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CITY OF BELLEVUE

CHARTER

FEBRUARY 8, 1883

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As Amended

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As of 11-14-07

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CHARTER OF THE CITY OF BELLEVUE
AN ACT TO INCORPORATE THE CITY OF BELLEVUE

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

CHAPTER I

Section 1. Limits.

Section 2. Incorporation.

Section 1. That the corporate limits of the City of Bellevue shall be as follows, to wit:

Commencing at a point at the Northwest corner of the NW1/4SW1/4 of Section 36 Township 2N, Range 18E, Blaine County, Idaho, as the True Point of Beginning; thence North 1,320 feet; thence East 244 feet; thence North 18029' West 5,088.13 feet; thence North 711131' East 632.05 feet; thence South 33051 East 3,800 feet; thence North 71131' East 3,680 feet; thence South 18029' East 4,398.53 feet; thence South 71031' West 930 feet; thence South 980 feet; thence West 420 feet; thence North 830 feet; thence South 71031' West 2,280 feet; thence South 2300' East 1,792.09 feet; thence East 392.46 feet; thence South 31028' East 604.53 feet; thence South 71031' West 496.02 feet; thence South 31006'5311 East 1,030 feet; thence South 5805310711 West 317.16 feet; thence North 530461 West 12.8 feet; thence North 79018' West 462.59 feet; thence North 18047' West 838.65 feet; thence South 71031' West 1,264.09 feet; thence North 18029' West 4,103.75 feet; thence West 688.58 feet to the True Point of Beginning.

Provided, however, the owner or adjoining owner of any platted or unplatted tract or tracts of land containing not less than five acres, included within the said corporate limits, and used exclusively for agricultural purposes, may petition the district court of the county in which said tract or tracts are situated for a judgment and decree of the court detaching such tract or tracts or land from the said municipality.

Upon the filing of such petition with the clerk of such court and paying a fee of \$100.00, which fee shall be in-full for all clerk's fees, except the regular fees provided by law on appeals, the said court shall fix a time for the hearing thereon, which shall not be less than thirty days from the date of filing the petition, and the petitioners shall serve or cause to be served a notice of hearing upon the mayor or clerk of said city at least twenty days before the time fixed for said hearing. The said petitioner or petitioners shall also cause notices to be posted in

at least three conspicuous places in said city, said notices stating the time and place of such hearing and that any person desiring to protest or object to the granting of the prayer of said petition may do so by filing with the clerk of said court, at least two days before the date set for the hearing of said petition, his objections or protest in writing. Such notice shall state generally the purpose of the petition and the location and description of the land sought to be detached from the corporate limits of said city.

The petitioner or petitioners may, after any such protests or objections are filed with the clerk, at any time before the time set for the hearing, file an answer or answers to such protests or objections. Neither petition, protests, objections, or reply need be verified.

The hearing herein provided may be held either during term time or at chambers and must be by the court or a judge thereof without the intervention of a jury and the testimony reduced to writing as in ordinary civil actions in such court. The judge of such court, either before or after such hearing, may view the lands and premises sought to be detached, as well as other lands or property within the corporate limits, which might in any way be affected by the granting of such petitions, and also the lands on the outside of said corporate limits in the same vicinity or locality, in which the lands sought to be detached are situated, and may consider such conditions as he finds in connection with the evidence introduced on the hearing, in making his final decision in the matter.

If, upon the hearing, the court shall find that such tract or tracts of land are tracts containing at least five acres and are included within the said corporate limits and the lands included within such tract or tracts are used exclusively for agricultural purposes; that such lands do not receive sufficient special benefits to justify the retention of said lands within the said corporate limits, and that by the detachment of said lands the symmetry of the municipality would not be materially marred, then the judge of said court shall grant the prayer of said petition and shall enter judgment and decree accordingly: Provided, however, that if such petition prays for detaching several tracts of land the court may enter judgment granting the prayer of the petition as to such tract or tracts as come within its finding as aforesaid and may deny such petition as to such tract or tracts which do not come within his findings as aforesaid. And said tract or tracts of land sought to be detached and for which the said judgment is entered detaching the same shall, upon the entering of said judgment, become detached from said corporate limits and the corporate boundary line or limits shall be deemed changed accordingly, and said tract or tracts so detached shall be free from the government of the said City of Bellevue from the date of said judgment.

Such separation shall not relieve any such tract or land from its liability on account of any outstanding bonded indebtedness of said City of Bellevue existing at the time of such separation therefrom. The detaching of any lands from said corporate limits as herein provided shall not affect or change the status of any public

streets or Highways as the same are laid out or constructed or dedicated at time or such detachment.

The said City of Bellevue or any person aggrieved by the judgment of the court as herein provided may appeal from such decision to the Supreme Court. The procedure of such appeal shall be the same as upon appeal from final judgment in civil actions. (Amended C. 2, L. 1927 and C. 130, L. 1996)

Section 2. The inhabitants with the City of Bellevue are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Bellevue", and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at the pleasure of the city authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

CHAPTER II

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Section 3.. The power and authority hereby given to the City of Bellevue by this Act shall be vested in a Mayor and Common Council, together with such other officers as are in this Act mentioned, or may be created under its authority.

Section 4. The Common Council shall consist of six Aldermen. They shall be elected for two years, and shall hold their offices until their successors are elected and qualified; Provided, that at the first annual election three of the six members shall hold their offices for one year only, and if such city shall be divided into two or more wards, the Council shall make an equitable apportionment of the members holding for different terms, among the several wards, so that at each election there may be at least one member from each ward elected.

Section 5. For the purpose of the first election, and until further ordered by the Council, said city shall be divided into two wards, as follows: All that portion lying south of Elm Street, extended easterly and westerly to the boundaries of said city, shall be known as the "First Ward," and all that portion lying north of the south line of Elm Street, likewise extended easterly and westerly to the boundaries of said city, shall constitute and be known as the "Second Ward."

