

L A W S

PASSED AT THE

FOURTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

CONVENED AT DENVER

ON THE

THIRD DAY OF JANUARY, A. D. 1883.

PUBLISHED BY AUTHORITY.

DENVER:
THE TIMES—PUBLIC PRINTER,
1883.

hand in cash to the amount of five hundred dollars or over, it shall be his duty to immediately apply all such funds to the redemption of an equal amount of such outstanding city or town warrants or orders, with the interest due thereon, as may be entitled to a preference as to payment according to the order of time in which they have been previously presented to the treasurer of such city or town as evidenced by the registry of the orders of such city or town kept in his office as provided by law, and for this purpose he shall cause to be advertised for thirty days in some newspaper published in or nearest such city or town, a notice that he will redeem such certain city or town orders or warrants, with interest due thereon, stating their number and amounts on presentation at the treasury of such city or town, and that at the expiration of thirty days from the date of such notice, such orders or warrants shall cease to bear interest.

SEC. 2. It is hereby declared that an emergency ^{Emergency.} exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Approved February 19, 1883.

AN ACT

TO REDUCE THE LAW INCORPORATING THE CITY OF DENVER AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT, AND TO REVISE AND AMEND THE SAME.

Be it enacted by the General Assembly of the State of Colorado:

ARTICLE I.

CORPORATE NAME AND BOUNDARIES.

SECTION 1. That the inhabitants of the City of ^{Name.} Denver, in Arapahoe County, and State of Colorado, be and are hereby constituted a body politic and corporate

by the name and style of "The City of Denver," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal and alter the same at pleasure.

Boundaries.

SEC. 2. Hereafter the corporate limits of "The City of Denver" shall be as follows: Beginning at the northwest corner of the southwest quarter of section twenty-one (21) of township three, (3) south of range sixty-eight (68) west; thence east along the east and west center lines of sections twenty-one (21) and twenty-two (22) to east line of section twenty-two; thence north to the north line of the south half of the northwest quarter of section twenty-three (23) in said township; thence east along said north line to the northeast corner of the southwest quarter of the northeast quarter of section twenty-four; thence south to the south line of section twenty-four; thence west along said south line of section twenty-four to the center of the south line of said section twenty-four (24); thence south along the north and south center line of section twenty-five to the south line of said section twenty-five (25); thence west along the south line of section twenty-five (25) to the northeast corner of section thirty-five (35); thence south along the line between sections thirty-five (35) and thirty-six (36) in said township; and along the line between sections one (1) and two (2) to the southeast corner of said section two (2) in township four (4) south, and range sixty-eight (68) west; thence west along the south line of said section two (2) to the northeast corner of section ten (10) in said last named township; thence south along the east line of said section ten (10) to the southeast corner of said section ten (10); thence west along the south line of sections nine (9) and ten (10) of said last named township to an intersection with the present center line of the South Platte river; thence northerly down the center line of the said South Platte river to an intersection with the north line of said township four (4) south, in range sixty-eight (68) west; thence east along said line to the southeast corner of section thirty-two (32) in township three (3) south, in range sixty-eight (68) west; thence north along the west lines of sections thirty-three, (33) twenty-eight (28) and twenty-one (21) to the place of be-

ginning; save and except the northeast quarter of the northeast quarter of section ten (10) in township four (4) south of range sixty-eight west, which shall not be included in said city. All which land included within the aforesaid boundaries is situate in the county of Arapahoe, in the State of Colorado, and the same together with all additions to said city of Denver now made is hereby declared to be within the limits of the city of Denver. It shall be the duty of the Board of Aldermen, Board of aldermen to designate nine wards. upon the passage of this act, or within one year thereafter, to make or designate the boundaries of not less than nine wards, which said designation shall be upon the basis of population and convenient to the citizens of said city.

SEC. 3. Whenever any territory shall be laid out Additions show made and surveyed as an addition to the city of Denver, such territory shall, upon the filing of the plat or map thereof in the office of the recorder of the county of Arapahoe, become a part of the city of Denver, and be included within the limits and jurisdiction thereof; *Provided*, That said map shall show a topographical survey of the land, showing streams, creeks, bluffs, lines, etc., and that said maps shall not be filed or recorded until all back taxes on the land so laid out are paid, and if said land has been sold for taxes, the same shall be redeemed from such sale; *Provided*, further, that no map or plat of an addition to said city shall be recorded or filed with the county clerk and recorder, until the same has been by the owner of such contemplated addition submitted to the city council and approved by it, and no map or plat of any addition shall be adopted or approved, unless the proposed streets and alleys therein are in conformity as to width, courses and angles, with the streets and adjoining additions or portions of said city.

