permit any person under the age of twenty one years to engage in any billiard, pool or card game therein, or to frequent or loiter about the same"

Read first time December 4th, 1917
Rules suspended and read second time and
unanimously passed December 4th, 1917.

Attest: H. C. Ellis
Recorder

Approved: S. C. Caldwell
Mayor.

ORDINANCE NO. 104

AN ORDINANCE submitting to the legal voters of the City of Bend certain proposed charter amendments, calling a special election therefor, providing for notice thereof, adopting a ballot title for the measures to be submitted thereat, designating a polling place and appointing judge and clerks to act at such election, providing for the canvass of votes and the returns thereof and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The following proposed amendments to the charter of said City are hereby proposed for submission to the legal voters thereof at a special election to be held as in this Ordinance provided, to-wit:

CHARTER AMENDMENTS SUBMITTED TO THE VOTERS BY THE
COUNCIL

AN ACT

To amend Chapter XIX of the Charter of the City of Bend enacted by the legal voters of said city at the special election held therein on the 22nd day of November, 1911, and as subsequently amended by the legal voters of said city at the special election held therein on the 15th day of August, 1916, and as thereafter amended by said voters at the special election held therein on the 30th day of April, 1917, by adding thereto section 28 providing for appraisers to place a valuation on property benefited and to be assessed for street and sewer improvements, which said valuation shall be used as the limit for which applications may be filed to bond under the provisions of Section 27 of Article XIX of said charter in lieu of the valuation of said property as shown by the last tax roll of the county.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BEND that Chapter XIX of the charter of the City of Bend enacted by the legal voters of said City at the special election held therein on the 22nd day of November, 1911, and as subsequently amended by the legal voters of said City at the special election held therein on the 15th day of August, 1916, and as thereafter amended by said voters at the special election held therein on the 30th day of April, 1917, be and the same hereby is amended by adding thereto Section 28 to read as follows:

SECTION 28. Whenever in the judgment of the Common Council of the City of Bend it shall appear that the assessment to be made against the benefited property for the cost of the improvement of any street or streets, or part or parts thereof, or the laying or construction of any sewer, will equal or exceed the valuation of said property as shown by the last tax roll of the County in which said City is situated, said Council shall appoint three of its members as a committee of appraisers, who shall within a reasonable time after appointment and prior to the levying of the assessment therefor, view the benefited property so to be assessed and place a valuation thereon and file a report of such valuation with the Recorder, which report shall be final and conclusive as to the value of the property so appraised, and the valuation so placed upon said benefited property by said appraisers shall be then used as the limit for which applications may be filed to bond under Section 27 of Article XIX of the city charter in the place and stead of the valuation of the said property as shown by the last tax roll of the county.

SECTION 2. A special election is hereby called to be held on Friday, the 28th day of December, 1917, between the hours of 8:00 in the forenoon and 8:00 in the afternoon, for the purpose of submitting to the voters of said city for their rejection or approval the hereinabove proposed charter amendments, the date of said special election herein provided for being not less than 10 nor more than 30 days after the adoption of this Ordinance calling said special election.

SECTION 3. The Recorder shall not less than 8 days before said special election, at which the hereinabove proposed charter amendment is to be submitted cause to be printed a true copy of the title and text of said measures or amendments so to be submitted with the number and form in which the question shall be printed on the official ballot, that is to say, the ballot title, which said printing together with any pamphlets advocating or opposing said amendments shall be done in conformity with the provisions of Ordinance No. 90 of the City of Bend.

SECTION 4. The Recorder is hereby instructed to distribute either by mail or carrier a printed copy of the hereinabove proposed char-

ter amendment submitted by the Common Council without petition, together with any pamphlet advocating or opposing same duly filed as provided by law, to each qualified elector of the City of Bend, as shown by the registration books in his office, and to any other person not so registered who is a bona fide elector in said Town, which said printed copies shall be so distributed not less than 8 days prior to said special election.

Section 5. The Common Council hereby adopts the following as and for a ballot title for said measure:

CHARTER AMENDMENTS SUBMITTED TO THE VOTERS BY THE COUNCIL

AN ACT

To amend Chapter XLX of the City of Bend Charter enacted by the legal voters at the special election held November 22, 1911, and as amended at the special elections held August 15, 1916 and April 30, 1917, by adding Section 28 providing for appraisers to place a valuation on property benefited and to be assessed for street and sewer improvements, said valuation to be used as the limit for which applications may be filed to bond under the provisions of Section 27 of said Chapter in lieu of the valuation shown by the last tax roll of the county.

300	Yes
301	No.

Section 6. In addition to the notice hereinabove provided for by the distribution of pamphlets a notice of said election shall also be given for at least 10 days before holding such election substantially in words and figures as follows:

NOTICE OF SPECIAL ELECTION

Notice is hereby given that on Friday, the 28th day of December, 1917, a special election will be held in the City of Bend, Oregon, at the following polling place to-wit:

At the Hose House on Minnesota Avenue and Lava Road.
between the hours of 8 o'clock A. M. and 8 o'clock P. M. on said date, at which election there will be submitted to the legal voters of said city for their adoption or rejection certain proposed charter amendments to the charter of said City, the ballot title of the measure so to be voted on being in words and figures substantially as follows:

CHARTER AMENDMENTS SUBMITTED TO THE VOTERS BY THE COUNCIL

AN ACT

To amend Chapter XIX of the City of Bend charter enacted by the Ord. No. 104 -3-

legal voters at the special election held November 22, 1911, and as amended at the special elections held August 15, 1916, and April 30, 1917, by adding Section 28 providing for appraisers to place a valuation on property benefited and to be assessed for street and sewer improvements, said valuation to be used as the limit for which applications may be filed to bond under the provisions of Section 27 of said chapter in lieu of the valuation shown by the last tax roll of the county.

300 Yes
301 No

Done by order of the Council duly entered the 17th day
of December, 1917.

S. C. Caldwell
Mayor

Attest:

H. C. Ellis
Recorder

which said notice shall be given for at least 10 days by written or printed notices posted in at least 3 public and conspicuous places in the City and by publication in some newspaper published in the City of Bend.

SECTION 7. The time of holding such special election shall be as hereinabove designated, and same shall be held as other city elections as near as may be, and the polling place and the officials therefor shall be as follows:

The polling place for said election shall be at the hose house on Minnesota Ave. and Lava Road and the officials therefor are as follows:

E. D. Gilson
W. Ferguson
J. F. Arnold Judges and Clerks
Ashley Forrest
O. C. Henkle

and the vacancies, if any there be, caused by those not appearing to serve shall be filled as in the case of a regular city election, and the Recorder shall provide ballot boxes, all necessary election supplies, ballots, etc. as in regular city elections.

SECTION 8 The votes on the measures submitted at said special election shall be counted, canvassed and returned by the Board of Judges and clerks serving at said special election, and the judges and clerks shall begin the counting and canvassing of said votes im-

mediately after the closing of the polls, and shall continue so to do until the same are all counted, and thereupon the tally and poll sheets with all ballots cast at said special election shall be placed in the ballot box by the judges and clerks of election and the same shall be securely sealed and shall be immediately delivered so sealed by one of the judges or clerks appointed by the judges and clerks for such purpose, to the Recorder, who shall safely keep the same sealed as aforesaid, and present the same to the Common Council at a special meeting hereby called to be held at the hour of 8:30 o'clock P. M. on the day of such special election, at which time the Council shall proceed to canvass the returns of said election, and shall cause an entry of the result thereof to be made in the journal of the City of Bend, and the Mayor shall thereupon issue his proclamation and cause same to be posted as provided in Section 13 of Ordinance No. 90 of the City of Bend.

SECTION 9. WHEREAS, the charter of the City imposes upon the Council the duty of keeping the streets and sewers of said City in proper condition; and

WHEREAS, said streets and sewers are in urgent need of improvement; and

WHEREAS, in order to properly provide for the improvement of same it is necessary that this Ordinance shall become immediately operative and effective, the peace, health and safety of said City being involved; now, therefore,

An emergency is hereby declared to exist and this Ordinance shall go into effect immediately upon its adoption and approval.