Section 6. At the first election there shall be elected three members from each ward for the full term of two years: Provided, that at the first regular meeting after such election the Council shall make an equitable apportionment of the members holding for different periods among the several wards, and when such apportionments is make the member to hold for two years shall be chosen by lot, in the presence of the Mayor and Council, in such alternate manner that at least one member from each ward may be secured for such period of two years.

Section 7. The Mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified. (Amended C. 319, L. 1992)

Section 8. The Common Council shall annually, at the first regular meeting thereof after the qualification of the members thereof elected at each annual city election, appoint a clerk, City Marshal and Treasurer for the ensuing year, and until their successors are appointed and qualified; and anyone qualified may be appointed to one or more of said offices; and the Council man, at any time, remove any of said officers for malfeasance; in attention or incompetency. The Common Council may at any time appoint an attorney, health officer and surveyor, when by resolution duly passed, the Common Council shall determine their services requires.

The Distr Court Magistrates elected or appointed for the precinct in which the city is located, shall have jurisdiction over all crimes defined by any ordinance of said city, and of all other actions brought to enforce or recover any penalty or forfeiture declared or given by such ordinance, and full power and authority to herein determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith.

All civil or criminal proceedings before said Magistrates, under and by authority of this Act, as amended, shall be governed and regulated by the general laws and court rules of the State of Idaho relating to Magistrates, into their practice and jurisdiction, and shall be subject to review and appeal in the District Court of the proper district, as in other cases provided. Said Magistrates shall be entitled to such fees, in the trial of cases arising out of violations of ordinances passed by the Common Council, as said Common Council may by ordinance, determine. Upon conviction for a violation of any city ordinance, costs shall be tacked against the defendant, in addition to the fine or penalty, and their payments shall be enforced by imprisonment, or otherwise, in the same manner as payment of fine; provided, that in no case shall the fees of such Magistrate become a charge upon said city, or be paid out of the City Treasury. It shall be the duty of such Magistrate to report to the Common Council at their regular meeting in each month which report shall show in detail the number of cases tried, the names of the defendants, the amount of fines imposed and costs, the sum of money received in payment of such fines and costs, the amount paid out for fees in the case, and to whom paid, and the balance remaining on hand, which balance he shall pay over at the close of each month to the Treasurer, taking his receipt therefore, which receipt shall accompany his report to the Common Council; and his docket of such cases shall always be open to examination and inspection. (Amended C. 120, L. 1974)

CHAPTER III

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Section 9. Said City has the power to assess, levy and collect taxes for general municipal purposes, not to exceed twenty mills on a dollar per annum, upon all property, both real and personal,

within the city limits, which is by law taxable for State and County purposes; and to levy and collect special taxes, as here and after provided; but all taxes for general and special municipal purposes, exclusive of assessments, as here and after provided, shall not exceed thirty mills on a dollar per annum, on such property above specified. (Amended C. 120, L. 1974).

Section 10. To make regulations for the prevention of accidents by fire; to organize and establish fire departments and provide for the government of the same; to provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed one-fifth of one per centum annually upon the taxable property within the city, and on petition of the owners of one-half the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or addition of any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, or other fireproof material; and to provide for the removal of any building or any addition erected contrary to law.

Section 11. To purchase, or condemn and enter upon and take any lands within the Territorial limits of the city, for public squares, streets, alleys, parks, commons, cemeteries, hospital grounds, for workhouses, houses of correction, or any other legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary buildings thereon. To control all of such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares, and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been or may be hereafter dedicated to public use by any person or persons, and in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and the conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

Section 12. The Common Council is authorized and empowered to provide by ordinance a system for establishing, laying out, extending and widening streets and other public highways and places within the city; and for taking private property therefor, and for taking private property for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening and straightening the channels of streams; but no private property or right of way over or through the same shall be taken without the consent of the owner thereof, until a just compensation for the same shall be ascertained and paid to such owner, or into court for its use. ~~If the owner of any parcel of land proposed to be taken~~

for any such improvement shall be dissatisfied with the amount of compensation awarded by said Common Council for the taking of said parcel, he may, within twenty days after the date of such award, commence an action against said city in any court of competent jurisdiction within the county, to recover such amount of compensation as he may consider himself entitled to. The amount of compensation ascertained and awarded in such action shall be deemed and taken to be the amount of compensation to which such person will be entitled if such improvement be made. If such person fail to recover in such action a greater amount of compensation than was so awarded by said Common Council, he shall not recover costs, but shall pay costs to such city. Any owner of, or person interested in any such parcel of land, who shall fail to commence such action within the time herein limited, shall be deemed to have waived his right in that behalf, and to have assented to and ratified the award of said Common Council. The Common Council shall not acquire jurisdiction to exercise any of the powers hereinbefore in this section enumerated, until a petition in writing therefor is first presented to said Common Council, signed by at least twenty inhabitants of said city, taxable therein for municipal purposes. Such petition must describe generally the street, highway, or public place proposed to be laid out or established, or the proposed alteration by widening or extending the same, or by widening or straightening the channels of streams, or if a right of way is sought for drains, sewers, or aqueducts, such petition shall described the proposed route for the same. Such petition shall be heard at a regular meeting of the Common Council, notice of such hearing being given by the Clerk, by posting in three public places in such city, or publication in a newspaper, published in such city, in either case for a period of three weeks before such hearing. Such notice shall be deemed to give such Common Council full jurisdiction over the subject matter, and over the person of every owner of or person interested in any parcel of land to be taken or assessed for any such improvement; and every person interested from and after the expiration of such publication shall be deemed to have notice of all subsequent proceedings; provided, that nothing herein contained shall be construed to prevent such Common Council from giving such other or further notice as they may deem proper. At the time fixed in such notice or at such time to which such hearing may be postponed, the Common Council shall proceed to hear and determine the prayer of such petition, pursuant to such rules and regulations as may be prescribed by such ordinance. Such system, so established by ordinance, may provide for the payment of such compensation, either by levy and collection of special assessments therefor, in proportion to benefits, upon the property to be affected or benefited by any such improvement, or by payment made out of the General Street Fund of such city, or by both. Any such special assessment made and levied to provide means for the payment of any such compensation, and the cost of ascertaining the same, together with any percentage imposed for delinquency and the cost of collection, shall constitute a lien upon and against the property upon which such assessment is made.

and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by any action in any court of competent jurisdiction, to foreclose such lien; Provided, that any property sold to satisfy such lien, shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law, for the redemption of property sold for taxes.