SEC. 4. The inhabitants of said city, by the name Corporate powers to hold real and personal property and style aforesaid, shall have power and authority, and they are hereby empowered and authorized to take, hold, possess, use and enjoy both real and personal property by deed, grant, gift, bequest, devise or otherwise, and they shall have power through and by the city council to sell and convey the same for the sole use and benefit of the inhabitants of said city, and may also, for the use of the

inhabitants of said city, purchase, hold, possess and enjoy real property beyond the limits of said city for burying grounds and cemeteries, to vacate any cemetery within or beyond the city limits, and cause the dead buried therein to be removed therefrom; for the erection of hospitals, pest houses, or for any sanitary purposes or other public uses, or for the construction of reservoirs for water works of any description for the use of the city, and to improve the same.

ARTICLE II.

THE CITY COUNCIL AND ITS POWERS.

- Exempt from jury service.** SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen, who shall, during their term of service, be exempt from serving on juries in all courts in this State, the evidence of which shall be a certificate of the city clerk setting forth the fact.
- Two members from each ward.** SEC. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters of their respective wards, for two years, and until their successors shall be legally qualified.
- Qualifications.** SEC. 3. No person shall be an alderman unless, at the time of his election, he shall have resided within the limits of the city one year immediately preceding his election, and shall be a resident of the ward for which he is elected, and a citizen of the United States, and a property holder within said city.
- Removal from the ward vacates office.** SEC. 4. If any alderman shall, after his election, remove from the ward for which he was elected, the city council shall, and it is hereby made their duty to declare the seat of the alderman for said ward vacant, and they shall by vote, order a new election to fill the vacancy.
- Cannot hold office or contract under city.** No alderman or other officer shall, during his continuance in office, be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or paid by fees in pursuance of any act, or ordinance of the city council, or be interested in any contract with the city, directly or indirectly. Any member of the city council or other officer, who shall violate this
- Penalty.**

provision, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisonment in the county jail, not exceeding six months, or both fine and imprisonment, and it is hereby made the duty of the auditor to institute proper proceedings for the enforcement of this provision. The city council shall have the power to allow and fix compensation for aldermen, which shall not in any case exceed an annual salary to such aldermen of six hundred dollars. Compensation.

SEC. 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act. To determine contested seats.

SEC. 6. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. But no action of the city council by which money will be drawn from the treasury, or contract made that will bind the city in the future, shall be taken, or valid, unless such action receive the affirmative votes of a majority of all the city council elect. Majority constitutes quorum. Majority of all to contract or appropriate money.

SEC. 7. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elect, expel a member. Powers as to rules, orders and expulsion.

SEC. 8. The city council shall keep a journal of its proceedings, and from time to time shall publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Shall publish proceedings.

SEC. 9. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

SEC. 10. The mayor and each alderman, before entering upon the duties of his office, shall take and subscribe an oath, or make an affirmation, that they will support the constitution of the United States and the constitution of the State of Colorado, and that they will well and truly perform the duties of their office to the best of their skill and ability. Oath of office.

Alderman, how
chosen in case of
a tie.

SEC. 11. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the facts to the mayor, who shall in the presence of the city council determine the same by lot, in such manner as shall be provided by ordinance.

Twelve meetings a
year.

SEC. 12. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

Shall order election
to fill vacancy.

SEC. 13. Whenever a vacancy shall occur in the city council, either of the mayor or alderman, it is hereby made the duty of the city council to immediately order an election to fill the vacancy.

President of the
council, how
chosen and his
duties.

SEC. 14. The aldermen shall elect one of their number president, who in the absence of the mayor shall preside over their deliberations, and who in the absence of the mayor from the city, shall exercise the same authority, and perform all the duties of mayor pro tem. In case the office of the mayor shall become vacant, and six months will not intervene between such vacancy and the next election for city officers, then the president of the council shall act as mayor till the next city election, and until a mayor is elected and qualified, and shall receive the same compensation, as a mayor elect.

May appoint clerk,
building inspector,
inspector of
weights and
measures, street
commissioners,
and other officers.

