

*Nell Newton*

*Secretary  
City Secretary's Office*

**CHARTER**

*of*

**THE CITY OF DALLAS**

**1907**

(Including the Charter Amendments of  
1909, 1911, 1916, 1919, 1921,  
1923, 1927 and 1930)

*City Map - Council 4-1931  
May 1, 1931*

Compiled and Published by Authority of the Board of  
Commissioners of the City of Dallas, by  
Order of Date April 15, 1931.

C. 2

# CHARTER

*of*

THE CITY OF DALLAS

1907

(Including the Charter Amendments of  
1909, 1911, 1916, 1919, 1921,  
1923, 1927 and 1930)



Compiled and Published by Authority of the Board of  
Commissioners of the City of Dallas, by  
Order of Date April 15, 1931.

# TABLE OF CONTENTS

## CHAPTER I

### Incorporation and Territory

#### Section

- 1 Corporate Name.
- 2 Boundaries.
- 3 Platting of Property.
- 4 Additional Territory

## CHAPTER II

### Powers of the City

- 5 Specific Powers.
- 6 General Powers Adopted.
- 7 Airports.
- 8 Acquisition of property for public purposes.

## CHAPTER III

### City Council

- 9 Powers to be exercised by Council.
- 10 Council shall elect Mayor.
- 11 Compensation of the Members of the City Council.
- 12 Vacancies in the City Council—how filled.
- 13 Meetings of the Council.
- 14 Mayor Pro Tem—Duties of.
- 15 City Council May Summon Witnesses, Etc.
- 16 City Secretary.

## CHAPTER IV

### Method of Nominating and Electing Members of the City Council

- 17 Qualifications of Members of the City Council.
- 18 Selection of Nominees for Members of the City Council.
- 19 Nomination of Members to Council by Petition—Election Districts.
- 20 Run-off Election.
- 21 Official Ballot-Election.

## CHAPTER V

### Recall of Councilmen

- 22 Recall of Councilmen—Procedure—Election of Successors.
- 23 District Judge May Order Election.

## CHAPTER VI

### The City Manager

- 24 Appointment of City Manager, Term, Compensation, Etc.
- 25 Powers and Duties of the City Manager.
- 26 Responsibility of City Manager to Councilmen.
- 27 Bond of City Manager.
- 28 No Interference by Council with Appointments or Subordinates of City Manager.
- 29 Expulsion of a Member of the Council.
- 30 Investigations.

## CHAPTER VII

### Legal Department—Corporation Court

#### Section

- 31 Appointment of City Attorney, Term, Compensation, Etc.
- 32 Assistants to the City Attorney.
- 33 Duties of the City Attorney.
- 34 Corporation Court—Creation and Jurisdiction—Fines.
- 35 Title 2 of Code of Criminal Procedure Controlling.
- 36 Appeals.
- 37 City Judge.
- 38 Clerk of Court.
- 39 Divisions of Court.
- 40 General Laws—Act Cumulative of.

## CHAPTER VIII

### City Auditor

- 41 Appointment of City Auditor, Term, Compensation, Duties, Etc.
- 42 Monthly Financial Statement.
- 43 Salary and Bond.

## CHAPTER IX

### Administrative Departments Controlled and Administered by Manager

- 44 Administrative Departments Controlled and Administered by Manager.
- 45 Duties of Directors of Departments.
- 46 Responsibility of Directors of Departments.

## CHAPTER X

### Department of Finance

- 47 Director of Finance.
- 48 Special Audits.
- 49 City Treasurer
- 50 Purchasing Agent.
- 51 Purchasing and Furnishing of Supplies.
- 52 Division of Assessments, Licenses and Taxes.

## CHAPTER XI

### The Budget and Financial Procedure Relating Thereto

- 53 Annual Budget Estimate.
- 54 Budget Estimates to Be Furnished City Manager by All Departments Not Under His Immediate Direction.
- 55 Annual Appropriation Ordinance.
- 56 Transfer of Appropriations.
- 57 Appropriation of Excess Revenue.
- 58 Expenditure Only Pursuant to Appropriations.
- 59 Accounts of Appropriation.
- 60 Payment of Claims.
- 61 Money Certified in Treasury.
- 62 Money Deemed in Treasury.
- 63 Obligations—When Void.
- 64 Limitation on Expenditures Not to Apply to Purchases by Park Board in Certain Cases.
- 65 Independent Audit.