Section 13. The Common Council are authorized and empowered to provide by ordinance, a system for doing any and all work in or upon the streets, highways and public places of such city, and for making therein street improvements and repairs, and for doing any and all work authorized by this Act, and for the payment of the cost and expenses thereof, either by the levy and collection of special assessments thereof, in proportion to benefits upon the property to be affected or benefited thereby, or by payment made out of the General Street Fund of such city, or by both; Provided, that in all cases where the expense of any such improvement is to be defrayed in whole or in part by special assessment, the Common Council shall first adopt a resolution, which shall be entered upon their journal, declaring their intention to make such improvement, and fixing a time at which objections to the making of such improvements will be considered. Such resolution shall also designate the boundaries of the district to be affected or benefited by such improvements. Upon adopting such resolution the Common Council shall give notice of such intention, which notice shall be published at least once a week for two consecutive weeks in a newspaper printed in such city, or posted for a like period in three public places therein. Such notice shall describe the improvement so proposed to be made, and state the estimated cost thereof, and designate the time set for such hearing, and shall refer to such resolution so entered upon the journal for such description of boundaries. If, at or before the time so fixed, written objection to such improvements, signed by the owners of one third in value of the property so to be affected or benefited, as shown by the last preceding assessment roll, be not filed, the Common Council shall be deemed to have acquired the right to order the making of such improvement.

Any such special assessment made and levied to defray the cost and expenses of such work, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment, which lien may be enforced by a summary sale of property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any court of competent jurisdiction, to foreclose such lien; Provided, that any property sold to satisfy such lien shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided

by law for the redemption of property sold for taxes.

Section 14. To provide for the lighting of the streets and furnishing the city with gas, or other lights, and for the erection or constructing of such works as may be necessary or convenient therefor.

Section 15. To provide for clearing, opening, graveling, paving, improving, construction and repairing streets, highways and alleys and sidewalks and gutters, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalks; also to regulate cellar-ways and cellar lights and sidewalks within the city; to provide for cleaning the streets and sidewalks, and for constructing sewers and cleaning and repairing the same, and to assess, levy and collect, annually, a road poll-tax of two dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, excepting persons who are a public charge. Said city shall not be included in any road district in the county of Alturas, and no other road poll-tax shall be collected within the limits of such city, and the same when collected shall constitute the General Street Fund of said city, and no money shall be expended or drawn out of the General Street Fund for any other but street purposes.

Section 16. The Common Council, whenever it is deemed expedient to cause sidewalks to be constructed, repaired or kept in order may, by ordinance, provide for the same. If any person owning real estate within the city shall refuse or neglect to build or repair said walks, according to the requirements and provisions of said ordinance for sixty days after its publication, the Common Council shall cause said walks to be constructed or repaired and pay for the same out of the General Street Fund; and the expense thereof shall be assessed on the real property along which said walks are built, and be collected as other taxes are collected.

Section 17. To make regulations for preserving the health of the citizens, and to prevent the introduction of contagious diseases into the city; and for these purposes to remove persons affected with contagious diseases to suitable hospitals, or pest houses provided for the same, and to provide for their support; and to cause any lot of land within its limits on which water at any time becomes stagnant to be drained or filled up; to regulate, control and enforce the building and cleaning of vaults within the city; and in case of a failure or refusal of the owner of property to comply with the requirements of any ordinance or resolution of the City Council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

~~Section 18. To provide for the survey of the blocks and streets of~~

the city, and for the making and establishing of the boundary lines of such blocks and streets, and to establish the grades of all streets within the city, and to layoff, widen, straighten, name, change, extend, vacate and establish streets, highways and alleys and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and in the manner provided for by Section 12 of this Act, and to authorize and forbid the location or laying of tracks for railways and street railways on all streets, alleys and public places; but no railroad track can thus be located and laid down until after the injury to property abutting upon the street, alley or public place upon such track is supposed to be located and laid down, has been ascertained and compensated for in the manner hereinafter provided.

Section 19. To authorize the erection and maintenance of waterworks for the purpose of furnishing the city with water. To authorize the construction of such waterworks without the limits of the city, and for the purpose of protecting and maintaining the same from injury and the water from pollution, the jurisdiction of the city shall extend over the territory occupied by said works, and all reservoirs, streams, trenches, pipes and drains used in and necessary to the construction, maintenance and operation of the same, and over the streams and source from which taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

Section 20. If the right to construct and operate such waterworks is granted to private individuals or corporations, it may make such grant to inure for the term of twenty-five years, and may authorize such individual, company or corporation to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between such individual, company or corporation building such works.

And said city is authorized and empowered to enter into a contract with the individual, company or corporation construction such works, to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum as may be agreed upon between said contracting parties, and if the construction and operation of such waterworks is done by individual or private corporations, the city may confer, by ordinance, upon such individuals or corporation the said power to take and appropriate private property for such purposes, on paying damages therefor; and if the right to build, maintain and operate such waterworks shall be granted to a private individual, company or corporation, and the city shall contract with such individuals, company or corporations for a supply of water for any purpose, the city shall levy and collect each year a special tax to pay said water rent; Provided, that said tax shall not exceed one-fifth of one per centum, annually, within the limits benefited by such works; which limits shall be fixed by the Common Council, each year, before levying any tax authorized by this Section, and said taxes shall only be assessed, levied and

collected on property within said limits; but no taxes shall be levied or collected for the purpose of aiding any private individual, company or corporation in the construction of such waterworks.