SEC. 15. The city council shall have power to provide by ordinance for the appointment of a city clerk, building inspector, inspector of weights and measures, and street commissioner; all other officers necessary to enforce and carry into effect the provisions of this act, and the ordinances of the city of Denver, the election or appointment of which is not herein otherwise provided for, and to prescribe the duties thereof, the time for which they shall hold their respective offices, and the causes for, and proceedings, and method by which they may be removed from office, and also to provide by ordinance for the removal from office of the city treasurer, city auditor, city engineer and city attorney, upon conviction by a court of competent jurisdiction, for non-feasance or mal-feasance in official duties, and fill any vacancies in said offices until the next general election.

SEC. 16. The city council shall have power to re- May require bonds.
quire of the officers appointed or elected in pursuance of
this act, bonds with penalty and security, for the faithful
performance of their respective duties as may be deemed
expedient, and also to require all officers appointed or
elected as aforesaid to take such oath or make such affir-
mation as the city council may prescribe for the faithful
performance of the duties of their respective offices, be-
fore entering upon the discharge of the same.

SEC. 17. The city council shall have, subject to the Enumeration of
powers of
council.
provisions hereinafter named, the general management
and control of the finances, and all property, real, per-
sonal and mixed, belonging to the corporation, and shall
likewise have power within the jurisdiction of the city,
by ordinance not repugnant to the constitution of the
United States or the constitution of the State of Colo-
rado:

First. To establish a system of sewerage.

Second. To appropriate money and provide for the
payment of the debts and expenses of the city.

Third. To make regulations to prevent the intro-
duction of contagious diseases into the city, to make
quarantine laws for that purpose and to enforce the same
within five miles of the city.

Fourth. To establish hospitals and make regulations
for the government of the same.

Fifth. To make regulations to secure the general
health of the inhabitants, to declare what shall be a
nuisance, and to prevent and remove the same.

Sixth. To open, alter, abolish, widen, extend, estab-
lish, grade, pave or otherwise improve and keep in repair
streets, avenues, lanes and alleys, sidewalks, drains and
sewers.

Seventh. To establish, erect and keep in repair
bridges.

Eighth. To divide and re-divide the city into wards,
alter the boundaries thereof, for the purpose of equalizing
the population of the several wards, and whenever the

population of the city, as shown by the census, or other enumeration provided for by ordinance or other legal authority shall exceed seventy thousand to create an additional ward, and from time to time may add an additional ward for every ten thousand inhabitants, in excess of seventy thousand.

Ninth. To provide for lighting the streets and erecting lamp posts.

Tenth. To erect market houses, to establish markets, and market places, and to provide for the government and regulation thereof.

Eleventh. To provide all needful buildings for the use of the city.

Twelfth. To provide for enclosing, improving and regulating all public grounds belonging to the city.

Thirteenth. To license, tax and regulate auctioneers, grocers, commission merchants, retailers, merchants, hotels and inn keepers, boarding houses, public buildings, public halls, public grounds, concerts, photographers, artists, agents, porters, runners, drummers, public lecturers, public readings and shows, real estate agents and brokers, horse and cattle dealers, beer houses, patent right dealers, inspectors, gaugers, stock yards and wagon yard mercantile agents, insurance companies, insurance proprietors, agents, second hand dealers, junk shops, bill posters, banking and other corporations, and institutions, drain pipe layers, street railroad cars, Herdic or other coaches or carriages, hackney carriages, omnibuses, carts, drays, job wagons, ice wagons and all other vehicles and all other business trades, avocations or professions, whatever, and fix the rates for carriage of persons, and of wagonage, drayage or cartage of property; and to license, tax and regulate as ordinaries, hawkers, peddlers, brokers, pawn brokers, money brokers, money changers, intelligence offices, public masquerades, balls, street exhibitions, sparring exhibitions, fortune tellers, pistol galleries, dealers in tickets of legalized lotteries, corn doctors, private venereal hospitals, museum and menageries, equestrian performances, horoscope views, lung testers, muscle developers, magnifying glasses, pin alleys, ball alleys, billiard

tables or any other tables, theatrical or other exhibitions, shows, and amusements, and to suppress dance houses, opium joints, gaming, gambling houses, prize fighting, dog fighting, cock fighting, bawdy houses, disorderly houses, houses of-ill-fame or assignation, and to destroy instruments for gaming.

