

STATE OF KANSAS.

THE

SESSION LAWS OF 1879,

AND

MEMORIALS,

PASSED AT THE EIGHTEENTH REGULAR SESSION OF THE LEGISLATURE, CONVENED
AT THE STATE CAPITAL ON TUESDAY, JANUARY 14, 1879.

TOPEKA, KANSAS:
GEO. W. MARTIN, KANSAS PUBLISHING HOUSE.
1879.

CHAPTER LXXXII.

CITIES, FIRST CLASS—AN ACT CONCERNING.

AN ACT to amend an act entitled "An act to incorporate cities of the first class," approved March 6, 1874, and all amendatory and supplemental acts, and to authorize cities of the first class to re-fund certain indebtedness, and to levy taxes to pay for the same, and providing for certain officers and their compensation and duties.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The city treasurer of every city of the first class shall receive the sum of seven hundred and fifty dollars per year for his services, and no more. The city marshal of such city shall receive the sum of one thousand dollars per year, and no more.

Salaries of city treasurer and marshal.

SEC. 2. That section thirteen of "An act to incorporate cities of the first class," approved March sixth, eighteen hundred and seventy-four (being section thirteen of chapter forty-six of the laws of eighteen hundred and seventy-four), be amended so as to read as follows: Section 13. The mayor and council of each city created or controlled by this act, shall have the care, management and control of the city and its property and finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such ordinances to alter, modify or repeal, and shall have power—

Powers and duties of mayor and council.

First: The fiscal year of such cities shall commence on Friday succeeding the first Tuesday of April of each year.

Fiscal year.

Second: To levy and collect a license-tax on and regulate auctioneers, grocers, commission merchants, retailers, merchants, hotels and inn-keepers, boarding houses, public buildings, public halls, public grounds, concerts, theaters and theatrical exhibitions, hawkers, peddlers, liquor sellers, pawn-brokers, taverns, dramshops, bankers, brokers, shows, exhibitions for pay, billiard tables, ball alleys, ten-pin alleys (without regard to the number of pins used), photographers, artists, agents, porters, runners, drummers, public lecturers, public meetings, real-estate agents and brokers, horse and cattle dealers, livery-stable keepers, wood and coal yards, beer houses, patent-right dealers, inspectors, gaugers, stock-yard and wagon-yard proprietors, mercantile agents, fire,

Licenses, to whom granted.

- life, marine or accidental insurance companies or agencies, insurance agents, express companies or agencies, telegraph companies or agencies, banking and other corporations or institutions, railway companies or agencies, street railroad cars, hackney carriages, omnibuses, carts, drays, job wagons, ice wagons, and all other vehicles, lawyers, doctors, dentists, and all other business, trades, avocations or professions whatever, and all professional men, and fix the rates of carriage of persons, and of wagonage, drayage and cartage of property; and to license, tax, regulate or suppress ordinaries, changers, intelligence offices, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, lottery-ticket dealers, corn doctors, private venereal hospitals, museums and menageries, horoscopic views, lung testers, muscle developers, magnifying glasses, gift enterprises, tipping-shops, dramshops.
- Fix rates.**
- Regulate or suppress certain kinds of business.**
- Ferries.** *Third:* To have exclusive power to license ferries, and to regulate the same, and the landing thereof, within the limits of the city.
- Length of time for which license may be granted.** *Fourth:* To authorize the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same. No license shall be granted for more than one year, and not less than five dollars shall be charged for any license.
- Strangers, protection of.** *Fifth:* To adopt all such measures as they may deem necessary for the accommodation and protection of strangers and the traveling public in person or property.
- Inspection and weighing of certain articles.** *Sixth:* To provide exclusively for the inspection and weighing of hay, lime, stone, coal, charcoal, and all kinds of coal used for fuel or for heating purposes, and the place and manner of weighing the same.
- Markets.** *Seventh:* To provide for the government and regulation of markets, market places, and meat shops, and to collect a license tax therefrom, and to determine the amount of license to be paid therefor.
- Restrain tipping, etc.** *Eighth:* To restrain, prohibit and suppress the tipping-shops, saloons, dramshops, slaughter houses, billiard tables, ten-pin alleys, houses of prostitution and other disorderly practices; and houses, games and gambling houses, desecration of the Sabbath day, and all kinds of indecency, and for violation of disturbance of the peace, and assault and battery.
- Ninth:* To make regulations to prevent the introduction

of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within five miles of the city. Contagious diseases.

