

10. Power of Council. Chapter 8, Article 4, Section 10 of said Code is hereby adopted as amended by Chapter 66 of the Acts of the Legislature 1935, regular session, as follows: The Council shall have plenary power and authority therein by ordinance or resolution as the case may require, (so far as such power or authority is not in conflict with the constitution and laws of this state or the constitution of the United States) to lay off, vacate, close, open, alter, curb, pave or repair and keep in good repair roads, streets, alleys, sidewalks, crosswalks, drains, gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them; to prevent by proper fines and penalties the throwing, depositing or permitting to remain on any street, sidewalk, alley, lane, square or other public place any glass, scrap iron, nails, tacks, wire, other litter, or any offensive matter or anything likely to injure the feet of persons or animals or the tires of vehicles; to regulate the use of streets, alleys, lanes and sidewalks for vehicles propelled by man power, and for other vehicles the use of which is not regulated by general laws; to regulate the width of sidewalks on the streets, and subject to the provisions of article eight of this chapter, to order the sidewalks, footways and crosswalks to be curbed, recurbed, paved, repaved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets, and prescribe the time of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep or other animals, and fowls of all kinds from going at large in said town; to protect places of divine worship and to preserve peace and order in and about the premises where held; to arrest, convict and punish any person for keeping a house of ill-fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill-fame, or for knowingly permitting any house owned by him, or under his control, to be kept or used as a house of ill-fame, or for loafing, boarding or loitering in a house of ill-fame, or frequenting same; to arrest, convict and punish any person for importing, publishing, selling or distributing any pornographic publication; to arrest, convict and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing or overleading or overdriving, or willfully depriving of necessary sustenance, any horse or other domestic animal; to arrest, convict and punish any person for gambling or keeping gaming tables, commonly called "A, B, C", or "E, D", table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice or otherwise or any person who shall be a partner or concerned in interest, in keeping or exhibiting such table or bank, or keeping or maintaining any gambling house or place, or betting or gambling for money or anything of value; to license, or for good cause to refuse to license in a particular case, or at its discretion to prohibit in all cases the operation of pool and billiard rooms and maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for such business. When the council, in the exercise of its discretion, shall have refused to grant a license mandamus shall not lie to compel the council to grant such license, unless it shall clearly appear that the refusal of the council to grant such license is discriminatory or arbitrary. In the event that the council decides to license any such business, the council shall have power, and it shall be the duty of the council, to make an enforce reasonable ordinances regulating the licenssing and operating of such businesses; the council shall also have such power and authority

and enforce reasonable ordinances regulating the licensing and operating of such businesses; the council shall also have such power and authority to arrest, convict and punish any person for carrying about his person any revolver or other pistol, dirk, bowie-knife, razor, sling shot, billy, metallic or other false knuckles, or any other dangerous or other deadly weapon of like kind or character, within said town; to arrest, convict and punish any person for driving or operating within said town, a motor vehicle when intoxicated or under the influence of liquor, drugs or narcotics; to provide penalties for the offenses and violations of law mentioned herein in addition to the penalties provided in section twenty-three of this article, but which shall not exceed the penalties provided for like offenses and violations in this chapter, and in chapter sixty-one of this Code; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gun powder and other combustibles; to acquire, by purchase, condemnation and otherwise, land in or near the town for providing and maintaining proper places for the burial of the dead and to regulate interments therein upon such terms and conditions as to price and otherwise as may be determined by the council, and, in order to carry into effect such provisions the council may acquire any cemetery and cemeteries already established; to provide for the regular building of houses or other structures, and for making of division fences by owners of adjacent premises and the drainage of lots by the proper drains and ditches; to make regulations guarding against danger or damage by fire; to prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations therein; to protect the persons and property of the inhabitants of said town, and to preserve peace and good order therein, and, for this purpose, to appoint, when necessary, a police force to assist the sergeant in the discharge of his duties; except as otherwise provided, to prescribe the powers and define the duties of the officers appointed by the council, fix their terms of service and compensation, and require and take from them bonds, when deemed necessary, payable to said town, in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the faithful discharge of their duties; to require and take from employees and contractors bonds in such penalties, with such sureties and with such conditions, as council may see fit; to erect or authorize or prohibit the erection of gas works, electric light works, water works, and sewer treatment and disposal works within or without the town, or partly within and partly without the town, except that it shall not erect or authorize the erection of any such works, partly without the town to serve persons already obtaining service from existing works of the character proposed, and where such works are by the municipality erected, or have heretofore been so erected, partly within and partly without the town, it shall have the right to lay and collect charges for services rendered to those served within and those served without the town, and to prevent injury to such works or the pollution of the water and its maintenance in a healthful condition for public use within the town; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the town, to provide a revenue for the town and appropriate the same to its expenses, which power shall include the power to tax dogs; to impose a license tax on persons or companies keeping for hire carriages, hacks, buggies or wagons, or for carrying passengers for pay in any such vehicle, in said town; to adopt rules for the transaction of business, and the government and regulation of its own body. Wherever the powers herein granted cannot be reasonably and efficiently exercised by confining the exercise thereof within the corporate limits, the powers of the corporation