Passed on this the 17th day of December, 1917, by the following vote:

Yeas _____

Nays: _____

Submitted to the Mayor the 17th day of December, 1917.

Approved by the Mayor the 17th day of December, 1917.

Attest:
H. C. Ellis
Recorder

S. C. Caldwell
Mayor

ORDINANCE NO. 105

An Ordinance amending Section 1 of Chapter 3 of the charter of the City of Bend to comply with the provisions of Section 14-A of the Constitution of the State of Oregon.

Section 1. There shall be held at the same time that the general biennial election for state and county officials is held, a general city election within the City of Bend, for the purpose of electing a Mayor and Treasurer, who shall hold their respective offices for a period of two years from Tuesday, after the first Monday in January, next following the said election, and until their respective successors are elected and qualified.

There shall also be elected at such regular biennial election, three members of the Council, who shall hold their respective offices, for a period of four years from Tuesday after the first Monday in January next following said election, and until their respective successors are elected and qualified. Provided that at the first election held after the adoption of this amendment, six Councilmen shall be elected, the three persons receiving the highest number of votes are to serve for a term of four years, and the three receiving the next highest number of votes are to serve for a term of two years.

Section 2. All provisions of the charter and ordinances of the City of Bend in conflict with the provisions of Section 1 hereof are hereby repealed.

Section 3. That the foregoing amendment to Chapter 3 of the charter of the city be hereby submitted to the qualified electors of the city for their approval or rejection, to be voted upon at a special election as provided for in Section 4 of this ordinance.

Section 4. A special election is hereby called and ordered to be held in and for said city, between the hours of 8:00 o'clock A. M. and 8:00 o'clock P. M. on the 28th day of December, 1917, for the purpose of voting upon the said proposed amendment, all in accordance with the Constitution and laws of the State of Oregon and the charter and ordinances of the City of Bend.

Read first time December 17, 1917

Rules suspended by unanimous vote

Read second time and passed, December 17, 1917

Approved December 17, 1917
S. C. Caldwell, Mayor

Attest: H. C. ELLIS, City Recorder
(Corporate Seal)

ORDINANCE NO. 106

An Ordinance submitting to the legal voters of the City of Bend, Deschutes County, Oregon, at an election to be held in said city on Friday, to-wit: The 28th day of December, 1917, the question of levying taxes in the sum of \$25,000 upon the taxable property of the city of Bend, for the year 1918, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That taxes in the amount of \$25,000 be levied upon the taxable property of the City of Bend, for the year 1918.

Section 2. That the foregoing proposition is hereby submitted to the qualified electors of the city for their approval or rejection, to be voted upon at a special election, as provided in Section 3 of this ordinance.

Section 3. A special election is hereby called and ordered to be held in and for said city, between the hours of 8:00 o'clock A. M. and 8:00 o'clock P. M. on the 28th day of December, 1917, for the purpose of voting upon the said proposition, and the City Recorder is hereby directed to give notice of said election, all as provided by the Constitution and laws of the State of Oregon, and the charter and ordinances of the City of Bend.

Section 4. Inasmuch as it is immediately necessary for the preservation of the public peace, health and safety of said city that the proposition herein contained, shall be submitted to the qualified electors of said city and adopted as soon as the provisions of law will permit, an emergency is hereby declared, and this ordinance shall take effect and be in full force from and after its passage by the Council and approval by the Mayor, and shall not be subject to the referendum.

Read first time, December 17, 1917
Rules suspended by unanimous vote
Read second time and passed, December 17, 1917

Attest H. C. Ellis, City Recorder
(Corporate Seal)

Approved December 17, 1917

S. C. CALDWELL, Mayor

ORDINANCE NO. 107

An Ordinance authorizing and directing the call and holding of an election for the purpose of submitting to the electors of the City of Bend, the question of levaying taxes in the sum of \$27,640, upon the taxable property of the City of Bend, for the year 1918, calling an election therefor, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND.

Section 1. That the recorder of the City of Bend be ordered to call a special election for the purpose of submitting to the qualified electors of said city, for their approval or rejection, the question of levying taxes to the amount of \$27,640 upon the taxable property in the City of Bend for the year 1918, of which amount, \$12,390 shall be applied to the payment of running expenses of said city for the year 1918, and the remaining amount applied to fixed charges and to retiring outstanding warrants in the City of Bend.

Section 2. That such election be held at the hose house in Bend, Oregon between the hours of 8:00 o'clock A. M. and 8:00 o'clock p. m. on February 15, 1918, and that legal notice of such election be given by the Recorder.

Section 3. That the following named persons are appointed officials of said election, to-wit:

E. D. Gilson,	Chairman
Frank Gilbert	Judge
Ray Canterbury	Clerk
J. F. Arnold	Clerk
Walter Ferguson	Clerk

Section 4. Inasmuch as it is necessary for the preservation of the Public peace, health and safety of said city, that said election shall be called as soon as permissible under the law, an emergency is hereby declared, and this ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

Read first time January 30, 1918
Rules suspended by unanimous vote of
all councilmen present and proposed
ordinance read second time Jan. 30, 1918
Passed by the Common Council Jan. 30, 1918

Approved Jan. 30, 1918

S. C. Caldwell
Mayor

Attest H. C. Ellis
Recorder

ORDINANCE NO. 108.

An Ordinance adopting and submitting to the legal voters of the City of Bend, Deschutes County, Oregon, at an election hereby called and ordered to be held in said city on Friday, to-wit: the 15th day of February, 1918, the question of levying taxes in the sum of \$27,640 upon the taxable property of the City of Bend for the year 1918, \$12,390 of said amount to be applied to the payment of the operating expenses of said city for the year 1918, \$6,750 of said amount to be applied to paying fixed interest charges against said city, \$8,500 of said amount to be applied to retiring outstanding warrants against said city, and declaring an emergency.

Be It Ordained by the Common Council of the City of Bend:

Section 1. That taxes in the amount of \$27,640 be levied upon the taxable property of the City of Bend for the year 1918, \$12,390 of said amount to be applied to the payment of the running expenses of said city for the year 1918; the sum of \$6,750 of said amount to be applied to the payment of fixed interest charges upon outstanding bonds of said city and \$8,500 of said amount to be applied to retiring warrants now outstanding against said city.

Sec. 2. That this ordinance is hereby submitted to the qualified electors of the city for their rejection or approval to be voted upon at a special election hereby called and ordered to be held in said city between the hours of 8:00 o'clock a. m. and 8:00 o'clock p. m. on the 15th day of February, 1918, for the purpose of voting upon said ordinance, and the City Recorder is hereby directed to give notice of said election by posting the said notice at least ten days prior to said election in three public places of said city, which notice shall be in substantially the following form:

SPECIAL CITY ELECTION NOTICE.

STATE OF OREGON)
COUNTY OF DESCHUTES)ss.
CITY OF BEND)

NOTICE IS HEREBY GIVEN That a special election will be held in the City of Bend, Deschutes County, Oregon, on Friday, the 15th day of February, A. D., 1918, between the hours of 8:00 o'clock a. m. and 8:00 o'clock p. m. The voting place in said city for said election shall be at the hose house, at the corner of Minnesota avenue and Lava Road.

The judges and clerks of said election shall be as follows: Chairman, E. D. Gilson; Judge, Frank Gilbert; Clerks, Ray Canterbury, J. F. Arnold, Walter Ferguson.

Said election is called and held for voting upon the adoption or rejection of a certain ordinance of the City of Bend, levying a tax upon the taxable property of said city for the year 1918, adopted by the Common Council and referred by the Common Council to the voters of said city.

Said ordinance is printed in pamphlet form by the city and copies delivered by carrier to every legal voter within the city, whose address is known, and said pamphlet can be had at the office of the recorder of said city upon application.