Tenth: To erect, establish and regulate hospitals, work-houses, houses of correction, poor-houses and pest-houses, and provide for the government and support of the same. Hospitals.

Eleventh: To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to make and prescribe regulations for the cleaning and keeping in order all slaughter houses, stock yards, warehouses, stables, or other places where offensive matter is kept or liable to accumulate. Nuisances.

Twelfth: To establish, regulate and support night watch and police, and to define the duties thereof. Police.

Thirteenth: To provide for the lighting and sprinkling of streets, and erection of lamp posts. Lighting streets.

Fourteenth: To erect and establish market houses and market places where the same will not obstruct the traveling of persons upon the walks and along the streets of the city, and to license meat-shops, and to regulate and govern each and all of the above places; and to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property belonging to the city, and to provide for the safety and protection of private property where dangers are likely to accrue by the action of the elements or through the carelessness or negligence of any servant or officer of the city; to grant permits or to make contracts for the exclusive or limited right with persons or associations to mine for coal, metals or stone within the corporate limits of such city, under such restrictions as shall protect public and private property, and insure proper remuneration for such grants; and to establish, alter and change the channels of streams and water-courses, and bridge the same: *Provided*, That any such improvement mentioned in this subdivision, costing in the aggregate a sum greater than three thousand dollars, shall not be authorized until the ordinance providing therefor shall be submitted to and ratified by a majority of the legal voters of such city. Erect market houses, and license meat shops, and provide for government of, etc.

Fifteenth: To provide that any person desiring to subdivide any addition or tract of land within the present city limits shall submit a plat and map of said subdivision to the mayor or city council, to be approved by said mayor and Additions to city.

council before the same shall be filed in the register of deeds' office of the county in which said land is located: *Provided*, That the person or persons so desiring to subdivide his or their addition or tract of land shall not, in dedication of the streets and alleys or public grounds of said addition or subdivision for public use, receive [reserve] to themselves, their heirs, or assigns, the right to quarry or dig any rock, coal, or other mineral, or any reservation whatever in said streets or alleys or public grounds.

Proviso.

Provide means for extinguishing fires.

Sixteenth: To provide for the prevention or extinguishment of fires, and to organize and establish fire and hook-and-ladder companies; to provide for a fire department, and to regulate the same; to regulate, restrain or prohibit the erection of wooden buildings within such limits as may be prescribed by ordinance, and to provide for the removal of the same at the expense of the owners thereof, when erected and suffered to remain contrary to the ordinances of the city; to regulate and prevent the storing of green hides, and the carrying on of manufactories dangerous in causing or producing fires, injurious to health, or obnoxious or offensive to the inhabitants of said city; to appoint a fire marshal, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishment of such fire, or the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; and to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses; and to impose a penalty for the violation of any of the provisions of such ordinance.

Appoint fire marshal.

Seventeenth: To regulate and order the cleaning of chimneys.

Regulate storage of powder, pitch, turpentine, etc.

Eighteenth: To regulate the storage of powder, pitch, turpentine, resin, hemp, baled hay, cotton, and all other combustible materials, and the storing of lumber in yards or on lots within the fire limits of the city, or as they may be prescribed by ordinance, and the use of lights and candles in stables, shops and other places; to remove or prevent the construction of any fire-place, chimney, stove, oven, boiler, kettle, or any apparatus used in any house, building, manufactory or business, which may be dangerous in causing or

Guard against fires.

producing fires; to direct the safe construction of deposits for ashes, and to enter into and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to ascertain whether any of them are in a dangerous state; and take down or remove buildings, walls or superstructures that may become insecure or dangerous; and to require the owner of insecure and dangerous buildings, walls or other erections, to remove or render the same secure and safe at the cost of the owner or owners of such property.