## CHAPTER XII

### Police Department

- 66 Chief of Police, Director of Police Department.
- 67 Selection of Members of Police Department.
- 68 Appointment of Special Police or Special Detective.

- 69 Authority of Policemen—Control of City Prison.
- 70 Police Chief to Prescribe Uniforms and Arms.
- 71 Suspension of Police—Hearing.

## CHAPTER XIII

### Fire Department

#### Section

- 72 Chief of Fire Department, Director of Such Department.
- 73 Suspension of Firemen—Hearing.
- 74 Rules for Fire Department.
- 75 Platoon System.
- 76 Police, Firemen and Fire Alarm Operators' Pension Fund.
- 77 City Manager to Prepare Actuarial Report.
- 78 Additional Compensation for Continued Service.
- 79 Dangerous Buildings to be Condemned.
- 80 Firemen to Exercise Police Powers.

## CHAPTER XIV

### Department of Public Works

- 81 Director be Engineer—Compensation—Bond.
- 82 Custodian of Maps, Etc.
- 83 Jurisdiction of Director of Public Works.
- 84 Furnish Labor and Materials to Other Departments.

## CHAPTER XV

### Public Health Department

- 85 Jurisdiction.
- 86 Qualifications and Duties of Health Director.
- 87 Epidemics, Floods and Other Disasters.
- 88 Nuisances.
- 89 Health Director and Employes May Make Arrests.
- 90 Monthly and Special Reports to City Manager and City Council.
- 91 Bond of Health Director.
- 92 Council to Make Adequate Provision for Administration of Department.

## CHAPTER XVI

### Welfare Department

- 93 Qualifications of Director, Jurisdiction—Employment Bureau.
- 94 Duties.
- 95 Bond of Welfare Director.
- 96 Co-ordination with Private Agencies.
- 97 Council to Make Adequate Provision for Administration of Department.

## CHAPTER XVII

### Waterworks Department—Sanitary and Storm Sewers

- 98 Waterworks Department—Powers to Own and Operate Generally.
- 99 Funds Not to be Diverted.
- 100 Power to Acquire Property.
- 101 Procedure in Condemnation.
- 102 Superintendent.
- 103 Qualifications of Superintendent.
- 104 Bond of Superintendent.
- 105 Sanitary Sewers—Charge for Service.
- 106 Assessments for Sanitary Sewers—Assignable Certificates.
- 107 Storm Sewers.
- 108 Assessments for Storm Sewers—Assignable Certificates.

## CHAPTER XVIII

### Public Schools

#### Section

- 109 Board of Education—Powers and Duties.
- 110 Duties of President.
- 111 May Establish Kindergartens.
- 112 Purchase or Sale in Amount of One Thousand Dollars or More.
- 113 Members of Board of Education—Continue in Office.

## CHAPTER XIX

### Civil Service

- 114 Organization of Civil Service Board.
- 115 Officers of Civil Service Board.
- 116 Unclassified and Classified Service.
- 117 Civil Service Board to Adopt Rules and Regulations.
- 118 Lists of Eligibles to be Provided and Maintained.
- 119 Board to Provide for Promotions in the Classified Service.
- 120 Probation Period.
- 121 Discharge of Employe After Probation Period.
- 122 Trial Board.
- 123 Three or More Citizens' Right to Appeal to Civil Service Board.
- 124 Board to Fix Minimum Standard of Conduct and Efficiency.
- 125 Retention in the Service of Officers and Employes.
- 126 Pay Roll to Carry Only Names of Those Employes Certified.
- 127 Investigations—Power to Require Attendance of Witnesses, Etc.
- 128 No Appointment or Removal on Account of Religious or Political Opinions.
- 129 Members of Governing Body Shall Hold No Other Office.
- 130 Duty of Governing Body to Pass Necessary Ordinances.
- 131 Salaries to be Regulated by Governing Body and Included in Budget.
- 132 Certain Departments Excepted from the Provisions of this Chapter.