The general purport of said ordinance is expressed in the ballot title therefor adopted by the Common Council and which will appear upon the ballot in the following words:

REFERRED BY THE COMMON COUNCIL:

Because, in the judgment of the business and labor interests of the City of Bend, it will require the sum of \$12,390, with the strictest economy, to operate said city during the year 1918; and

Because, in addition thereto, it will require the further sum of \$6,750 to pay the fixed interest charges of said city; and

Because, in the judgment of said business and labor interests, in order to re-establish the city's credit, \$8,500 of its warrants now outstanding should be retired as soon as possible; and

Because, in order to raise the sum of said amounts it will be necessary that a majority of the legal voters of said city, voting upon said question, specifically authorize the raising of said sum, for the reason that the same is in excess of the 6 per cent increase over the tax for the year 1917 allowed by the Constitution of the State of Oregon.

THEREFORE, Shall taxes in the sum of \$27,640 be levied upon the taxable property of the City of Bend for the year 1918, \$12,390 of said amount to be applied in payment of the operating expenses of said city for the year 1918, \$6,750 of said amount to be applied to the payment of the fixed interest charges of said city, and \$8,500 of said amount to be applied solely toward the payment of warrants now outstanding against said city.

VOTE YES OR NO.

300—YES.

301—NO.

Dated this 2nd day of February, 1918.

S. C. CALDWELL,
Mayor of the City of Bend, Deschutes County, Oregon.
H. C. ELLIS,
City Recorder of the City of Bend, Deschutes, County, Oregon.

Sec. 5. The voting place for said special election in said city shall be the hose house at the corner of Minnesota avenue and Lava road.

Sec. 4. The following persons are selected and appointed to serve as officers of said special election.

Chairman, E. D. Gilson; Judge, Frank Gilbert; Clerks, Ray Canterbury, J. F. Arnold, Walter Ferguson.

Sec. 5. The following ballot title for said ordinance is hereby adopted and shall be printed on all ballots used at said election as follows:

REFERRED BY THE COMMON COUNCIL.

Because, in the judgment of the business and labor interests of the City of Bend, it will require the sum of \$12,390, with the strictest economy, to operate said city during the year 1918; and

Because, in addition thereto, it will require the further sum of \$6,750 to pay the fixed charges of said city; and

Because, in the judgment of said business and labor interests, in order to re-establish the city's credit, \$8,500 of its warrants now outstanding should be retired as soon as possible; and

Because, in order to raise the sum of said amounts, it will be necessary that a majority of the legal voters of said city, voting upon said question, specifically authorize the raising of said sum, for the reason that the same

is in excess of the said 6 per cent increase over the tax for the year 1917 allowed by the Constitution of the State of Oregon.

THEREFORE, Shall taxes in the sum of \$27,640 be levied upon the taxable property of the City of Bend for the year 1918, \$12,390 of said amount to be applied in payment of the operating expenses of said city for the year 1918; \$6,750 of said amount to be applied to the payment of the fixed interest charges of said city, and \$8,500 of said amount to be applied solely toward the payment of warrants now outstanding against said city.

Sec. 6. The form of the official ballot for use at said election shall be printed and in substantially the following form:

OFFICIAL BALLOT FOR THE CITY OF BEND, OREGON

FOR SPECIAL ELECTION HELD FEBRUARY 15, A. D., 1918.

Those voting in favor of said ordinance will mark their ballot with an X between the number and the word "YES"; those voting against the measure will mark their ballot with an X between the number and the word "NO."

REFERRED BY THE COMMON COUNCIL.

Because in the judgment of the business and labor interests of the City of Bend it will require the sum of \$12,390, with the strictest economy, to operate said city during the year 1918; and

Because, in addition thereto, it will require the further sum of \$6,750 to pay the fixed interest charges of said city.

Because, in the judgment of said business and labor interests, in order to re-establish the city's credit, \$8,500 of its warrants now outstanding should be retired as soon as possible; and

Because, in order to raise the sum of said amounts, it will be necessary that a majority of the legal voters of said city, voting upon said question, specifically authorize the raising of said sum, for the reason that the same is in excess of the 6 per cent increase over the tax for the year 1917 allowed by the Constitution of the State of Oregon.

THEREFORE, Shall taxes in the sum of \$27,640 be levied upon the taxable property of the City of Bend for the year 1918, \$12,390 of said amount to be applied in payment of the operating expenses of said city for the year 1918, \$6,750 of said amount to be applied to the payment of the fixed interest charges of said city, and \$8,500 of said amount to be applied solely toward the payment of warrants now outstanding against said city.

VOTE YES OR NO.

300—YES.

301—NO.

Sec. 7. Said election shall follow as near as practicable the provisions of the election laws of the State of Oregon.

Sec. 8. Inasmuch as it is immediately necessary for the preservation of the public peace, health and safety of said city that said ordinance shall be submitted to the qualified electors of said city and adopted as soon as the provisions of law will permit, an emergency is hereby declared, and this ordinance shall take effect and shall be in full force from and after its passage and approval by the Mayor.

Read first time February 2, 1918.

Rules suspended by unanimous vote of all councilmen present February 2, 1918 and read second time and passed February 2, 1918.

Approved this 2d day of February, 1918.

S. C. CALDWELL, Mayor.

Attest: H. C. Ellis, Recorder.

ORDINANCE NO. 109

AN ORDINANCE PROVIDING FOR THE SPRINKLING OF THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY OF BEND, OR ANY PORTION THEREOF AND FOR THE APPLICATION THERETO OF OIL OR OTHER DUST PREVENTATIVE, ASSESSING THE COST THEREOF ON THE ABUTTING PROPERTY, PROVIDING A METHOD OF COLLECTIN THE SAME, PAYING SAID COST, AND REPEALING ORDINANCE NO. 101 of said City.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND;

Section 1. That the Common Council may, by resolution, order any street, alley or public way, or any portion thereof, within said City sprinkled or treated with oil or other dust preventative, whenever, in its judgment, the same is necessary; and it shall order said improvement upon petition representing a majority of the abutting frontage actually occupied by the owners thereof.

Section 2. Said improvement shall be done by contract let to the lowest responsible bidder, who shall, if the Common Council so order, execute a surety company bond to the City of Bend in the amount of his contract, conditioned for the faithful performance thereof; no contract under this ordinance shall be let until the Recorder, by order of the Common Council, shall have given five days notice thereof by publication in some newspaper published in said city, or by posting notices thereof in three public places, for not less than five days prior to the time of letting said contract; said notices shall specify when and where the Common Council shall meet to consider said bids and that it reserves the right to reject any or all bids; PROVIDED, that the work of said improvement may be performed by the City directly by day labor or force account.

Section 3. As soon as practicable after November 1st of each year, the City Engineer shall determine the proportion of the cost of said improvement for the year ending on said date, accruing to each lot, tract or part thereof, in proportion to its frontage upon the street or public way upon which the improvement is made, and in proportion to the extent of said improvement made upon the street or public way in front of said lot, tract or part thereof, and when said assessment is made, the City Recorder shall cause to be published in one issue of a weekly newspaper published in said City, a notice to the effect that said assessment has been made, naming the streets or

parts of streets affected, that the same is on file in his office, and that interested persons may file written objections thereto, with the Recorder at any time within five days from the date of said notice. After the expiration of said period, the Common Council shall meet and consider any objections made to said assessment and may modify the same.

When the Common Council shall have finally approved said Assessment it shall declare the same by Resolution in one publication of a weekly newspaper published in said City

Section 4. Not less than thirty (30) nor more than sixty (60) days after the publication of said resolution, the City Recorder shall enter in the docket of city liens a statement of all assessments contained in said resolution then unpaid, containing:

1. A description of each lot, part of lot or acreage property liable for each improvement.
2. The name of the owner or reputed owner thereof, or that the name of the owner is unknown.
3. The sum assessed upon said property and the day of entering the same in said docket of city liens; but such date need not be given but once for all the entries made therein on the same day.

Section 5. The subsequent proceedings for enforcing the payment of delinquent assessments for said street improvement shall be governed in all respects by the provisions of Sections 13 to 24, both inclusive, of Chapter XIX of the Charter of the City of Bend.