Nineteenth: To regulate and prescribe the manner and order the building of partition and parapet, and fire walls and partition fences, and to regulate and prescribe the construction and building of chimneys, smoke and hot-air flues, and smoke stacks. Fire walls.

Twentieth: To regulate levees, depots, depot grounds and places for storing freight and goods, and to provide for the construction and passage of railways through the streets and public grounds of the city: *Provided*, That no person or company, to whom the right and privilege shall at any time be granted by the mayor and council of such city to construct railroads through the streets of such city, shall have the exclusive privilege to use any of the streets for that purpose, except those streets through which they may actually construct and operate their railway tracks. Levees and depots, and depot grounds.

Twenty-first: To regulate the crossings of railway tracks, and to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars and trucks within the limits of said city, and to prescribe rules relating thereto, and govern the speed thereof, and to make any other and further provisions, rules and restrictions to prevent accidents at crossings and on the tracks of railways, and to prevent fires from engines; and where such city shall, prior to the passage of this act, have made a contract with any railroad company, or passed an ordinance permitting said railroad company to construct a railroad track across levees or public grounds of said city, and to construct a depot on said levee or public grounds, or extend the time for the completion of said depot, said contract and ordinances are hereby declared to be in full force, and legal, valid and binding upon all parties. Railways, regulate the running of.

Twenty-second: To regulate the running at large of cattle, hogs, mules, sheep, goats, dogs, and other animals, except Stock, regulate the running at large of.

milch cows, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulation, and the expense of impounding and keeping the same, and of such sale; and to regulate and provide for the taxing of the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance regulating the same.

Pounds, pens.

Twenty-third: To provide for the erection of all needful pens, pounds and buildings for the use of the city, within and without the city limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

Shade trees.

Twenty-fourth: To require and regulate the planting and protection of shade trees in the streets and on the public grounds of the city, the building of bulkheads, cellar and basement-ways, stairways, railways, window and doorways, awnings, hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over and adjoining the street or sidewalk, and all other excavations through and under the sidewalks in said city.

Enumeration of inhabitants.

Twenty-fifth: To provide for, and cause to be taken, an enumeration of the inhabitants of the city.

Elections.

Twenty-sixth: To provide by ordinance for the election of city officers, and prescribe the manner of conducting the same, and the returns thereof, and for deciding contested elections, in any manner not in conflict with existing laws.

Twenty-seventh: To provide for removing officers of the city for misconduct.

Regulate police, impose penalties for violation of ordinances.

Twenty-eighth: To regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinances, and to provide for the recovery and collection thereof; and, in default of payment, to provide for confinement in the city prison, or to hard labor in the city.

Compensation.

Twenty-ninth: To regulate and prescribe the duties, powers and compensation of all officers and servants of the city not herein provided for.

Bonds.

Thirtieth: To require from all officers and servants, elected or appointed in pursuance of this act, bonds and security for the faithful performance of their duties.

Provide for current expenses.

Thirty-first: To appropriate money and provide for the current expenses of the city: *Provided*, That no indebtedness shall be incurred, or order, warrant, or evidence of indebted-

ness of the city shall be drawn or issued on the treasurer in payment of any indebtedness to exceed the amount of funds on hand in the treasury at the time: *And provided further,* That every order or warrant drawn on the treasury shall express on its face to whom issued, and for what purpose allowed, and the same shall be payable only to such person or his order.

Thirty-second: All expenditures of moneys as in this act provided for, or payments made by the city for any purpose in this act provided for, and for any purpose whatever, shall be in pursuance of a specific appropriation made by ordinance, and in no other manner.

Expenditures made in pursuance of a specific appropriation.

Thirty-third: To elect one of their own body who shall be styled "president of the council," and who shall preside at all meetings of the council in the absence of the mayor; and in the absence of the president of the council, to select one of their own body to occupy the place temporarily, who shall be styled "acting president of the council;" and the president and acting president, when occupying the place of mayor, shall have the same power as the mayor, and shall also have the same privilege as other members of the council.

President of council, duties.

Thirty-fourth: To cause to be constructed all sidewalks and street-crossings, and to levy and collect a special tax for the payment thereof.

Sidewalks and street crossings.