Section 21. To regulate and prevent domestic animals running at large, and to license, tax, regulate and restrain the keeping of dogs within its limits, and to authorize the restraining, impounding, and sale of the same for the penalty incurred and costs of proceeding, or may authorize their destruction. To impose and collect an annual tax on every dog owned or harbored within the city limits. To create a Pound, and the office of Pound keeper, and prescribe his duties by ordinance, and regulate his fees. (Amended C. 120, L. 1974)

Section 22. Within the provisions of the laws of the State of Idaho, now in effect, or as subsequently amended, to regulate, license, and tax all motor vehicles used within the corporate limits of the City of Bellevue for transporting, hauling or carrying of the public for hire, or used as drays, and fix the rates thereof; to license, tax, and regulate or prohibit theatrical shows and other exhibitions; to license, tax, and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers; to license, regulate, restrain, and to prohibit for cause drinking saloons, beer shops, breweries, non-profit associations or fraternal organizations incorporated or otherwise, or other places where in intoxicating liquors or alcoholic beverages are sold, marketed, produced, or dispensed, excepting, however, apothecaries or druggists in the preparation and sale of products containing alcohol for medical purposes; and to license and regulate hotels, tourist cabins, inns, or other places used to accommodate transient guests for hire. (Amended C. 81, L. 1947)

Section 23. To erect and maintain buildings for municipal purposes. To permit under proper restrictions, the laying of railroad tracks, and the running of cars of horses, steam, or other motive power thereon, and laying of gas and water pipes, and the construction and maintenance of telegraph and telephone lines in the public streets. Section 24. To establish and maintain a police, and to provide for the appointment of such City Marshall and other police officers as may be necessary, who shall have full power to make arrest within or without the city, and possess the same power and authority as constables now have, or may hereafter have; and in all cases where arrests are made for offenses tried under the general laws of the State of Idaho before Justices of the Peace, or other state courts, such police officers shall be -19- entitled to receive the same fees as Sheriffs or Constables for the same service. (Amended C. 81, L. 1947)

Section 25. To suppress opium dens, and any house or place kept or used as a resort for the purpose of smoking opium, and to provide by ordinance for the punishment of any person or persons who shall

set up, open, or cause to be opened, or keep any house or place as a resort for the purpose of smoking opium, or who shall sell, vend, or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house or place to be smoked upon the premises, or who shall be found in any house or place kept or used as a resort for the purpose of smoking opium, or who shall smoke opium in any house, not the dwelling house of such person or persons.

Section 26. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to restrain and punish any disturbance, or any unlawful or indecent practices; to provide for the support and employment of vagrants and paupers; to suppress, prohibit, restrain and regulate disorderly houses, houses of ill fame, or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling or gaming; to regulate the transportation and keeping of gunpowder or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving upon the streets or public places; to regulate the speed of trains and locomotives on railways over the streets, or within the limits of the city; to prevent any riots, noise or disturbance or disorderly assemblages; to protect the property of the corporation of its inhabitants, and to preserve peace and order therein. Every act or thing done or being within the limits of such city, which is or may be declared by law or ordinance to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Section 27. To establish cemeteries and improve the same, and to regulate the burial of the dead therein, and to prevent the burial outside thereof.

Section 28. To establish and regulate markets, and to provide for the measuring and weighing of hay, coal and other articles of sale.

Section 29. The Common Council shall have power to pay for debts, liabilities and expenditures of the City, or any part or item thereof, and when there is not sufficient money in the treasury legally applicable to the payment of the ordinary and necessary municipal expenses of the City, the Common Council may create, audit, allow to accrue and incur indebtedness for such expenses, not in excess of the sum of two thousand dollars (\$2,000.00) and may issue city warrants therefor, which shall be registered with the treasurer and may bear interest at a rate not to exceed six per cent annum from the date of registration, and when there is an amount in the treasury legally applicable to the payment thereof, the treasurer must give notice of presentation for payment and pay the same in the order of their registration.

The Common Council shall also have power and authority to borrow money on the faith and credit of the City, and issue therefor negotiable bonds of the City, with negotiable interest coupons attached, not to exceed at any one time in the aggregate forty-five percent of the value of all taxable property in the said City, as shown by the last preceding assessment roll, for the purposes of equipping, supplying and maintaining the City with a fire department, water and waterworks, lights, sewers and for grading, paving and laying out streets and sidewalks, and for funding, refunding, purchase and redemption of the outstanding indebtedness of the City, and for all purposes in this act authorized; provided, however, that the assent of two thirds (2/3) of the qualified electors of the City he first obtained, by voting at an election to be held for that purpose, and provided that before, or at the time of incurring said indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and for a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same; and provided, further, that when bonds are issued under this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of said city, to the profit and benefit of said City, the same may be issued without the submission of the question of the issuance thereof to the electors of said city.

Whenever the Common Council shall deem it advisable to issue coupon bonds of said City for any of the purposes aforesaid, the Mayor and Common Council shall provide therefor by ordinance for the holding of an election, conducted as other city elections, and for the collection of said annual tax, and for a sinking fund as aforesaid. It shall be the duty of the Common Council to continue to levy a sufficient tax for the payment of the interest on any bonds and for any amount required to constitute a sinking fund for the payment of the principal thereof, which were issued in pursuance to the proviso in this section authorized prior to its amendment hereto. (Amended C. 81, L.1947)

Section 30. The Common Council of said City shall have power to pass ordinances not in conflict with the laws of the United States and of the State of Idaho for the government of the city, and to carry into effect the power given by this Act; to provide for the punishment of any violation of any ordinance of the city, by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by a forfeiture or penalty, not exceeding one hundred dollars, and for the working of anyone sentenced to such imprisonment, or committed in default of the payment of such fine and costs during the term thereof at the rate of one day for each \$2.00 of such fine and costs.

Section 31. To establish and regulate the fees and compensation of all its officers, except when otherwise provided, said city shall have all other powers and privileges not herein specially enumerated as are incident to municipal corporations, not

enumerated as are incident to municipal corporations, not inconsistent with the laws of the United States or of this Territory, and as may be necessary for carrying into effect the provisions of this Act, according to the true intent and meaning thereof.