Section 6. The moneys derived from said assessments shall be deposited in a special fund known as the Sprinkling Fund and all Warrants for the payment of said improvements shall be paid out of the said Sprinkling fund, or from the General Fund of said City, at the option of the holder thereof; PROVIDED that the General Fund shall be reimbursed from the sprinkling fund for all of said warrants paid from the General Fund.

Section 7. Ordinance Number 101 of said City is hereby repealed.

Read first time, Feb. 25th 1918
Read second time Mar. 5 1918
Passed March 5th, 1918
Attest:

H. C. Ellis
City Recorder

Approved: S. C. Caldwell
Mayor

Ord. No. 109

-2-

ORDINANCE NO. 110

An Ordinance to prevent male persons in the City of ^{Bend}Prineville, who are physically fit to perform some useful service, from remaining idle during the period of the war, and providing a penalty and declaring an emergency.

WHEREAS, it is essential and necessary for the protection and welfare of the City of ^{Bend}Prineville, the State of Oregon, and the United States of America, because of the existence of a state of war in which the United States is now engaged that all things possible be done to aid the nation in the present crisis, now therefore:
Be it ordained by the City of Bend:
~~THE PEOPLE OF THE CITY OF PRINEVILLE, OREGON, DO ORDAIN AS FOLLOWS:~~

Section 1. It shall be unlawful for any male person in the City of ^{Bend}Prineville, who is physically fit to perform some useful service, to remain idle during the period of the war, and all such persons shall, during such period be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment for at least thirty-six hours per week, and any person refusing to be so employed shall be deemed guilty of a violation of this ordinance and shall, upon conviction thereof in the Recorder's Court, be punished by a fine not exceeding \$50 or by imprisonment in the City jail for a period not exceeding thirty days, or by both such fine and imprisonment. In no case shall the possession by the accused of money, property or income sufficient to support himself and those regularly dependent upon him be a defense to any prosecution under this act.

Section 2. In no case shall the claim by the accused of his inability to obtain work or employment be a defense to a prosecution hereunder unless it shall be proved that the accused promptly notified the Recorder of the City of ^{Bend}Prineville of his inability to obtain employment and requested that work or employment be found for him and that such employment was not furnished him, and shall hold a certificate from said Recorder that such application was made.

Section 3. It shall be the duty of the City Recorder whenever any person shall inform him of his inability to obtain employment as aforesaid to register forthwith the name of such person, together with

his address, age and any other information which he may deem necessary.

The City recorder shall thereupon assign, or cause to be assigned and, if necessary, reassign or cause to be reassigned, such persons to occupations as aforesaid, carried on by the City of ^{Bend} Prineville, by the State or any county or municipality thereof, or by private employers, engaged in agricultural, industrial or other occupations of the character above mentioned, and who accept the services of such persons; provided, however, that no person shall be required to work under this ordinance any greater number of hours per day than lawfully constitutes a day's work in the occupation in which such person is required to engage. In the event of the City Recorder being unable to procure employment for such persons applying as aforesaid, it shall then be the duty of the said Recorder to so certify to such person in writing.

Section 4. All persons required to work under this ordinance shall receive compensation of not less than the wage or salary paid to others engaged in the same nature of work to which each person is assigned. If any such person is assigned to work for any department, board or commission of the state, then the compensation of such person shall be paid to him by such department, board or commission, out of the appropriation made to it by the State. If any such person is assigned to work for any county or for any municipality, or for any private employer, then the compensation of such person shall be paid to him by such county, municipality, or private employer accepting his services.

Section 5. Any person failing or refusing to do, or to continue to do, the work assigned to him, or who, in the meantime, has not become regularly or continuously employed in some lawful, useful and recognized business, occupation, trade, profession or employment as aforesaid, shall be guilty of a violation of this ordinance and upon conviction thereof shall pay a fine of not more than Fifty Dollars or
2. be imprisoned for a term not exceeding thirty days, or both.

Section 6. In assigning anyone to work, the City Recorder shall take into consideration, physical condition and any other appropriate circumstances of the persons so assigned.

Section 7. It shall be the duty of every member of the Police department to seek and to continue to seek diligently the names and places of residence of able-bodied male persons within the City of ~~Prineville~~ ^{Bend} not regularly or continuously employed as herein required.

Section 8. The provision of this ordinance shall not apply to persons temporarily unemployed by reason of differences with their employers, nor to bona fide students during school term, nor to persons fitting themselves to engage in trade or industrial pursuits, or other good and sufficient reasons.

Section 9. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of ~~Prineville~~ ^{Bend} in this; That there is urgent need for every able-bodied man to perform some useful service during the present crisis, therefore, an emergency is hereby declared and this ordinance shall be in force and effect from and after its passage by the council/

Passed by the Council of said City on the _____ day of June, 1918.

Approved by the mayor of said City on the _____ day of June, 1918.

Attest:

RECORDER.

MAYOR.

approved June 4 1918
S. C. Caldwell
Mayor

Read first time June 4 1918
Rules suspended June 4 1918
Read 2nd time and passed June 4 1918

attest
H. C. Ellis
Recorder

AN ORDINANCE FORBIDDING THE MANUFACTURE, SALE OR DISPOSAL OF INTOXICATING LIQUORS EXCEPT IN CERTAIN CASES, DECLARING CERTAIN PLACES AND THINGS TO BE NUISANCES AND PROVIDING FOR THEIR ABATEMENT, DEFINING TERMS USED HEREIN, PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

Repealed

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The words "intoxicating liquor" as used in this ordinance shall be construed to embrace all spiritous, malt, vinous, fermented or other intoxicating liquors; and all mixtures or preparations reasonably likely or intended to be used as a beverage, which shall contain in excess of one-half of one per centum of alcohol by volume, shall be deemed to be embraced within such term, independently of any other test of their intoxicating character; and all mixtures, compounds or preparations, whether liquid or not, which are intended, when mixed with water or otherwise, to produce, by fermentation or otherwise, an intoxicating liquor, shall also be deemed to be embraced within such term.

Section 2. It shall be unlawful for any person to receive, import, possess, transport, deliver, manufacture, sell, give away or barter any intoxicating liquor within the City of Bend: Provided, however, it shall be lawful for any person:

(1) To have in his possession intoxicating liquor lawfully procured, and in his possession within the said city at the time of the taking effect of this ordinance;

(2) To make or sell vinegar, alcohol manufactured for denaturation only, and actually denatured under the laws and regulations of the United States Government; or nonintoxicating cider or fruit juices, or to make or have in possession wine for sacramental purposes only;

(3) Who is actually engaged in the wholesale drug business to sell ethyl alcohol at wholesale only to

persons to whom permits shall have been issued by the District Attorney as provided by law;

(4) Who is a registered pharmacist conducting or employed in retail drug stores to sell ethyl alcohol for medicinal, mechanical and scientific purposes to persons to whom permits have been issued by the District Attorney of the State of Oregon;

(5) Who is a registered pharmacist to sell ethyl alcohol for medicinal purposes only upon the signed prescription of a licensed physician in good standing, actually engaged in the practice of his profession in the State of Oregon, not of intemperate or immoral habits and not addicted to the use of narcotic drugs.

Section 3. It shall be unlawful for any person to solicit, take or receive within this city any order for intoxicating liquor or make any contract for the sale of any intoxicating liquor, except in cases where the sale of such liquor is permitted.

Section 4. It shall be unlawful for any person, directly or indirectly, to keep or maintain, by himself or by associating or combining with others, or in any manner to aid, assist or abet in keeping or maintaining any locker-room, club-room or other similar place in which intoxicating liquor is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any club or association by any means whatsoever, and it shall be unlawful for any person to use, barter, sell or give away, or assist or abet another in bartering, selling or giving away any intoxicating liquors so received or kept.

Section 5. It shall be unlawful for any person to carry intoxicating liquor to any dance or dance hall or other public gathering or to have intoxicating liquor in his possession at such dance or dance hall or other public gathering.