SEC. 3. Owners or occupants of real property in cities of the first class shall be required to make, according to rules and regulations prescribed by ordinance, repairs of sidewalks, curbing and guttering, or either, in front of their property and on the adjoining side of the street or avenue; in such repairs shall be included the keeping in good order and proper place any of the improvements, and also cleaning or removing therefrom ice, snow, earth or other substances. Such rules and regulations shall be deemed police regulations, and violations thereof may be punished accordingly by fine or imprisonment.

Repairs of sidewalks, curbing, etc.

SEC. 4. The mayor and council of cities of the first class shall have power, and are hereby authorized, to re-fund, upon such terms as may be agreed, all outstanding existing bonded indebtedness of any such city, except railroad bonds, by issuing for the same new bonds of such city, bearing interest at a rate not exceeding six per cent. per annum, interest payable semi-annually on the first day of January and July of

Re-fund certain bonded indebtedness.

Rate of interest of new bonds, and when payable.

each year. Such bonds to be issued not exceeding dollar for dollar for such old bonded indebtedness so re-funded, and shall be payable in thirty years from the date thereof: *Provided*, No bond shall be issued under this section until the old bond has been delivered to the city treasurer, and canceled by being marked across the face thereof, "Paid in full," signed by such treasurer. The mayor and council are hereby required, annually, at the same time other city taxes are levied, to levy and collect a tax sufficient to meet the interest on such bonds, and five years after the passage of this act, and annually thereafter, as long as any of said bonds issued under this section remain unpaid, to levy and collect a tax not less than one-half a mill and not more than three mills on the dollar, on all taxable property of such city, to create a sinking fund for the payment of such bonds. The mayor and council shall be individually liable for any neglect to make said levies. The said sinking fund shall immediately be invested by the mayor and council in interest-bearing state bonds of the state of Kansas, or in United States bonds, or in the bonds issued under the provisions of this section. The mayor and council shall have power to sell any such state or United States bonds so purchased, and invest the proceeds in bonds issued under the provisions of this section: *And provided*, Said bonds shall not be purchased at a price exceeding the market value for the time being; and in no case at a price in excess of their face value. If invested in bonds issued under the provisions of this section, such bonds shall be immediately canceled as may be directed by such mayor and council, and shall, after all of the bonds issued under the provisions of this section shall have been redeemed and paid, be publicly burned, as may be directed by the mayor and council: *Provided, however*, A list of all bonds so burned shall be kept by the city clerk. The city clerk shall keep a record of all bonds issued in pursuance of this section. Such record shall show the date, amount, to whom issued, and on what account. The bonds shall be signed by the mayor and city clerk, and shall have proper interest coupons attached. The faith and credit of every such city is hereby pledged to the payment of said bonds. Any mayor, councilman, clerk, treasurer or other officer of such city, or any person who has any duties to perform in connection with the issuance or delivery of said bonds, or the

Proviso.

Annually levy tax.

Liable for neglect of duty.

Sinking fund, how invested.

Proviso.

Record of bonds issued to be kept.

Faith and credit of city pledged for performance of contract.

Punishment for violation of provisions of section.

execution of any of the provisions of this section, who shall directly or indirectly vote for, issue, consent to, or authorize the issue of, or sign, or cause to be issued or signed, any of such bonds contrary to the provisions of this section, or who shall directly or indirectly use, vote for using, consent to the use of, or permit to be used, the sinking fund provided in this section, for any purpose other than in this section provided for, shall be guilty of a felony; and upon conviction in any court of competent jurisdiction, be punished by confinement at hard labor in the penitentiary for a term not less than five years nor more than ten years, and shall forfeit any office he may then hold, and be forever disqualified from holding any office under the laws of the state of Kansas, and shall be individually liable to such city, or any person damaged thereby, in a civil action brought by such city or the person damaged.

SEC. 5. The mayor and council of every city of the first class shall have power, in their discretion, to use and apply any portion or part of the general fund of such city not necessary for the general purposes of such city, and when such city is not indebted in any manner for debts payable out of such general fund, for the purchase of any bonds issued in compromise of any railroad indebtedness of such city, or in compromise of any other bonded indebtedness of such city: *Provided*, That the bonds so purchased shall be immediately canceled in manner and form as directed by the mayor and council, and shall be thereafter destroyed, as provided for in the law authorizing the issue of such compromise bonds: *And provided further*, Said bonds shall not be purchased at a price exceeding the market value for the time being, and in no case at a price in excess of their face value.