Fourteenth. To license, tax and regulate hackmen, draymen, omnibus drivers, porters, and to fix the rates of portorage, and to license, tax and regulate all others pursuing like occupations with or without vehicles, and prescribe their compensation; and to regulate, license, tax and restrain runners for cars, stages, hacks, carriages and public houses.

Fifteenth. The city council shall have exclusive power within the city, to license, tax, restrain, regulate, prohibit and suppress, tippling houses, dram shops, and the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed.

Sixteenth. To regulate the storage and transportation of illuminating oils, high explosives, gun powders, tar, pitch, resin and other explosive or combustible material.

Seventeenth. To regulate parapet walls and partition fences, and restrain cattle, hogs, horses, sheep, dogs and all other animals from running at large, and to prohibit the erection or maintenance of barb wire fences within the city limits.

Eighteenth. To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases, not otherwise provided for by law, and to order all ordinances on the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Nineteenth. To provide for the measuring and inspecting of lumber, and other building materials, and for the measuring of all kinds of mechanical work.

Twentieth. To provide for the inspection and weighing of hay and mineral, coal, the measurement of charcoal, fire-wood, and other fuel to be sold and used within the city.

Twenty-first. To provide for and regulate the inspection of flour in barrels or sacks; also tobacco, beef, pork and whisky in barrels.

Twenty-second. To regulate the inspection of butter, lard and other provisions.

Twenty-third. To regulate the weight and quality of bread to be used in the city.

Twenty-fourth. To regulate the size of bricks to be sold and used in the city.

Twenty-fifth. To provide for taking the enumerations of the inhabitants of the city.

Twenty-sixth. To regulate the election of city officers, and to provide for removing from office any person holding office created by ordinance.

Twenty-seventh. To fix the compensation for city officers, and regulate the fees of jurors, witnesses, and others for the services rendered under this act, or any ordinance made in pursuance hereof, not herein otherwise provided for.

Twenty-eighth. To prescribe fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; and all money collected under or by authority of any city ordinance shall be deemed and taken to belong to the said city and be disposed of by the city council under the ordinances of said city for the general use and benefit of the inhabitants thereof.

Twenty-ninth. The city council, shall have exclusive powers within the city by ordinance to license, suppress and restrain billiard tables and bowling alleys.

Thirtieth. The city council shall have power to prohibit gambling and gambling houses, bawdy houses, disorderly houses and houses wherein lewd persons assemble for dancing in any and every portion of the city.

Thirty-first. To provide for the removal of buildings when erected or allowed to remain in any locality,

contrary to the ordinances of the city, to regulate and prevent the carrying on of manufactures or other business or calling dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards with power to remove and keep away from the vicinity of any fire all idle and suspicious persons near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods or property from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

Thirty-second. The city council shall have the exclusive right within the corporate limits of said city annually to levy and collect a poll tax, not exceeding one dollar upon every male person over twenty-one, and under fifty years of age, who shall have resided three months within the city, which, when collected, shall constitute a special fund, to be used for repairing and cleansing the streets, and the city council may enforce payment of such tax by fine, as may be provided by ordinance.

Thirty-third. To remove all obstructions from the streets, lanes, avenues, and alleys of the city, and from the sidewalks and curbstones within the city, and prevent and remove all encroachments into or upon all or any streets, lanes, avenues or alleys within the city, established by law or ordinance.

Thirty-fourth. To levy and collect annually, a license fee, not exceeding ten dollars upon each and every dog owned or kept within the city of Denver, and the city council may enforce the payment of the same by ordinance, in such manner as they may determine.

Thirty-fifth. To make such rules and regulations with regard to the improvement, preservation, laying out and ornamenting any grounds for a cemetery or cemeteries without the limits of the city, and for the sale of burial places or lots for the interment of the dead therein, as they may deem proper, and also to provide for the punishment of all persons who shall without said city limits, be guilty of any violation of said rules and regulations, or the rules and regulations which the city

council are hereby empowered to make for the preservation or improvement of any ditch or ditches, reservoir or reservoirs, or other property owned or held by lease by the city, outside of the said city limits, and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within the city, and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits by any officer of the city the same as if the offence had been committed within the city.

Thirty-sixth. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusements or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.

Thirty-seventh. To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises occupied by them, and if not occupied, then compel the same to be done by the owners or agents thereof.

Thirty-eighth. To prevent the ringing of bells, blowing of horns, crying of goods, and all other noises, performances and devises tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusements, or otherwise.