Section 32. No general laws of this Territory shall have the effect to alter or amend this charter, or any of the provisions thereof, when inconsistent therewith, unless the Act enacting said laws clearly expresses such intention by a reference to the said charter.

Section 33A. All powers and authority granted to cities under any general law of the state of Idaho are hereby granted to the City of Bellevue. The city of Bellevue may pass and publish ordinances as provided by the general laws of the state of Idaho. (Amended C. 130, L. 1996)

CHAPTER IV

ELECTIONS

- Section 33. General Election.
34. Qualification of Voters.
35. Vote by Ballot.
36. Notice of Election.
37. Opening and Closing of Polls. Absence of Judge.
38. Qualifications of Judges and Clerks. Certain Acts not to invalidate an Election. Returns of Votes Cast.
39. Canvass of Votes. Tie Vote. Decided by lot.
40. Certificate of Election. Council the final Judge of the Mayor and their own members.
41. Term of Office.
42. oath of office.
43. General Laws to govern Elections.

Section 33. There shall be a general election for all city officers required to be elected under this Act, on the first Tuesday following the first Monday of November in each year, which election shall be conducted as set forth in the general laws of the State of Idaho governing election of city officials under Title 50, Idaho Code, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein. (Amended C. 214, L. 2006)

Section 34. No person is qualified to vote at any election under this Act who does not possess the qualifications of an elector according to the general laws of the State of Idaho applicable to city elections under Title 50, Idaho Code, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein (Amended C. 120, L. 1974 and Amended C. 214, L. 2006)

Section 35. That at all elections for city officers the vote shall be by ballot.

Section 36. The Clerk shall provide such notices of election, and matters incidental thereto, as required under the general laws of the State of Idaho applicable to city elections under Chapter 4, Title 50, Idaho Code, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein. (Amended C. 214, L. 2006).

Section 37. All elections shall be conducted in accordance with the general laws of the State of Idaho applicable to city elections under Title 50, Idaho Code, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern

elections under this Act, unless otherwise set forth herein. (Amended C. 214, L. 2006).

Section 38. Judges and clerks of election must possess the qualifications of voters in the ward where they act; but a mistake or error in this respect, or a failure to give notice of election as required by this Act, shall not invalidate any election otherwise legal.

The judges of election and clerks shall make a full and complete return of the votes cast at any election, and sign the same, and deposit the same, within forty-eight hours after the day of said election, with the City Clerk.

Section 39. Within ten days after any election, at any general or special meeting, the City Council shall canvass the return thereof, and a written statement of said canvass shall be made and signed by the presiding officer of the Council at said canvass and attested by the Clerk and immediately filed with the Clerk. Such written statement shall contain the whole number of votes cast at said election, the name given for any person for any office and the names of persons elected to such office. Provided, that if the requisite number of officers shall not be elected, by reason of two or more persons having an equal and highest number of votes for one and the same office, the Council shall give notice to the several persons so having an equal number of votes to attend at the Council Chamber at an appointed time; and the said Council shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be deemed duly elected; and a certificate of election shall be duly issued to the person thus declared elected, as hereinafter provided. Within two days after said canvass is filed the Clerk shall make and sign a certificate of election for each person declared thereby to be elected, and deliver the same on demand to the said person.

Section 40. A certificate of election is prima facie evidence of the matter therein stated, but the Council is the final judge of the qualifications and election of the Mayor and its own members. A contested election for any office must be determined by the Council according to the laws of the Territory regulating the proceedings in contested elections for county officers.

Section 41. The term of office of everyone elected to office under this Act shall be two (2) years and shall commence upon taking office the first Common Council meeting in the January following the election at which such person was elected to office in accordance with the general laws of the State of Idaho applicable to city elections under Chapter 4, Title 50, Idaho Code, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein, except the term for the elected officials commencing the first Monday in May of 2005, shall be ~~until the first council meeting in January 2007, and the term for~~

electd officials commencing the first Monday of May 2006, shall be until the first council meeting in January 2008. Each person holding elected office shall serv until their successor is duly worn into office. (Amended C. 214, L. 2006).

Section 42. All persons elected under this Act, before entering upon the duties of his office, shall take and file with the Clerk an oath or affirmation of office in accordance with the general laws of the State of Idaho applicable to city elections under Chapter 4, Title 50, Idaho Code, Municipal Elections, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein. (Amended C. 214, L. 2006).

Section 43. All general laws of the State of Idaho regulating and governing general elections and special election proceedings, including, without limitation, Chapter 4, Title 50, Idaho Code, Municipal Elections, including subsequent amendments thereto and recodification thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth in this Act (Amended C. 214, L. 2006).

CHAPTER V

VACANCIES IN OFFICE

- Section 44. Vacancies. Office declared vacant, When?
45. Vacancies, How filled?
46. Vacancies, Officers appointed to fill. Bonds, etc.

Section 44. An office becomes vacant upon the death, removal, or resignation of the incumbent, or a failure to qualify as required by law.

An office may be declared vacant by the City Council when the incumbent thereof shall have been absent from the city, without leave of the Council first obtained, for the period of sixty days, excepting that the office of any Alderman who shall neglect and refuse to attend the regular meetings of the Council four consecutive times (unless caused by illness) without leave of the Council first obtained, may be declared vacant by the Council.

Section 45. A vacancy in any office shall be filled by the Council at a regular meeting.

Section 46. An officer appointed to fill a vacancy shall fill said office until the next regular city election, and must within five days after being notified of his appointment by the clerk qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office shall be vacant.

CHAPTER VI

ORGANIZATION AND POWERS OF THE COUNCIL

- Section 47. Council, power of.
48. Council, meeting of.
49. Council, quorum of.
50. Council, may adopt rules. Bond. Ayes and noes.
51. Council, punish members.
52. Mayor, the president of. To decide a tie vote.
Mayor, pro tem.
53. Council, annual meeting.
54. Quorum, passage ordinances, resolutions.