Section 6. All premises, buildings, vehicles, boats, and all other places where intoxicating liquors are manufactured, sold, bartered or given away, in violation of this ordinance, or where persons are permitted to resort for the drinking of intoxicating liquor as a beverage, or where intoxicating liquors are kept for sale, barter or delivery, in violation hereof, and all intoxicating liquors, bottles, glasses, kegs, pumps, bars and other property kept in and used in maintaining such premises, buildings, vehicles, boats or other places, are hereby declared to be public nuisances; provided,

that nothing in this ordinance shall be construed to interfere with the rights of seagoing vessels to keep liquor thereon, provided they comply with all the provisions of this ordinance; and it shall be unlawful for any person to maintain or assist in maintaining a public nuisance as herein defined.

Section 7. Any person who knowingly permits any building or tenement owned or leased by him or under his control, or any part thereof, to be used in maintaining a public nuisance as defined in this ordinance, or who, after being notified in writing by the City Attorney or any citizen of such use, omits to take all proper measures, either to abate said public nuisance or failing therein, to eject therefrom the person or persons so using the same, shall be deemed guilty of assisting in the maintaining of such public nuisance.

Section 8. Upon the filing of a complaint charging that a place is kept or maintained as a public nuisance by any person or persons, and that intoxicating liquors, bottles, glasses, kegs, pumps, bars or other property are kept or used therein in keeping and maintaining such place as a public nuisance, a warrant shall be issued commanding the officer to whom it is directed to arrest the person or persons charged or described as the keeper or keepers, and to search the place described in such complaint and to seize and take into his custody all intoxicating liquors, glasses, bottles, kegs, pumps, bars or other property described in said complaint which he may find at such place, and safely keep the same subject to the orders of the court. The complaint shall be supported by oath or affirmation and shall describe the place to be searched with sufficient particularity to identify the same, and shall describe the intoxicating liquors, or other property alleged to be used in maintaining the same, as particularly as practicable, but any description however general, that will enable the officer executing the warrant to identify the property to be seized, shall be deemed sufficient. Upon the return of the warrant, the court shall proceed as in other cases against the person or persons arrested.

Section 9. Whenever any intoxicating liquor or other property shall be seized under such a warrant, whether an arrest has been made or not, a notice shall issue within forty-eight hours after the return of the warrant in the same manner as a summons, directed to the defendant or defendants in such action, and to all persons claiming any interest in the intoxicating liquors, or other property, and fixing a time not less than five days from the service thereof and a place at which any and all per-

sons claiming any interest therein may appear and answer the complaint made against such intoxicating liquors or other property, and show cause, if any they have, why the same shall not be adjudged a nuisance and ordered destroyed. Such notice shall be served upon the defendant or defendants in such action in the same manner as a summons, if they be found within the jurisdiction of the court, or otherwise by publication according to the laws governing publication of summons in civil suits, and a copy thereof shall also be posted in a conspicuous place upon the premises where such property was seized. If, at the time for filing answer, such notice has not been duly served, or other sufficient cause appear therefor, the time for answering may be by the court extended and such other notice issued as will supply any defect in the previous notice and give reasonable time and opportunity for all persons interested to appear and answer. At or before the time fixed by notice, any person claiming an interest in the intoxicating liquors, or other property seized, may file his answer in writing, setting up his claim thereto, and shall thereupon be deemed a party defendant to the proceedings against such liquor or other property.

The complaint and answer or answers that may be filed shall be the only pleadings required; and at the time fixed for answer, or any other time then to be fixed by the court, a trial shall be had in a summary manner ~~before the court, sitting at a jury~~, of the allegations of the complaint or information against the liquors or other property seized; and whether any answer shall be filed or not, it shall be the duty of the City Attorney to appear and adduce evidence in support of such allegations.

Section 10. If the court shall find that said intoxicating liquors or other property, or any part thereof, were at the time the complaint was filed, being used in maintaining a public nuisance, he shall adjudge forfeited so much thereof as he shall find was being so used, and shall order the officer, in whose custody it is, publicly to destroy the same, and such officer shall make a return thereof to the court in which such action is pending, showing that he has complied with the said order so made and entered. So much of the intoxicating liquor or other property as the court shall not find to have been used in maintaining a public nuisance he shall order returned by the officer, in whose custody it is, to the place or as near as possible to the place from which it was taken, or delivered to the person establishing his claim to the same. If the court shall find that any of such liquors or other property was, at the time the complaint was filed, being used in maintaining

a public nuisance, and shall also find that it was being used by any person served with the notice herein provided for or by any person filing an answer, as in said section provided, so that it was then owned or claimed by any such person and by him knowingly allowed to be so used, the court shall render judgment against such person for the costs of the proceedings against the intoxicating liquors or other property so used or owned by him. If the court shall not find that any of the said intoxicating liquors or other property seized was, at the time complaint was filed, being used in maintaining a public nuisance, or shall not find that any of it was being so used, or so owned and allowed to be used, by any person served with the notice aforesaid, or voluntarily becoming a party as aforesaid, the costs of the proceedings against such property shall be paid as in criminal cases. Either the city or any defendant or other person claiming the property seized, may appeal from the judgment of the court in any such special proceeding against property seized, in the manner provided for the taking of appeals from the Recorder's Court.

Section 11. Intoxicating liquors or other property which shall have been seized as hereinbefore provided, shall not be taken from the custody of the officer in whose possession they are by any writ of replevin or other process while the proceedings herein provided ~~for~~ are pending, and final judgment of conviction in such proceedings shall in all cases be a bar to all suits for the recovery of any intoxicating liquors, or other property seized or of the value of the same, or for damages alleged to arise by reason of the seizing and detention thereof.

Section 12. If the City Attorney shall be notified of or have knowledge of or reason to suspect any violation of any of the provisions of this ordinance, he may issue his subpoena for such person or persons as he has reason to believe may have information or knowledge of any violation of said laws to appear before him, at a designated time and place, to be examined in relation thereto; or said City Attorney may file with the City Recorder his signed statement alleging a violation hereof and may issue his subpoena for such person or persons as he may have reason to believe may have such information or knowledge of any such violation, commanding such witnesses to be and appear before such magistrate at a time to be designated in said subpoena then and there to testify concerning any violation of the provisions of said law. Such subpoena may be served upon such witnesses

by any police officer of said city, and shall be served and returned in the same manner that subpoenas are served and returned in other cases in said court.

Each witness shall be sworn true answers to make to all questions propounded to him touching the matters under investigation and the testimony of such witness shall be reduced to writing and signed by the witness.

For the purpose of this ordinance, the City Attorney or any of his deputies are authorized and empowered to administer oaths or affirmations to any such witness appearing before him, and it shall be unlawful for any person so subpoenaed to refuse to be sworn or to sign the testimony given by him, or refuse to answer any question touching the matter under investigation, propounded to him in such inquiry.

X The City Recorder when acting under the provisions of this ordinance shall have power to adjourn such proceedings from time to time, to punish such witness or witnesses for contempt for any failure to appear, or refusal to be sworn, or to answer any question put to him as a witness, or to sign his testimony, and the attendance of such witness may be compelled by such magistrate by attachment.

If the testimony so taken discloses that there is reasonable ground to believe that an offense has been committed, the City Attorney shall at once prosecute the person or persons suspected of committing the offense by filing said testimony together with his complaint against such person or persons suspected of committing such offense, and such testimony, together with the complaint of the City Attorney, when sworn to by him upon information and belief shall have the same effect as if such complaint had been verified positively and thereupon a warrant shall issue for the arrest of such person or persons, as in other cases in the Recorder's Court.