Thirty-ninth. To license, regulate and restrain runners for stages, cars or public houses.

Fortieth. To regulate the burial of the dead, the registration of births and deaths, to direct the keeping and returning bills of mortality and impose penalties on physicians, sextons and others for any default in the premises.

Forty-first. To permit and regulate the running of horse railway cars, or cars propelled by dummy engines, the laying down tracks for the same, the transportation of passengers thereon, and the form of rail to be used, upon the written consent of the owners of the land represent-

ing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Forty-second. To provide for the inspection and storage of petroleum and other mineral oils.

Forty-third. To regulate and prohibit the use of locomotive engines and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct, at their own expense such bridges, tunnels or other conveniences, at public railroad crossings, as the city council may deem necessary, and to regulate the rules of speed of all railroad trains within the city limits.

Forty-fourth. To erect a workhouse and house of correction and provide for the regulation and government thereof.

Forty-fifth. To prevent and restrain any riot, noise, disturbances or disorderly assemblages in any street, house or place within the city, and to provide penalties for breaches of the peace, fighting or disorderly conduct.

Forty-sixth. To prevent the interment of the dead within the present or future limits of the city.

Forty-seventh. To direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Forty-eighth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Forty-ninth. To prevent horse-racing, fast driving in the streets, and to authorize persons immoderately riding or driving to be stopped by any person, and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street, and to compel owners of lots with a building fronting on the street, to provide hitching posts or rings for hitching horses or other animals.

Fiftieth. To make appropriations from the general fund, not to exceed the sum of three thousand (\$3,000)

dollars in any one year, for the purpose of defraying the expenses of funerals and entertaining official visitors from sister States, provided that any appropriation for said objects shall not be ordered unless by a vote of three-fourths of all the aldermen elect.

Fifty-first. To regulate and license or prohibit butchers, and to revoke their licenses for mal-conduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the City.

Fifty-second. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Fifty-third. To appoint an inspector of buildings, define his duties and provide for his compensation.

Fifty-fourth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Fifty-fifth. To provide the city with water, to erect hydrants and pumps, to construct cisterns, to provide for and regulate the manner of introducing water for irrigation and other purposes to regulate and provide for the construction of ditches, canals and gutters for conducting and distributing water through the city, and to keep the same in repair, to regulate the use of water by the inhabitants of the city for irrigating the soil, to build and construct ditches outside the city limits, for the purpose of bringing water into the city for the use of the inhabitants thereof in such way and manner as shall, by the city council, be deemed for the best interests of the city, and to keep the same in repair, bore artesian wells for the purpose of obtaining water for the city, at such places within or without the city of Denver as may be procured for that purpose by the city council, to construct or purchase water works for the use of the city, and to enlarge their capacity from time to time, and keep the same in repair and generally to do whatever may be needful and necessary to be done, in order to supply the city of Denver with water, for fire, irrigation and other purposes, and regulate the same.

Fifty-sixth. To enact all ordinances needful for the peace, good order, health, safety and general welfare of the city of Denver.

SEC. 18. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances, be not repugnant to or inconsistent with the constitution of the United States, or the constitution of the State of Colorado. No ordinance shall be passed, unless a majority of all the city council vote for its passage, which shall be shown in each case by the ayes and nays entered upon the journal.

May pass ordinance to carry into effect the foregoing section.

SEC. 19. The style of the city ordinances shall be, *Style of ordinances.*
"Be it enacted by the City Council of the City of Denver."

SEC. 20. All ordinances of the city council shall within one month, after they shall have been passed, be published in some newspaper in the city, or posted up in three public places in said city and shall not be in force until they shall have been published as aforesaid.

Ordinances shall be published.

SEC. 21. All ordinances of the city council may be proven, by the seal of the corporation and when printed in book form or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts, and places, without further proof.

Ordinances, how proven.