Section 47. The City Council shall have all the legislative powers granted by this Act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

Section 48. The Council shall provide for the time and place of its regular meetings, at any of which it may adjourn until its next regular meeting, or to any intervening time, and it may be convened by the Mayor or any two Aldermen at any time upon a day's notice given to each member thereof in the city.

Section 49. A majority of the members of the Council shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members.

Section 50. The Council may adopt rules and regulations for the government of the conduct of its members and its proceedings. It may require of any of the city officers such official bonds for the faithful discharge of their duties as they may deem expedient, and provide by ordinance for the giving, filing, approval and prosecution of such bonds. It shall keep a journal of its proceedings, and the call of anyone of its members must cause the ayes and noes to be taken and entered in the journal upon any question voted upon. Its deliberations and proceedings must be public.

Section 51. The Council may punish any member for disorderly conduct at any meeting, or for refusing or neglecting to attend any meeting without sufficient cause, and may by a two-thirds vote expel a member.

Section 52. The Mayor is ex-officio President of the Council, and shall preside over its deliberations when he is present, but shall not vote, except in case of a tie in the vote of the members present and voting, in which case he shall have the casting vote. He has authority to preserve order, enforce the rules of the Council, and determine the order of business, subject to such rules

and to an appeal to the Council. In the absence of the Mayor at any meeting the Council must appoint one of their members President to serve during the meeting, or until the Mayor attends.

Section 53. on the first secular day of June there must be a regular annual meeting of the Council, and such meeting is appointed by this Act, and no notice or call therefor is necessary.

Section 54. The presence of a quorum of the Council and the passage of ordinances, resolutions and other questions before the Council shall be in accordance with the general laws of the State of Idaho applicable to cities including subsequent amendments thereto and recodification thereof. (Amended C. 130, L. 1996)

CHAPTER VII

THE MAYOR, HIS POWER AND DUTIES

- Section 55. Mayor.
56. Mayor to appoint undertakings.
57. Mayor other duties of.
58. Mayor veto, power of. Mayor ordinances to be signed by. Ordinance, publication of.
59. Acting Mayor.

Section 55. The Mayor is the executive officer of the corporation. It is his duty at the first regular meeting in June to communicate in a message to the Council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make special communications to the Council from time to time, as he may think proper.

Section 56. He shall take and approve all official undertakings which the ordinance of the city may require from any officer, or any undertaking which may be required of contractors, for the faithful performance of official duty, or of contracts, and approve the same, and file immediately with the city clerk.

Section 57. He shall perform such other duties, and exercise such other authority as may be prescribed by this Act, any city ordinance, by law of the United States, or of this Territory.

Section 58. Any ordinance which shall have passed the Council shall, before it becomes a law, be presented to the Mayor for his approval; if he approves the same, he shall, if not, within ten days, return it with his objections in writing to the Council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same. If, after such reconsideration two-thirds of the Council shall vote to pass the same, -32- it shall become a law: In case the Mayor shall not return such ordinance within ten days, it shall become a law. Every ordinance shall be signed by the Mayor, attested by the Clerk, and published at least once in a newspaper of general circulation in such city, or if such ordinance is not of a general or permanent character, and does not impose any fine, penalty or forfeiture it may be posted in at least three public places therein. (Amended C. 81, L. 1947).

Section 59. During any temporary absence of the Mayor from the city, or if he be unable to act, the Council shall elect one of their members, who shall be the acting Mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided by this Act.

CHAPTER VIII

THE POWERS AND DUTIES OF OTHER OFFICERS

- Section 60. City Attorney, duties of.
City Attorney, to prosecute violations of Ordinances.
61. City Clerk, duties of.
62. Demand against the city to be in writing.
63. Clerk to draw warrants. Certain funds.
64. Clerk to keep books of account.
65. Treasurer, duties of.
66. Treasurer, to keep an account.
67. Treasurer, report.
68. (Repealed C. 81, L. 1947).
69. (Repealed C. 81, L. 1947).
70. (Repealed C. 81, L. 1947).
71. Marshal, appoint deputies, make arrests. Marshal, keeper of city prison.
72. Marshal to keep record of arrests. Marshal report each month.
73. Justices of the Peace to give bonds.
74. Power of other officers.
75. official records.
76. Books open to inspection.

Section 60. The City Attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor or Council; but the city may employ additional counsel when deemed advisable by the Council. He shall also prosecute all violations of any city ordinance.

Section 61. It shall be the duty of the Clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the City Council. The Clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

Section 62. All demands and accounts against the city must be presented to the Clerk, with the necessary evidence in support thereof, and he must submit the same to the Council, who shall by a vote direct whether the same shall be paid, or any part thereof, as they may deem it just and legal.

Section 63. When the Council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the Clerk must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special or ~~general fund appropriated therefor, and be signed by the Mayor and~~

attested by the Clerk.

Section 64. The Clerk must keep proper books of account showing therein all sums appropriated, the date thereof, and out of what fund the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to correct understanding of the city finances.

Section 65. The Treasurer must receive and keep all money that shall come to the city by taxation, or otherwise, and pay out the same upon the warrant of the Mayor, attested by the clerk.

Section 66. The Treasurer must 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.

Section 67. The Treasurer must make a report of receipts and expenditures to the Common Council at the first regular meetings in the months of December and June of, each year, which report shall be published in any newspaper published in the city.

Section 68. (Repealed by C. 81, L. 1947).

Section 69. (Repealed by C. 81, L. 1947).

Section 70. (Repealed by C. 81, L. 1947).

Section 71. The Marshall is a peace officer and must execute all process issued by the Justices of the Peace of the city directed to him, or by any magistrate of the Territory. He must attend regularly upon the Court of said Justices of the Peace, and meetings of the Common Council. He has power, by and with the approval of the Council, to appoint one or more deputies who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison, unless otherwise prescribed by ordinance.

Section 72. The Marshall must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the City Council.

Section 73. The Justices of the Peace of the city shall, before exercising any of the functions of their office as such, give a bond to the city in such sum, and such conditions as the Council may require.

Section 74. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

Section 75. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office and delivered to their successors.