Section 13. If the sworn statement of any witness as in the last preceding section provided, shall disclose the fact that intoxicating liquors are being kept for unlawful sale or purpose, or are being sold by an unknown person or persons, particularly describing such unknown person or persons, contrary to the provisions thereof, at any place, particularly describing the place to be searched and the property to be seized, as hereinafter provided, it shall be the duty of the City Attorney to file his complaint charging such offense as shall appear to have been committed together with such statement, with the City Recorder, against such place and the unknown keepers thereof, which complaint, when verified by the City Attorney upon information and belief, and filed together with such statement as aforesaid, shall have the same effect as if such complaint had been sworn to positively, and thereupon a warrant shall issue, directed to the proper officer,

commanding him to search the premises described in the complaint, and to seize all intoxicating liquors and all vessels or bottles containing the same and arrest the keeper or keepers thereof, and said person or persons when arraigned before the court shall plead to his or their real name or names and shall be tried upon such complaint, and if found guilty shall be punished as provided in this Article, and the court before whom such conviction may be had shall also order all the property seized by the officer as aforesaid to be publicly destroyed; provided, said court shall also find and adjudge such property was being used by the defendant at the time of such search and seizure for the purpose of unlawfully selling or bartering intoxicating liquors, as provided for in this Ordinance.

Section 14. In prosecutions under this Ordinance it shall not be necessary to state the kind or quantity of liquor manufactured or sold, and it shall not be necessary to describe the place where the same was manufactured or sold, except in prosecution for the keeping and maintaining of a public nuisance as defined by this Ordinance and it shall not be necessary to state the name of the person by whom the same was manufactured or sold, nor to state the name of the person to whom the same was sold; and it shall not be necessary in the first instance, for the city to allege or prove that the party charged did not have legal authority to sell such liquor, or was not within any of the exceptions provided by this ordinance.

Section 15. In all prosecutions for maintaining a public nuisance as hereinbefore defined, the finding of intoxicating liquors in the possession of one not legally authorized to sell the same, except in a private dwelling house, not used in connection with a place of business shall be prima facie evidence that such liquors are kept for sale or use in violation of law; and the finding in a place fitted up with a bar or counter or glasses or other paraphernalia usually connected with places where intoxicating liquor is sold as a beverage, or in a place used for the manufacture or storage of intoxicating liquors, of a stamp or receipt showing the payment by any person of the United States Internal Revenue special tax for the manufacture or sale of distilled or malt liquor at such place, for a period not then expired, shall be prima facie evidence that the person or persons to whom the same was issued were, at the time of finding such special tax stamp, maintaining a public nuisance at such place; and evidence of the general reputation of the

place designated in the complaint, information or indictment shall be admissible to prove the existence of such public nuisance.

In all prosecutions for selling intoxicating liquor, if delivery of such liquor be proved, it shall not be necessary to prove a payment, but such delivery shall be prima facie evidence of such sale; and in any such prosecution evidence of other sales of intoxicating liquor at or about the same time by the same person or at the same place to other persons shall be admissible as tending to show the character of the business in which the defendant is engaged and the probability and credibility of such testimony as may be introduced of the particular sale or sales upon which the city shall rely for conviction; and in any such prosecution, the issue of any internal revenue stamp or receipt in this section above described, to any person other than a druggist, shall be prima facie evidence that such person is engaged in the business of selling intoxicating liquor at the place of business where such stamp or receipt is posted, if, at the time the stamp or receipt is in force and effect. A copy of such stamp or of the records of the United States Internal Revenue officer, deputy or assistant having charge of such records or stamps, certified to by any such officer, deputy or assistant, which shows that the United States special liquor tax has been paid by any person charged with selling, bartering, giving away, furnishing or otherwise disposing of intoxicating liquor in violation of this ordinance, shall be competent and prima facie evidence that the person whose name appears on said record or stamp as shown by said certified copy, has paid a special liquor tax for the time stated therein.

Section 16. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not exceeding Two hundred (\$200.00) dollars, or by imprisonment in the city jail for a period not exceeding One hundred days or by both such fine and imprisonment.

Ordinance No. 3116

COBA

Section 17. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 18. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and an emergency is hereby declared to exist and this Ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

First reading, Aug 6 1918. ✓
Rules suspended u / u 1918. ✓
Second Reading, u u 1918. ✓

Attest; H. C. Ellis
City Recorder.

Approved this 6 day of Aug. 1918
Chas. W. Ray
Acting Mayor.

ORDINANCE NO. III.

AN ORDINANCE to provide the carrying into effect in the City of Bend, Deschutes County, Oregon, the Initiative and Referendum powers reserved to the legal voters of Municipalities by Section 1-a of Article IV of the Constitution of the State of Oregon, and to enact and amend their municipal charters reserved to legal voters of cities and towns by Section 2 of Article XI of the Constitution of the State of Oregon, and providing for violation of this act and repealing Ordinance No. 90 and all ordinances or parts of ordinances in conflict herewith and declaring an emergency:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

SECTION 1. The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the Initiative.

WARNING.

It is a felony for any one to sign any Initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION

To the Honorable H. C. Ellis,

Recorder for the City of Bend,

Deschutes County, Oregon.

We, the undersigned, citizens and legal voters of the City of Bend, Deschutes County, Oregon, respectfully demand that the following proposed ordinance (or amendment to

To be reported

the city charter) shall be submitted to the legal voters of the City of Bend, Deschutes County, Oregon, for their approval or rejection at the regular (or special) city election to be held on the 25th day of September 1918 and each for himself says: I have personally signed this petition; I am a legal voter of the City of Bend, Deschutes County, Oregon, and my residence and street number are correctly written after my name.

NAME	RESIDENCE	STREET NUMBER
------	-----------	---------------

(Here follow twenty numbered lines for signatures)

SECTION 2. The following shall be substantially the form of petition for Referendum to the people on any ordinance passed by the City Council.

WARNING.

It is a felony for any one to sign any Initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

REFERENDUM PETITION.

To the Honorable H. C. Ellis
 Recorder of the City of Bend,
 Deschutes County, Oregon.

We, the undersigned, legal voters of the City of Bend, Deschutes County, Oregon, respectfully demand that Ordinance No. 111 entitled (title of ordinance on which the referendum is sought), passed by the Common Council of the City of Bend at its meeting on the 14th day of Sept, 1918, shall be submitted to the legal

voters of the City of Bend for their approval or rejection at the regular (or special) city election to be held on the 25th day of Sept, 1918, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Bend, Deschutes County, Oregon, and my residence and street number are correctly written after my name.

NAME	RESIDENCE	STREET NUMBER
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(Here follow twenty numbered lines for signatures)

SECTION 3. Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:

STATE OF OREGON,)	
COUNTY OF DESCHUTES,)	SS.
CITY OF BEND.)	

I, _____, being first duly sworn, say that (here shall be legibly written or typewritten the name of the signers of the sheet) signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly, and that each signer is a legal voter of the City of Bend.

 Subscribed and sworn to before me this _____
 day of _____, A.D. 19____.

(Signature and title of officer and his residence.)

SECTION 4. The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

SECTION 5. Not more than twenty signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure proposed by the Initiative petition or the measure demanded for submission by the Referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be sworn to by the voter before his signature is attached.

SECTION 6. The Recorder of the City of Bend shall accept for filing any petition for the Initiative or for the Referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk of Deschutes County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within ten days after presentation thereof to him.

SECTION 7. Initiative petition for any proposed ordinance, charter amendment or measure shall be signed by a number of legal voters equal to fifteen per centum of the votes cast for mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the City Council shall be signed by a number of legal votes equal to ten per centum of the votes cast for mayor at the last regular preceding municipal election.

SECTION 8. An amendment to the charter of the City of Bend may be proposed and submitted to the legal voters thereof by resolution of the City Council without an Initiative petition; said resolution shall be filed with the Recorder for submission not later than ten (10) days before the election at which it is to be voted upon and no amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said municipality.

SECTION 9. Where an amendment to the charter of the City of Bend may be proposed and submitted to the legal voters thereof by resolution of the City Council without an Initiative petition, the said resolution shall therein state the date of the regular municipal election, or the date of a special election at which said resolution will be submitted to be voted on.