## CHAPTER XX

### Franchises

- 133 Ownership, Control and Use of Real and Public Property by the City.
- 134 Granting of Franchises.
- 135 Exclusive Franchises.
- 136 Granting of Franchise by Ordinance.
- 137 Term of Franchises.
- 138 Compensation Paid to City for Granting of Franchise, Determination of Amount to be Paid, Date of Payment, Appointment of Supervisor of Public Utilities.
- 139 Right of City to Determine, Fix and Regulate Charges, Fares, Rates and Services Rendered by Any Person, Firm or Corporation Holding a Franchise—Powers of Supervisor of Public Utilities.
- 140 Granting of "Indeterminate Franchises." Condemnation Powers of the City With Regard to Franchise Holders.
- 141 Cancellation of Franchises.
- 142 Granting of Franchises to Interurban Companies for the Use of Local Concerns' Facilities (Railway Tracks, Poles, Wires, Etc.).
- 143 Term of Franchise as Described in 142.
- 144 Granting of Franchise by Ordinance (Franchise described in 142).
- 145 Compensation to City for Granting Franchise as described in 142.
- 146 Application of this Amendment to Interurban Railways.
- 147 Application of this Amendment to Steam Railways operating from the City to other Towns.
- 148 Compensation to City with reference to Steam Railways.
- 149 Payment of Compensation Date.
- 150 Grant or Refusal of a Franchise Ordinance by the City subject to Referendum Provisions of the Charter applicable to Franchises—Exceptions.
- 151 Privileges Granted to Private Property Owners.
- 152 Compensation for City in granting Private Owners' Franchise.

#### Section

- 153 Permission of Property Owners necessary Before the Granting of Permits to lay track on streets.
- 154 Permission of Property Owners necessary Before the Granting of Permits to Lay a Switch on Streets.
- 155 City to regulate Speed; Require Maintenance of Equipment used by railway, steam engine, interurban and electric companies.
- 156 Interurban Liabilities in regard to City Passengers.
- 157 Penalties for Violation of Foregoing Provisions.
- 158 Fixing of Rates to be Charged by Franchise Holders.
- 159 City's power to Fix and Regulate Prices, Fares, Tolls and Charges of Local Public Utilities.
- 160 City's Power to Require Railroad Company to Move, Reduce, Elevate or Lower such Tracks as might obstruct a Public Street.
- 161 City's Power to Require any Corporation holding a Franchise to rent its Equipment to any other Corporation to which the City might grant a Franchise.
- 162 Issuing of Stocks and Bonds by Corporations Holding a Franchise.
- 163 Corporations Holding a Franchise with the City must file with the City its Annual Financial Statement at the close of Fiscal Year.
- 164 Permits Unconditionally Revocable shall not be Deemed Franchises.
- 165 Private Operations of a Public Utility by the City Allowed.

## CHAPTER XXI

### Ordinances

- 166 Ordinances, Rules and Regulations Existing at the Time an Amendment Goes Into Effect Validated.
- 167 Enrollment.
- 168 Publication.
- 169 Printed Ordinances Admitted in Courts.
- 170 Style of Ordinances.
- 171 Codification of Ordinances.
- 172 How Plead.
- 173 Ordinances—Approval of Mayor Not Necessary.
- 174 Petition Requesting Submission.
- 175 City Secretary to Examine Petition—Amendment.
- 176 Governing Body Either to Pass Ordinance or Call Election.
- 177 Submitted at General Election Where Only Five Per Cent Sign.
- 178 Ballots—One or More Ordinances May be Voted—Provision for Repeal.
- 179 Promulgation of Ordinance Before Election.
- 180 When Ordinances Become Effective—Referendum Provided For.

## CHAPTER XXII

### Assessment and Collection of Taxes

- 181 Property Taxed.
- 182 Power of the City to Collect Taxes.
- 183 Rendering of Taxes, Appraisements, Etc.
- 184 Notice of Taxes Due by Advertisement.
- 185 Back Tax Assessments.
- 186 Franchises—Taxation of.
- 187 Assessment of Property.
- 188 Irregularity in the City Shall Not Invalidate Any Assessment.
- 189 Rendition of Property to the City by the Owner.
- 190 Board of Equalization.
- 191 Board of Equalization—Appeals to by Owners—Procedure.
- 192 Increase of Taxes—Board of Equalization.
- 193 Record of Property Owners and Taxpayers on File in Tax Collector's Office.
- 194 City's Lien on Property Taxed.
- 195 Seizure and Sale of Property for Taxes.
- 196 Place for Payment of Taxes.
- 197 Sale of Property Seized for Delinquent Taxes.
- 198 Notice of Sale.
- 199 Deed Executed to Buyer of Seized Property.
- 200 Sale of Personal Property.