Section 76. The official books and papers of any officer mentioned in this Act may be inspected at any time by a committee of the Council appointed for that purpose.

CHAPTER IX

ORDINANCES

- Section 77. Ordinance, Title of. ordinances require a majority to pass. ordinances contain only one subject.
78. Ordinances to be recorded and published, When?

Section 77. The enacting clause of every ordinance shall be "The City of Bellevue does ordain as follows." All ordinances and resolutions, or rules for the appropriation or payment of money, shall require for their passage and adoption the concurrence of a majority of the members of the Council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

Section 78. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer and clerk. No ordinances shall take effect and be in force until the expiration of five days after they have been first published or posted as provided in Section 58 as amended. (Amended C. 81, L. 1947).

Section 78-A. The City of Bellevue is hereby empowered to revise codify and compile, from time to time, and to publish in book or pamphlet form, all ordinances of the city of a general and permanent character and to make such changes, alterations, modification, additions and substitutions therein as may be deemed best to the end that a complete simplified code of such ordinances then in force shall be presented, but with errors, inconsistencies, repetitions and ambiguities eliminated therefrom, as provided by Chapter 5, Title 49, Idaho Code Annotated. (Amended C. 81, L. 1947).

CHAPTER X

SALARIES OF OFFICERS

- Section 79. Marshall's Salary.
80. Treasurer's Salary.
81. Assessor's Fees.
82. Clerk's Salary.
83. Attorney's Salary and Fees.
84. (Repealed C. 81, L. 1947).
85. Health Officer's Salary.

Section 79. The City Marshall shall be ex-officio License Collector, Fire Warden and Street Commissioner, and shall receive a compensation for all such services, to be fixed by resolution or ordinance of the Common Council. (Amended C. 12 0, L. 19 7 4) .

Section 80. The Treasurer shall receive at stated times such compensation as may be fixed by resolution or ordinance of -the Common Council. (Amended C. 81, L.1974).

Section 81. The Assessor, who shall be ex-officio Tax Collector, shall receive for all such services a compensation to be fixed by ordinance, not exceeding eight per centum upon all moneys collected by him for taxes.

Section 82. The Clerk shall receive such compensation as may be fixed by resolution or ordinance of the Common Council. (Amended C. 81, L. 1947).

Section 83. The City Attorney, Surveyor, Health Officer and all other officers herein mentioned or who may be created by ordinance, shall receive such compensation as may be fixed by resolution of the Common Council. (Amended C. 81, L. 1947).

Section 84. (Repealed by C. 81, L. 1947).

Section 85. The Health Officer and all other officers herein mentioned, or who may be created by ordinance, shall receive such fees as may be fixed by ordinance.

CHAPTER XI

TAXATION

- Section 86. (Repealed by C. 81, L. 1947).
- Section 87. (Repealed by C. 81, L. 1947).
- Section 88. (Repealed by C. 81, L. 1947).
- Section 89. (Repealed by C. 81, L. 1947).
- Section 90. (Repealed by C. 81, L. 1947).
- Section 91. (Repealed by C. 81, L. 1947).
- Section 92. (Repealed by C. 81, L. 1947).
- Section 93. (Repealed by C. 81, L. 1947).
- Section 94. (Repealed by C. 81, L. 1947).
- Section 95. (Repealed by C. 81, L. 1947).
- Section 96. (Repealed by C. 81, L. 1947).

CHAPTER XII

MISCELLANEOUS PROVISIONS

- Section 97. City not bound by contracts unless. Exceptions.
Section 98. City liable for damages. City officers are liable, when?
Section 99. No money to be drawn but by ordinance. Ordinances to contain only one subject.
Section 100. Debate in council.
Section 101. Fiscal year.
Section 102. Assessments. Levies or collections of taxes deemed regular.
Section 103. Right of way.
Section 104. Deed to property sold for delinquent taxes.
Section 105. Mayor and Alderman salary.
Section 106. Real estate.
Section 107. City wards.
Section 108. Grade, change of. Damages therefor, assess damages. Arbitrator's Report. Award, final judgment. Action. Costs.
Section 109. Ferries and bridges.
Section 110. Condemning property, compensation therefor.
Section 111. Violation of city ordinances.
Section 112. Offenders committed county jail
Compensation for keeping same.
Section 113. Elections, when held. Judge of. Clerks of. Canvass of votes. Certificate of.
Section 114. Officers to settle accounts each month.
Section 115. Officers not to be interested in any contract. Contract void, when? Violation of.
Section 116. Work to be let to lowest responsible bidder. Contract for advertising and printing.
Section 117. Plat of city, streets, alleys and blocks.
Section 118. Obstruction of streets, etc.

Section 97. The City of Bellevue is not bound by any contract, or in any way liable, thereon, unless the same is authorized by a city ordinance, and made in writing and by order of the City Council, signed by the Clerk, or some other person in behalf of the city. But an ordinance may authorize an officer or agent of the city, naming him, to bind the city without a contract in writing for the payment of any sum not exceeding fifty dollars.

Section 98. The City of Bellevue shall not be liable to any one for any loss or injury to person or property growing out of any casualty or accident happening to any such person or property, on account of the condition of any street or public ground therein; but this section does not exonerate any officer of such city, or any other person, from such liability when such casualty or accident is caused by the willful neglect of a duty enjoined upon

such officer or person by law, or by gross negligence, or willful misconduct of such officer or person in any other respect.

Section 99. No money shall be drawn from the City Treasury but in pursuance of an appropriation for that purpose made by an ordinance; and an ordinance making a appropriation of money must not contain a provision upon any other subject, and, if it does, such ordinance, as to such provisions, shall be void, and not otherwise.

Section 100. A member of Council, for words uttered in debate therein, shall not be questioned in any other place.