SECTION 10. When any measure for Initiative or Referendum legislation shall be filed by the Recorder after the number and genuineness of signatures thereto, as provided by Section 6 supra have been ascertained, or when any resolution of the City Council shall be filed with the Recorder as provided in Section 8 herein, the Recorder shall forthwith transmit to the Attorney of said municipality a copy of such measure, who shall within five days provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said Attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall

not be argument for or liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said Attorney for any such measure may within five days after said ballot title is returned to the Recorder appeal to the City Council asking a different title and giving the reasons therefor, and stating why the title prepared by the said Attorney is improper and the City Council shall by resolution approve the ballot title prepared by said Attorney, or shall by resolution prescribe another ballot title therefor and the ballot title so approved or so prescribed by the City Council shall be the title placed upon the ballot. Such ballot title shall in no case exceed one hundred words, and shall not resemble in so far as possible any other ballot title filed for any measure. The Recorder of the City of Bend shall number such measures and ballot titles in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered 100 and the negative 101 in numerals, and the succeeding measures shall be numbered 102, 103, 104, 105 and so on. It shall be the duty of the Recorder to print said ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "Referendum ordered by petition of the people". Measures proposed by the Initiative petition shall be designated "Proposed by initiative petition". Charter amendments submitted by the City Council without initiative petition shall be designated "Charter amendments submitted to the voters by the City Council".

SECTION 11. Where a special election is called, either on petition for proposed ordinances or charter amend-

ments by the Initiative, or for submitting ordinances by the Referendum, or on charter amendments proposed by resolution of the City Council, the Recorder shall publish such proposed ordinances, referendum measure or charter amendment with the ballot title and number in full in a newspaper published in the City of Bend once or oftener within the ten (10) days immediately preceding the special election at which said proposed ordinance, referendum measure or charter amendment is to be voted on. A like rule as to publication shall be observed where proposed ordinances, referendum measure or charter amendments are to be submitted at the regular election.

SECTION 12. Legal voters of the City of Bend are qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one election, who is not at the time of signing the same a legal voter of the City of Bend, or any officer or other person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the city jail not exceeding six months or by both fine and imprisonment in the discretion of the municipal court.

SECTION 13. The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be, provided by law. No measure shall be adopted unless it shall receive the affirmative majority

of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting, shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

SECTION 14. The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

SECTION 15. The mayor shall within fifteen days from the time of such election proclaim by publication thereof in full, once in a newspaper published in the City of Bend, or by posting printed or typewritten copies of such proclamation in at least two conspicuous places in said municipality, the adoption of such measure and amendment which shall have received the affirmative majority of the total number of votes cast thereon, and shall upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 13 with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the City Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect according to such result from the time of such proclamation.

SECTION 16. Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the City Council, same shall be filed with the Recorder within thirty days after the passage and approval of the ordinance in question.

No ordinance shall take effect and become operative until thirty days after its passage by the City Council and approval by the Mayor, or passage by a two-thirds vote over the vote of the Mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become immediately operative until same is passed by a majority of all the members of the City Council and also approved by the Mayor.

SECTION 17. Ordinance No. 90 and all ordinances and parts of ordinances in conflict herewith be and the same hereby are repealed.

SECTION 18. WHEREAS, the City of Bend has been and now is without adequate fire protection, the want of which endangers the peace, health and safety of said City and the inhabitants thereof; and

WHEREAS, the charter of said City imposes upon its officials the duty of providing said adequate fire protection; and

WHEREAS, in order so to do it is necessary that a charter amendment be adopted in the manner provided by law at as early a date as possible; and

WHEREAS, in order to adopt said charter amendment, it is now necessary to enact this ordinance;

NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall immediately go into force and effect upon and after its adoption and approval.

Passed by the Council this the 14th day of
September, 1918, by the following vote: *and McKay.*
Yeas: Silvis, Brosterhous, Kennell, Steidl, Edwards
Nays: none

Submitted to the Mayor this 14th day of
September, 1918.

Approved by the Mayor this 14th day of
September, 1918.

C. M. McKay
Acting Mayor. *pro tem*
President of the Council.

Attest:
H. C. Ellis
Recorder.

ORDINANCE NO. 112.

AN ORDINANCE to provide for the issuance of City of Bend Fire Equipment Bonds in the sum of twenty thousand dollars for the purpose of procuring funds to be used in the purchase and acquisition by the City of Bend of a fire engine, hose, siren and other necessary equipment in connection therewith, providing and approving the form of said bonds and the coupons attached thereto, providing for the sale of said bonds and the delivery to the purchaser thereof, and declaring an emergency.

WHEREAS, Chapter XXIII of the charter of said City among other things provides for the issuance and sale of City of Bend Fire Equipment Bonds in the sum of twenty thousand dollars (\$20,000) for the purpose of procuring funds to be used in the purchase and acquisition by the City of Bend of a fire engine, hose, siren and other necessary equipment in connection therewith; and

WHEREAS, no bonds have been issued under and pursuant to said Chapter XXIII for any of said purposes and it has now become necessary to borrow money and issue bonds in said sum therefor; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That the City of Bend do issue bonds in the name of and under the corporate seal of said City in the sum of twenty thousand dollars (\$20,000) in denominations of one thousand dollars (\$1000) each, numbered consecutively from 1 to 20 inclusive, said bonds to be dated September 1, 1918, and to mature serially as follows:

Bond #1 to mature Sept 1 st 1923	Bond #11 & 12 to mature Sept 1 st 1930
" #2 " " " " 1924	" #13 & 14 " " " 1931
" #3 " " " " 1925	" #15, 16 & 17 " " " 1932
" #4 " " " " 1926	" #18, 19 & 20 " " " 1933
" #5 & 6 " " " " 1927	
" #7 & 8 " " " " 1928	
" #9 & 10 " " " " 1929	

the entire issue of twenty thousand dollars bonds aforesaid to bear interest at the rate of six per cent. (6%) per annum payable semi-annually on the first days of March and September in each year, both principal and interest to be payable at the office of the City Treasurer in the City of Bend, Oregon, said bonds to be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, whereby the City of Bend shall be held and considered in substance and effect to undertake and promise to pay to the bearer of each of said bonds at the expiration thereof the sum therein named in gold coin of the United States of the present standard of value with interest thereon in like gold coin at the rate of six per cent. (6%) per annum, payable semi-annually, which bonds shall be known as "CITY OF BEND FIRE EQUIPMENT BONDS", the interest on said bonds being represented by coupons attached thereto and each of said coupons shall have the signature of the Mayor and Recorder of said City engraved thereon.

Section.2. The said City of Bend Fire Equipment Bonds hereby authorized to be issued and the coupons attached thereto shall be in substantially the following form:

No. _____.

\$1000

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
FIRE EQUIPMENT BOND.

THE CITY OF BEND, Deschutes County, Oregon, for value received hereby promises to pay to bearer

ONE THOUSAND DOLLARS

on the first day of September, 19____, with interest thereon at the rate of six (6) per cent. per annum, payable semi-annually on the first days of March and September to the bearer of the respective coupons therefor hereto attached as they mature, both principal and interest being payable in United States gold coin of the present standard of value at the office of the City Treasurer in the City of Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturities, aggregating twenty thousand dollars per value in amount, numbered 1 to 20 inclusive, issued for the purpose of providing funds for the purchase of fire equipment for said City under the general provisions of an amendment to the charter of said City submitted to and approved by the voters thereof at a special election held therein on the 25th day of September, 1918.

And it is hereby certified and recited that the election authorizing the aforesaid amendment to the City Charter of the City of Bend, heretofore mentioned as a condition precedent to the issuance and sale of this bond has been duly called and held; that proper and due notice was given thereof, and that at said election more than a majority of the voters qualified to vote thereat voted in favor of the aforesaid amendment to the City Charter authorizing the issuance and sale of this bond; that all acts, conditions, and things relating to the issuance and sale hereof have been

properly done and performed in regular and due time, form and manner as required by law; that the total indebtedness of said City, including this issue of bonds, does not exceed the statutory or constitutional limit of the State of Oregon, or the limit provided by the Charter of said City;

And for the punctual payment of this bond and the interest hereon the full faith and credit of the City of Bend is hereby irrevocably pledged.

IN WITNESS WHEREOF, the City of Bend has caused this bond to be signed by its Mayor and countersigned by its Recorder and the corporate seal of said City to be hereto affixed this 1st day of September, 1918.