**Section**

- 201 City's Authority to Buy at Sale of Seized Property.
- 202 Redeeming of Seized Property Sold to City.
- 203 Suit to Remove Cloud on Tax Deed Title Provided for.
- 204 All Levies, Assessments and Assessment Rolls Validated.
- 205 Description of Property with Reference to Taxation.
- 206 Assessment Binding Upon Owner Where Owner Renders Value of Property.
- 207 City has Power to File Suit for Collection of Taxes.
- 208 City's Right to Collect Taxes.
- 209 Delinquent Taxes—Penalties.
- 210 Property Liable to Taxation Assessed in Accordance with General Laws of the State.
- 211 Report of the Tax Collector to the City Manager.
- 212 Assessment of Property—Joint, Common and Conflicting Interests in Real Estate—Separate Assessment of.
- 213 Part-Payment of Taxes.
- 214 General Laws of the State with Reference to the City's Powers.

**CHAPTER XXIII****The Park Board**

- 215 Organization of Board and Terms of Office of Members.
- 216 Removal from Board—Vacancies, How Filled.
- 217 Jurisdiction of the Park Board—Scope of Activity.
- 218 Appointment of Employees—Rules and Regulations for Government of Same.
- 219 Conflicts Between Park Board and Other Boards to be Determined by the Governing Body of the City.
- 220 Reports of the Park Board to the Governing Body.
- 221 Providing for Annual Audit.
- 222 Purchases of Supplies to be Made on Competitive Bidding by the City Purchasing Agent.
- 223 Park Board Funds—Provision for.
- 224 Expenditure of Bond Moneys.

**CHAPTER XXIV****The City Plan Commission and Zoning**

- 225 Creation of City Plan Commission—Purpose—Vacancies.
- 226 Chapter 231, General and Special Laws of State of Texas binding upon City Plan Commission.
- 227 City Plan Commission's Power to Pass Upon Public Improvements.
- 228 Removal from Commission—Vacancies, How Filled.
- 229 Zoning Ordinances—Power to Pass.

**CHAPTER XXV****Street and Sidewalk Improvements**

- 230 Definitions.
- 231 Power to Order Improvements.
- 232 Power to Provide Cost.
- 233 Special Tax by Ordinance.
- 234 Enforcement.
- 235 Improvement Ordered by Resolution.
- 236 Specifications—Bonds.
- 237 Advertisement for Bids.
- 238 Contracts.
- 239 Assessment of Costs.
- 240 Front Foot Rule.
- 241 Improvement Alongside Property.
- 242 Interest Rate on Assessments.
- 243 Engineer's Statement.
- 244 Notice of Hearing.
- 245 Hearing—Objection in Writing.
- 246 Assessment Ordinance

**Section**

- 247 Joint Assessments, Etc.
- 248 Lien Reverts Back—True Owner Liable.
- 249 Appeal.
- 250 Verified Pleading—Work May Be Suspended Pending Appeal.
- 251 Property May Be Left Out.
- 252 May Improve One Side of Highway.
- 253 Reassessment—Barred in Five Years.
- 254 Assessment Certificates.
- 255 City Exempt From Liability.
- 256 Sidewalks—Assessments.
- 257 Sidewalks—Failure to Provide.
- 258 State Law Adopted.
- 259 Street Lighting Law Adopted.
- 260 Former Actions Validated.