General fund not needed may be used, how.

Proviso.

SEC. 6. The special taxes provided for in sections seven-teen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, of chapter forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate cities of the first class," approved March sixth, eighteen hundred and seventy-four, being the law to which this is amendatory and supplemental, shall be levied on all the lots and pieces of ground to the center of the block fronting on or adjacent to the improvement made, and extending along the street, sidewalk, alley, avenue or lane, the distance improved or extended as aforesaid: *Provided*,

Special taxes, on what levied.

- Proviso.** That when any street, sidewalk, alley, avenue or lane shall be opened, extended or improved into or through any undivided tract or parcel of land within the limits of such city, said taxes shall be so levied as not to tax a greater area per front foot on such improvement through the undivided portion than the area through the divided portion of the improvement.
- Compensation.** SEC. 7. That section sixty-seven of an act entitled "An act to incorporate cities of the first class," approved March sixth, eighteen hundred and seventy-four (being section sixty-seven of chapter forty-six, laws of eighteen hundred and seventy-four), be amended so as to read as follows: Section 67. The several officers herein named, of any city governed by this act, shall receive the compensation fixed by this act, and no more, either directly or indirectly.
- Mayor.** *First:* The mayor shall receive the sum of six hundred dollars per annum.
- City clerk.** *Second:* The city clerk shall be elected on the first Tuesday in April, eighteen hundred and seventy-nine, and shall hold his office for the term of two years and until his successor is elected and qualified, at a salary not exceeding twelve hundred dollars per annum.
- Police judge.** *Third:* The police judge shall receive the sum of fifty dollars per month in full for all services in city and state cases, which shall be paid by the city.
- Policeman.** *Fourth:* Each policeman shall receive the sum of fifty dollars per month, and shall not receive or be allowed any other fee or perquisites from the city.
- Engineer.** *Fifth:* The engineer shall receive such compensation as the mayor and council shall determine and may be agreed upon, not exceeding in any one year one thousand dollars.
- Street commissioner.** *Sixth:* The street commissioner shall receive the sum of six hundred dollars per annum, and shall not be allowed to receive any other fees or perquisites, and shall perform the duties heretofore performed by the market-master.
- Weighmaster.** *Seventh:* The weighmaster shall receive the sum of forty dollars per month in full for all his services.
- Councilmen.** *Eighth:* Councilmen shall receive as compensation for any and all services or duties performed in their capacity as councilmen, or as members of any committee, the sum of fifty dollars per annum.
- City attorney.** SEC. 8. The city attorney shall receive the sum of twelve

hundred dollars per annum, which shall be in full payment of his salary, and the salary of any deputy or assistant while attending to any business of the city while absent from the city, under the directions of the mayor and council. And he shall attend all cases wherein the city is a party, in all courts; and he shall draft all ordinances, contracts, agreements, etc., and shall attend all regular meetings of the city council, and any special meetings of said council, when notified; and he shall be under the immediate control of the mayor and council; and he shall have power to appoint one or more deputies, by and with the consent of the mayor and council.

Duties.

SEC. 9. That sections thirteen and sixty-seven of an act entitled "An act to incorporate cities of the first class," approved March sixth, eighteen hundred and seventy-four, (being sections 13 and 67 of chapter 46, laws of 1874,) and all laws and parts of laws in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

Sections repealed.

SEC. 10. This act shall be in force from and after its publication once in the *Daily Press*, of Leavenworth, Kansas.

Approved March 12, 1879.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Daily Press*, of Leavenworth, Kansas, March 17, 1879.

JAMES SMITH, *Secretary of State*.

CHAPTER LXXXIII.

CITIES OF THE SECOND CLASS.

AN ACT to amend an act entitled "An act to incorporate cities of the second class," as amended section 1, chapter 71 of laws of 1875, approved February 25, 1875.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Section thirteen of an act entitled "An act to incorporate cities of the second class and to repeal former