Countersigned:

Mayor.

Recorder.

(Coupon)

No. _____

\$30

THE CITY OF BEND
COUNTY OF DESCHUTES, STATE OF OREGON,

on the first day of ^{March} September 19____ will pay to bearer

THIRTY DOLLARS

in gold coin of the United States, at the office of the City Treasurer in the City of Bend, Oregon, being six month's interest on its Fire Equipment Bond No. _____.

Countersigned:

Mayor.

Recorder.

Section 3. That the sale of the aforesaid bonds heretofore made to Morris Brothers Inc., Portland, Oregon, at a price in excess of par and accrued interest be and the same hereby is ratified, approved and confirmed and the Mayor and Recorder are hereby authorized, empowered and instructed to execute said bonds and see to the proper delivery thereof to said purchaser upon payment of the purchase price therefor.

Section 4. WHEREAS, the City of Bend has been and now is without adequate fire protection, the want of which endangers the peace, health and safety of said City and the inhabitants thereof; and

WHEREAS, the charter of said City imposes upon its officials the duty of providing said adequate fire protection; and

WHEREAS, in order so to do it is necessary to immediately enact this Ordinance;

NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall immediately go into force and effect upon and after its adoption and approval.

Passed by the Council this the 27th day of September, 1918, by the following vote:

Yeas: Bennett, McKay, Edwards, Silvis, Steidl & ^{Prosterhaus} Bennett

Nays: None

Submitted to the Mayor ^{pro tem} this 27th day of September, 1918.

Approved by the Mayor ^{pro tem} this 27th day of September, 1918.

Attest:

H. C. Ellis
Recorder.

Clyde M. McKay
Mayor ^{pro tem}.

RESOLUTION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEND, OREGON, that the following proposed ordinance of said City be and the same is hereby submitted to the legal voters at the general City election to be held on 5th day of November, 1918, as in this resolution provided;

ORDINANCE SUBMITTED
TO THE VOTERS BY THE CITY COUNCIL.

ORDINANCE NO. 113

An Ordinance adopting and submitting to the legal voters of the City of Bend, Deschutes County, Oregon, at the regular City election to be held in said City on Tuesday, to-wit the 5th day of November, 1918, the question of levying taxes in the sum of \$28840. upon the taxable property of the City of Bend for the year 1919, \$12390 of said amount to be applied to the payment of the operating expences of said City for the year 1919, \$7950. of said amount to be applied to paying fixed interest charges against said City, \$8500. of said amount to be applied to retiring outstanding warrants against said City and declaring an emergiency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That taxes for the amount of \$28840. be levied upon the taxable property of the City of Bend for the year 1919, \$12390 of said amount to be applied to the payment of the running expences of said City for the year 1919; the sum of \$7950. of said amount to be applied to the payment of fixed interest charges upon outstancing bonds of said City and \$8500. of said amount to be applied to retiring warrants now standing against said City.

Section 2. That this resolution be submitted to the voters by the Council, be filed with the Recorded upon its approval by the Mayor, for submission to the legal voters of said municipality for their rejection or approval to be voted upon at the regular City election to be held in said City on Tuesday to-wit the 5th day of November, 1918.

Section 3. That a copy of this resolution be forthwith upon its

app. transmit to the city attorney who shall within five days thereafter provide and return to the Recorder a ballot title to be voted upon at said election as by law provided.

Section 4. That the Recorder be and is hereby instructed and required to publish this resolution in full containing the hereinabove proposed ordinance and the ballot title and number in full in the Bend Bulletin and the Bend Press, same being newspapers published in the City of Bend, Oregon, once or oftener within the ten days immediately preceding the special election at which same is to be voted upon.

Section 5. That the Poling Places and election boards for the conduct of this election shall be as provided by the constitution and laws of the State of Oregon.

Section 6. That in as much as it is deemed desirable that this resolution be submitted to the qualified voters of said City at the general City election to be held on November 5, 1918, an emergency is hereby declared to exist and this resolution shall immediately go into force and effect upon its adoption and approval. Passed by the Council this 25th day of October, 1918 by the following vote:

Yeas: Clyde W. Kay

Nays: None.

Approved by the Mayor October 25th, 1918.

Attest: H. C. Ellis B
Recorder.

Clyde W. Kay
Mayor. pro tem.

John Stidell, Councilman
C. J. Piloni " "
Louis Bennett " "
A. E. Edwards

ORDINANCE NO. 114.

AN ORDINANCE PROVIDING FOR THE HOLDING OF TWO REGULAR MONTHLY MEETINGS OF THE COMMON COUNCIL IN EACH MONTH.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The Common Council shall hold two regular monthly meetings on the first and third Tuesdays of the month, at such hour of meeting as the Council shall determine.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for first time January 21st, 1919

Charter provision suspended January 21st, 1919

Read Second time January 21st, 1919

Passed January 21st, 1919

Approved January 21st, 1919

Attest:

D. H. Phelps
City Recorder.

J. A. Easter
Mayor.

Do not proceed

ORDINANCE NO 115.

AN ORDINANCE TO AMEND SECTION ONE OF ORDINANCE NO. 46, ENTITLED: AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, TO PREVENT THE SPREADING OF CONTAGIOUS, INFECTIOUS AND EPIDEMIC DISEASES, TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE ON HEALTH AND CITY HEALTH OFFICER AND TO PRESCRIBE THE DUTIES OF SUCH COMMITTEE AND OFFICER.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. That Section 1 of Ordinance No. 46 of the City of Bend, be amended so as to read as follows:

Section 1. That the committee of three members of the Common Council, appointed by the Mayor, as provided by Charter, shall be known as the Committee on Health. The Chairman of said Committee shall be ex officio, health officer. The Mayor shall also appoint, annually a City Health officer who shall be a practicing physician duly licensed by the Oregon State Board of Medical Examiners, such appointment to be approved by the Common Council. Said City Health Officer shall receive as compensation the sum of \$100.00 per year payable quarterly

Read for the first time Feb. 18, 1919

Read for the Second time Mar. 4, 1919

Passed Mar. 4, 1919

Attest D. H. Phelps
City Recorder

Approved Mar. 4, 1919

J. A. Everts
Mayor

Referenced

ORDINANCE NO 116.

AN ORDINANCE DECLARING CERTAIN STRUCTURES WITHIN SAID CITY NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEND:

Section 1. The following described structures are hereby declared to be nuisances for the reason that the same constitute a fire menace and are unsanitary and unsightly, to wit:

The wood, frame building, approximately 40' x 44', used as a store room and slaughter house, located on the alley on the rear of Lot 8 of Block 11, of Bend.

The wood, frame building, approximately 17' x 20', used as a clothes cleaning establishment, located on alley on the rear of Lot 4 of Block 11, of Bend.

The wood, frame building approximately 15' x 24', used as a garage, located on alley on the rear of Lot 3 Block 11, of Bend.

The wood frame building, approximately 19' x 20', use unknown located on alley on rear of Lot 2 of Block 10 of Bend.

The wood, frame building, approximately 20' x 37', used as a garage and chicken house, located on alley on rear of Lot 9 of Block 10 of Bend.

Section 2. The fire marshall is hereby directed to notify the owners of the premises upon which said structures are located or the agents of the owners of said premises in the case of non-resident owners, to proceed to remove said structures within 30 days from the date of said notice.

Section 3. That in case the owner of said premises or his agent shall fail to comply with the provisions of Section 2 hereof, the proper officials of the City shall remove said structures and make the cost thereof a lien upon the lot upon which the same was located, said lien to be enforced as other liens upon real estate under the Charter of said City.

Section 4. In as much as it is necessary for the preservation of the health and safety of the public that this ordinance go into effect as soon as possible, an emergency is hereby declared to exist and this ordinance shall go into effect immediately after its passage and approval by the Mayor.

Read the first time Mar. 18, 1919
Charter provision suspended Mar. 18, 1919
Read second time Mar. 18, 1919.

Attest:

D. H. [Signature]
City Recorder

Approved: Mar. 18, 1919

J. A. [Signature]
Mayor