Section 101. The fiscal year of the city shall commence on the first day of October and end on the last day of September each year beginning with October 1, 1992. (Amended C. 318 L. 1992)

Section 102. In any action, suit or proceeding, in any court, concerning any assessment of property or levy of taxes authorized by this Act, or the collection of any such tax, or proceeding consequent thereon, such assessment levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is by this Act committed, or left to the discretion of the Council, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

Section 103, The City Council is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light; also, the right to erect telegraph and telephone lines, to any person, or association of persons, for a term not exceeding twenty-five years; and the Council may adopt such rules and regulations in granting such rights as they may think proper, and they shall not be inconsistent with law.

Section 104. (Repealed by C. 81, L. 1947) .

Section 105. The Mayor and Alderman are not entitled to, and shall not receive any salary or compensation for their official services except as the same shall be fixed by ordinance pursuant to Section 50-203, Idaho Code, and subsequent amendments. (Amended C. 381, L. 1992)

Section 106. All real prone within the limits of the City of Bellevue not laid off in blocks at the time of making any assessment authorized by this Act must be assessed at the cash value per acre, or fraction thereof, as the case may be.

Section 107.. The City Council may divide the city into not less than two nor more than three wards, and shall apportion the members

of the City Council to be elected in each, and provide the places for holding the elections in each, and appoint officers for conducting the same.

Section 108. When the grade of any street, highway or alley shall have been established by authority of the City of Bellevue, and any person or persons shall have built or made improvements on such street, alley or highway, and the city shall afterwards change the established, or change the boundary line of any block, street, highway or alley, in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay the owner or owners of the property so injured the amount of such damages; and when the parties interested are unable to agree with the City Council as to the amount to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the Mayor, one by the owner or owners of the property, and one by the two so appointed, or, in case of their disagreement, by the City Council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability. They shall view the premises and receive any legal evidence, or may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the Clerk of the District Court of the district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precept therefor, or, on motion, the party entitled may have a judgment therefor. If the damage so assessed be excessive or insufficient, the Clerk shall, upon the filing of a complaint by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be the plaintiff and the city shall be the defendant. The usual pleadings in a civil action may be filed in such cause, and the issues thus formed shall be tried as other civil actions.

The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers; or if the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

Section 109. The City shall have the power to regulate the running of ferries within the city limits and to license the same, and to build and maintain bridges or ferries across Wood River; and for the purpose of building and maintaining such bridges and ferries the city may purchase the right of way beyond its limits and expend money in the constructing and maintaining such bridges and ferries outside the city limits, and the jurisdiction of the city shall extend beyond the city limits so far as such bridges or ferries or

have no authority to expend money for sa-id purposes on ferries which do not run to or from some point within the city or on bridges, some portion of which is not within the city limits.

Section 110. In all cases where private property is condemned or taken for public or private use (except the uses provided for in Section 11 and Section 12 of this Act, or by authority of this Charter), the city, or the party for whom it is taken, shall pay a fair compensation and the City Council or parties interested are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this Territory relating to the mode or proceeding to appropriate lands by private corporations.

Section 111. The violation of any ordinance of the City of Bellevue shall be deemed a misdemeanor, and may be prosecuted by the authorities of said city in the name of "The State of Idaho" or may be redressed by civil action, at the option of the "Common Council." (Amended C. 81, L.1947).

Section 112. The City of Bellevue shall have the right to commit any person or persons for violating any of the -48- ordinances or laws of the City of Bellevue to the County Jail until the erection of a City Jail. The compensation for keeping city prisoners in said County Jail shall be the same as allowed for keeping prisoners in said county, and shall be a charge against said city.

Section 113. There shall be an election held in the City of Bellevue, on the first Monday of April, 1883, for the purpose of electing the various officers provided for under this Act; and for the purpose of holding such election the following named persons are hereby appointed judges of election for their respective wards, who shall give notice at least ten days before holding such election shall be held, by publication in some newspaper published in said city, or by posting notices in three public places in each ward. They shall superintend such election, appoint the clerks, and shall, immediately after six o'clock on the day of election, proceed in joint assembly to count and canvass the vote so cast, and declare the result of such election; and shall give to the persons elected a certificate of election signed by them, and the persons thus elected and certified shall hold their office until their respective successors are elected and qualified. Levi Young, Mathew McFall and R.M.G. Bradley are hereby appointed Judges of Election in the First Ward, and John H. Harris, Edwin C. Coffin and Joseph Connell are hereby appointed Judges of Election in the Second Ward.

Section 114. Every officer collecting or receiving any moneys belonging to, or for the use of such city, shall settle his account for the same with the Clerk, on the first Monday of each month.

~~Section 115. No officer of such city shall be interested, directly~~

Section 115. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or doing any work, or furnishing any supplies for the use of such city or its officers in their official capacity, and any claim for compensation for work done, or supplies or material furnished in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this Section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Section 116. In the erection, improvement and repair of all public buildings and works, in all street and sewer works, or in any other public work authorized by this Charter, when the expenditure for the same exceeds one thousand dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, and under such regulations as may be prescribed by ordinance; provided, that the Common Council may reject all bids presented, and readvertise in their discretion. (Amended C. 121, L. 1974).

Section 117. The plat of the townsite of Bellevue made by Morris McFarland, U.S. Deputy Surveyor, and filed in the office of the Recorder of Alturas County August 5, 1882, is hereby declared to be the official plat of the City of Bellevue, and the boundary lines of any street, alley, block or lot as in said plat, and accompanying filed notes designated and laid down, shall be taken as the true lines of any and all such streets, alleys, blocks or lots.

Section 118. Nothing in this Act shall be so construed as to authorize or permit the closing up or obstruction of any street or alley laid down, designated or described on said official plat referred to in Section 117 of this Act. Section 118-A. The assessment, levy and collection of taxes on both real and personal property in the City of Bellevue shall be made pursuant to the general laws of the State of Idaho. (Amended C. 81, L. 1947).

Section 118-B. Wherever in this Act, as amended, the words "Territory" or "Territory of Idaho" are used, the same shall be construed to mean "State" or "State of Idaho"; and wherever the words "County of Alturas" are used, the same shall be construed to mean "County of Blaine". (Amended C. 81, L. 1947). Section 119. This Act shall take effect and be in force from and after its passage. Approved February 8, 1883.