SEC. 22. The city council of the city of Denver shall have the power, to determine and fix the boundaries of the channel of Cherry creek, and South Platte river, and confine said creek, and said river within said channel within the corporate limits of the city, and to remove obstructions therefrom, and to prevent persons from obstructing the same, and to acquire the title of said creek and said river, for the benefit of the inhabitants of said city, and to cause the damage resulting from the appropriation of the same to the public use, to be assessed and paid to the parties claiming and showing title thereto, in such way and manner as may be provided by general law. And the said city council shall have and may exercise sanitary control of the said Cherry creek and South Platte river, and all their tributaries for the distance of twenty-five miles above the corporate limits of said city, and may, by ordinance, provide for the patrol of the same and for the removal therefrom and keeping the same

Cherry Creek.

clear and free from any and all substances calculated to defile, or render impure, or unwholesome the waters thereof, and to provide penalties, and, in the proper municipal courts of said city, enforce the same, against any person, or corporation, placing, within the channel of the same, or upon or adjacent to the banks thereof, within said distance of twenty-five miles above said city, of any dead carcass, or other animal, vegetable, mineral, chemical, or other matter, or liquid or composition tending to defile, or to render the waters thereof impure or unwholesome, muddy, or unsuited for drinking and domestic purposes.

May provide punishment for certain offences.

SEC. 23. The city council shall have power to provide for the punishment of offenders, by imprisonment, in all cases when said offenders shall fail, or refuse to pay the fines and forfeitures which may be recovered against them, and also to provide, by ordinance, for all persons so fined to work out the said fines and costs, on the streets of the city, or in such other way or manner as they may provide.

Fines shall be paid into the city treasury.

SEC. 24. All fines and forfeitures collected for offences committed, or penalties incurred within the incorporate limits of Denver, shall be paid into the Treasury of said city, by the officers collecting the same.

Must publish annually a statement of moneys received and disbursed.

SEC. 25. The city council shall cause to be published annually a full and complete statement of all moneys received and expended, by the corporation during the preceding year, and on what account received and expended.

Prosecutions to be in the name of the city of Denver.

SEC. 26. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be prosecuted in the name of the city of Denver.

Appeals.

SEC. 27. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, as provided in this act, and not otherwise.

Actions brought to recover any penalty or forfeiture.

SEC. 28. All actions brought to recover any penalty, or forfeiture under this act, or any ordinance, or police regulation made in pursuance thereof, shall be brought

in the corporate name, and it shall be lawful to declare, generally, in debt for such penalty, fine or forfeiture, stating the clause of this act, or the ordinance under which the penalty, or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 29. In all prosecutions for any violation of any ordinance, or other regulation, the first process shall be by summons, unless oath or affirmation shall be made for a warrant, as in other cases.

Process commenced by summons or warrant.

SEC. 30. Execution in such case may issue immediately upon rendition of judgment; and, if the defendant has no goods, or chattels, or real estate, within the county, whereof such penalties, fines and forfeitures may be collected, the officer rendering such judgment may require the defendant to be confined in jail for a term not exceeding six months; and all persons so committed shall be confined one day for each two dollars of such judgment and costs.

Executions.

SEC. 31. Nothing in this act shall be so construed as to authorize the city council to tax, or license the sale of the products of the State, except spirituous or malt liquors.

Shall not require license on products of this state, except liquors.

SEC. 32. The city council shall have power to revise and fix the grades of the streets of the city, and, when the grades are fixed and established, or have heretofore been fixed and established, the said city council shall not have the power to change the same, except by a three-fourths vote of all the aldermen elect.

Grades. Three-fourths vote necessary to change.

SEC. 33. The city council shall have the power to contract an indebtedness on behalf of the city, and upon the credit thereof, by borrowing money, or issuing the bonds of the city for the purpose of erecting public buildings; for the purpose of constructing sewers for the city; for the purpose of confining the channel of Cherry Creek, or for turning the channel of Cherry Creek, as hereinafter set forth, and for acquiring the right of way for the said new channel; for the purpose of the purchase or constructing of waterworks for fire and domestic purposes; for the purpose of the constructing or purchase of a channel or canals, or some suitable system for supplying

Powers of council to borrow money and contract debts.

Limitation.

Loans how made.

water for irrigation in the city, and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the city. The total amount of indebtedness for all purposes, other than for the purchase or erection of waterworks and securing the necessary machinery and fixtures for operating the same, and the construction, completion and repair of the same, shall not at any time exceed three (3) per centum of the total assessed valuation of the taxable property of the city. No loan for any purpose shall be made, except it be by ordinance, which shall be irrevocable until the indebtedness therein provided for shall be fully paid, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax not exceeding in total amount for the entire indebtedness of the city twelve mills upon each dollar's valuation of the taxable property within the city sufficient to pay the annual interest and extinguish the principal of such debt within the time limited for the debt, which shall not be less than ten years nor more than fifteen years, and providing that said tax, when collected, shall only be applied to the purposes in said ordinance specified, until the indebtedness shall be paid and discharged, but no such debt shall be created except for supplying the city with water for irrigating purposes, and then not in excess of ten thousand dollars, unless the question of incurring the same shall, at a regular election of officers of the city, be submitted to a vote of such qualified electors of the city as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting upon the question by ballot deposited in a separate ballot box, shall vote in favor of creating such debt.