**CHAPTER XXVI****Condemnation and Special Assessments**

- 261 Purposes.
- 262 Proceedings Started by Ordinance or Resolution.
- 263 Petition Filed—Special Commissioners Appointed.
- 264 Special Commissioners Controlled by State Condemnation Law.
- 265 Special Assessments for Street Widening, Etc.
- 266 Assessments Against City and Funds From Which Assessments May Be Paid.
- 267 Plat of Proposed Assessment Area.
- 268 Notice to Property Owners.
- 269 Hearing to Property Owners.
- 270 Power to Issue Writs.
- 271 Report of Special Commissioners.
- 272 The Governing Body of the City to Consider Report.
- 273 Assessment Ordinance.
- 274 Certificates.
- 275 Reassessment.
- 276 Deficiency Assessment.
- 277 Assessments May Be Collected Before Payment for Property.
- 278 Assessments Where Land Purchased.
- 279 Appeal.
- 280 Collection of Assessments.
- 281 Validating Assessments.
- 282 State Law on Assessments Adopted.
- 283 Proceedings Begun Under Former Charter Continued Under Terms Thereof.
- 284 Ornamental Street Lighting.
- 285 Building Lines.
- 286 Improvement Districts.
- 287 Assessment Period Not to Exceed Fifteen Years.

**CHAPTER XXVII****Issuance and Sale of Bonds**

- 288 Bond Limit.
- 289 Bond Election.
- 290 Bonds Heretofore Authorized May Be Issued.
- 291 Purpose for Which Bonds May Be Issued.
- 292 Revolving Street Improvement Fund.
- 293 Execution of Bonds.
- 294 Bonds Transmitted to Comptroller.
- 295 Statement Furnished to Comptroller.
- 296 Sinking Fund.
- 297 Bond Register.
- 298 Embezzlement of Funds by Officers.

**CHAPTER XXVIII****Miscellaneous Provisions**

- 299 Labor Day.
- 300 Eight-Hour Day for Employees.

Section

- 301 May Prohibit Convict Labor.
- 302 Citizens Given Preference in Employment and Letting of Contracts.
- 303 No Officer or Employee to Accept Gift, Etc., From Public Utility.
- 304 Officers or Employees of the City Not to Have Financial Interest in Any Contracts of the City.
- 305 Hospitals—Sale of and Contracts with Reference Thereto.
- 306 Church and School Property Not Exempt from Special Assessments.
- 307 Notice of Damage or Injury Required.
- 308 City Exempt From Appeal Bonds.
- 309 Execution, Garnishment and Assignment.
- 310 No Lien on Public Property—Contracts, Etc., to Notify City of Claims.
- 311 Bonds of Contractors.
- 312 Condemnation of Dangerous Structures.
- 313 Qualifications of Voters.
- 314 City Elections.
- 315 Power to Remit Penalties.
- 316 May Prohibit Minors in Public Places.
- 317 City Contracts—Appropriations and Specifications.
- 318 Fire Limits.
- 319 Building Permits.
- 320 Acquisition of Land for Park Purposes.
- 321 Segregation of Races.
- 322 Public Library and Tax Therefor.
- 323 Municipal Radio Station.
- 324 Designation of Official Newspaper.
- 325 School Bonds in the Sum of \$1,900,000 authorized.
- 326 Park Bonds in the sum of \$1,500,000 authorized.
- 327 Street Improvement Bonds in the sum of \$5,700,000 authorized.
- 328 Sewage Disposal Bonds in the sum of \$1,000,000 authorized.
- 329 Storm Sewer Bonds in the sum of \$3,500,000 authorized.
- 330 Paving Bonds in the sum of \$3,000,000 authorized.
- 331 Central Fire Station and Signal System Bonds in the sum of \$350,000 authorized.
- 332 Incinerator Bonds in the sum of \$150,000 authorized.
- 333 Public Library Bonds in the sum of \$500,000 authorized.
- 334 Institute of Fine Arts Bonds in the sum of \$500,000 authorized.
- 335 Public Auditorium Bonds in the sum of \$1,000,000 authorized.
- 336 Hospital Improvement Bonds in the sum of \$400,000 authorized.
- 337 Waterworks Improvement Bonds in the sum of \$4,000,000 authorized.
- 338 Airport Bonds in the sum of \$400,000 authorized.
- 339 Merger and Annexation with Highland Park and University Park authorized—  
State Law adopted.

# CHARTER OF CITY OF DALLAS

1907

(Including Amendments of 1909, 1911, 1916, 1919, 1921, 1923, 1927 and 1930)

S. B. No. 316

An Act to grant a New Charter to the City of Dallas, Dallas County, Texas, repealing all Laws or parts of Laws in conflict herewith, and declaring an emergency.