shall extend beyond the corporate limits to the extent necessary to the reasonably efficient exercise of such powers within the corporate limits. But such powers, unless otherwise provided, shall not extend more than one mile beyond the corporate limits, nor shall such powers extend into the corporate limits of another municipal corporation.

11. Oath of Officers. Chapter 8, Article 3, Section 11 of said Code is hereby adopted as follows: Every person elected or appointed to an office in said corporation shall, within twenty days after his election or appointment and before he shall enter upon the duties of his office, take and subscribe the oath of office prescribed for district officers; which may be done before the Mayor or Recorder of said town, which oath, with the certificate of the officer administering the same, shall be filed, recorded and preserved in the office of the Recorder of the town, and a certified copy of such oath and certificate shall be filed and recorded in the office of the clerk of the county court of the county.

12. Powers and Duties of Mayor. Chapter 8, Article 4, Section 3 of said Code is hereby adopted as follows: The Mayor shall be the Chief Executive Office of the town, when not otherwise provided by law, and shall take care that the order, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed. He shall be ex officio, a justice and conservator of the peace within the town, and shall, within the same, have an exercise all powers and perform all duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of the town. He shall have the same power to issue attachments in civil cases as a justice of his county has, though the cause of action arose out of his town. But in such cases he shall have no power to try the same but such attachments shall be returnable and be heard before some justice of his county. Any warrant or other process issued by him may be executed at any place within the county or counties in which the town is situated. He shall have control of the police of the town and may appoint special police officers whenever he deems it necessary, except when otherwise provided by law; and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in the town before issuing his warrant therefore. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and, in default of such payment, he may commit the party in default to the jail of Jefferson County, or other place of imprisonment in said corporation, if there be one, until the fine or penalty and costs shall be paid, but the term of imprisonment in said case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the town. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment, or be under the provisions of section eight and nine, article eighteen, chapter fifty of said Code, shall be paid by the town and taxed as part of the costs of the proceeding. But such Mayor shall not receive any money belonging to the State, or to individuals, unless he shall give bond and security required of a justice of the peace by article one, chapter fifty, of said Code; and all provision of said article one, relating to moneys received by justices shall apply to like moneys received by the Mayor.

13. Powers and Duties of Recorder. Chapter 8, Article 4, Section 4 of said Code is hereby adopted as follows: It shall be the duty of the Recorder to keep the journal of the proceedings of the council, and have charge of and preserve the records of the town. In the absence from the town, or in case of sickness, of the Mayor, or during any vacancy in the office of Mayor, the Recorder shall perform the duties of the Mayor and be invested with all his powers.

14. Powers and Duties of Sergeant. Chapter 8, Article 4, Section 5 of said Code is hereby adopted as follows: The Sergeant shall have all the powers, rights and privileges within the corporate limits of the town in regard to the arrest of persons, the collection of claims, and the execution and return of process that can be legally exercised by a constable of a district within the same. In order to arrest for violation of municipal ordinances and as to all matters arising within the corporate limits and coming within the scope of his official duties, the powers of the Sergeant or of any policeman shall extend anywhere within the county or counties in which municipality is situated. He and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a district is liable to, for the failure or dereliction in such office, to be recovered in the same manner and in the same courts in which such fines, penalties and forfeitures are now recovered against such constables. The Sergeant shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety satisfactory to the council, payable to the town, in such penalty, not less than one thousand dollars, as the council may prescribe.

15. Vacancies in Office; How Filled. Chapter 8, Article 3, Section 13 of said Code is hereby adopted as follows: When a vacancy shall occur for any cause in the office of Mayor, Recorder or in the Council, the vacancy, until the next succeeding election and until the qualification of an elected successor, shall be filled by appointment by the Council from among the citizens of the town eligible under this charter.

16. Tax Levies. Chapter 67, Article 8, Section 14 of the Acts of 1933, Second Extraordinary Session, as amended by Chapter 132, Acts of 1939, Regular Session is hereby declared to govern the preparation of estimates and laying of levies on all taxable property within the town in lieu of the present provision of the Charter of 1867 requiring levies to be made in May or June. All estimates will therefore be made henceforth on the first Tuesday in August and approved on the third Tuesday in August in each year.