Mayor to submit to council a statement of the probable expenses of the ensuing year.

SEC. 34. During the last quarter of each fiscal year the mayor shall present to the council a detailed estimate of the money necessary to defray the expenses of the city government for the next fiscal year; and, for this purpose, may require from officers at the head of the different departments of the city government, including chairmen of council committees, detailed statements of the probable expenses to be incurred in their departments. As soon thereafter as possible, the city council shall pass an annual appropriation ordinance for the next fiscal year, appropriating certain definite sums of

money to defray the expenses incident to each department of the city government, based upon the estimate of the mayor, but not of necessity governed by it. The total amount appropriated by such appropriation ordinances shall, in no case, exceed the probable amount of money that will be received during the year by taxation, or from other sources of general revenue.

Appropriation not to exceed probable amount of taxes and other receipts.

SEC. 35. Neither the city council, nor any officer of the city, shall add to the expenditures, in any one year, anything over and above the amount provided in the annual appropriation ordinance for that year; *Provided*, that nothing herein contained shall prevent the city council from incurring any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency happening after the passage of the annual appropriation ordinance.

Shall not exceed appropriation.

SEC. 36. All warrants drawn upon the treasurer shall be signed by the mayor, countersigned and registered by the auditor, and attested by the city clerk, and shall state to whom payable, and from what fund payable, and for what purpose. The total amount of city warrants issued shall never exceed, in any year, the total net income of the city, from taxes and other sources for the same year, after deducting from such income the amount required to meet and discharge pre-existing obligations of the city, except its bonded indebtedness.

Warrants—how drawn.

Shall not exceed income.

SEC. 37. The city council shall have the power to order the construction, re-construction and repair of all sidewalks, the grading and paving of streets, crossings and alleys; and, in all cases where a majority of the city council shall deem it necessary, the owners of a majority of any ground fronting upon any sidewalk, street or alley, or any specified part thereof, shall petition for the construction, re-construction or repair of the said sidewalk, pavement, or specified part thereof, the city council shall cause such work to be done.

Sidewalks and crossings.

SEC. 38. The expense of the construction and repair of sidewalks, paving of streets, crossings and alleys, shall be assessed upon the property fronting upon the same, and such assessment shall be a lien upon said property, until it shall be paid. In case of failure to pay such

Expenses paid by owner

How collected.

assessment in a reasonable time, to be specified by ordinance, the same may be certified to the county clerk and recorder, and by him placed upon the tax list for the current year, to be collected in the same manner as general city taxes are now collected, together with ten per centum penalty thereon, to defray the cost of collection; *Provided*, that the owner of said property shall have not less than thirty days in which to construct, nor less than five days in which to repair any sidewalk, in accordance with the plan detailed by ordinance, under the supervision of the city engineer.

ARTICLE III.

ELECTIONS.

Various city officers to be elected and their respective terms.

SECTION 1. On the first Tuesday in April, 1883, an election shall be held in each ward in said city for the election of a mayor, treasurer, auditor, city attorney, city engineer, and police judge, and one alderman from each ward in said city, to take the places respectively of the mayor, treasurer, engineer and alderman whose terms of office by existing laws terminate in 1883, who shall hold their respective offices for two years, and until their respective successors shall be elected and qualified. And for ever thereafter there shall be held each year, in each ward of said city, an election for one alderman for each ward, and every two years thereafter there shall be held, in each ward, an election for mayor, treasurer, auditor, city attorney, city engineer, and police judge of said city, each officer so elected to hold his office for two years, and until his successor is elected and qualified. The city council shall provide by ordinance for the registration of the qualified voters of the city prior to such general election, and in the appointment of boards of registration such ordinance shall be in conformity with the laws of the State concerning the registration of votes. No person shall be allowed to vote at any such election whose name does not appear upon such registry roll for the precinct. In all cases where two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having

Registration to be provided for by council