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

## CHAPTER I Incorporation and Territory

Section 1. CORPORATE NAME. All inhabitants of the City of Dallas, Dallas County, Texas, as the boundaries and limits of said city are herein established or may hereafter be established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Dallas," with such powers, rights and duties as herein provided.

Sec. 2. BOUNDARIES. The bounds and limits of the City of Dallas are hereby established and described as follows:

Beginning at the south corner of the A. C. McDaniel survey (which is the west corner of the Wm. Romine survey).

Thence northeast with the southeast line of the McDaniel survey to the southwest line of the right-of-way of the Chicago, Rock Island & Gulf Railroad (now the H. & T. C. R. R.).

Thence southeastwardly along the southwest line of the right-of-way of the said C., R. I. & G. R. R. to a point on said right-of-way line, which would intersect the northwest line of Butler Street if produced in a southwestwardly direction as it now exists northeast of the main line of the H. & T. C. R. R.

Thence northeastwardly along the northwest line of Butler Street so produced to the northwest line of Oakland Avenue.

Thence northwestwardly with the northeast line of Oakland Avenue ..... feet to the northwest line of Butler Street as it exists northeast of Oakland Avenue.

Thence northeastwardly with the northwest line of Butler Street to its intersection with the southwest line of Second Avenue.

Thence northwestwardly with the southwest line of Second Avenue to a point where the northwest line of Marshall Street produced southwestwardly would intersect with the southwest line of Second Avenue.

Thence northeastwardly with the northwest line of Marshall Street to its intersection with the north line of the right-of-way of the T. & N. O. R. R.

Thence westwardly with the north line of the right-of-way of the said T. & N. O. R. R. to its intersection with the northwest line of Marshall Street as it exists east of the T. & N. O. R. R.

Thence northeastwardly with the northwest line of Marshall Street to its intersection with the southwest line of Foreman Avenue.

Thence northwestwardly with the southwest line of Foreman Avenue to its intersection with the northwest line of Fair Street.

Thence northeast with the northwest line of Fair Street to its intersection with the north line of the right-of-way of the T. & P. R. R.

Thence eastwardly along said right-of-way about 863 feet to the northwest line of Durett Street to the southeast corner of block 1448.

Thence northwestwardly along said line of Durett Street and along the west line of block 1448, and the east line of block 1447, and a continuation thereof to the north line of Forney Avenue (and known as the Kaufman Road), the same being the south line of Rowan's Addition.

Thence eastwardly with the north line of Forney Avenue to the west line of Beeman Street.

Thence northwestwardly with the west line of Beeman Street to the south line of East Pike Avenue.

Thence westwardly with the south line of East Pipe Avenue to its intersection with the northwest line of East Grand Avenue.

Thence northwestwardly with the northwest line of said East Grand Avenue to the east corner of block 40, as shown by the revised map of Mount Auburn Addition, as recorded in Vol. 1 on page 276, County Clerk's records of Dallas County.

Thence northwestwardly with the northeast line of blocks 40, 37, 35 and 33 of said addition, and crossing the G. C. & S. F. R. R. to the intersection of the southwest line of Paulus Street with the northwest line of Tremont Street.

Thence northwestwardly with the southwest line of Paulus Street to its intersection with the northwest line of Junius Street.

Thence west to a point on the west line of Raitman Street, if Raitman Street is produced south as it exists in Lakewood Heights Addition as shown by the map thereof, and recorded in Vol. 1 on Page 518, County Clerk's records of Dallas County.

Thence north with the west line of Raitman Street to its intersection with the south line of Prairie View Avenue.

Thence west with the south line of Prairie View Avenue to its intersection with the west line of Greenville Avenue.

Thence south with the west line of Greenville Avenue to the south line of Goodwin Avenue.

Thence west with the south line of Goodwin Avenue to its intersection with the east line of the right-of-way of the H. & T. C. R. R.

Thence northeastwardly with the east line of the right-of-way of the said H. & T. C. R. R. to its intersection with the south line of Mocking Bird Lane.

Thence west with the south line of Mocking Bird Lane to its intersection with the east line of Byron Street.

Thence south with the east line of Byron Street to its intersection with the south line of St. John's Drive.

Thence southwardly with the east line of St. John's Drive to its intersection with the north line of Dartmouth Avenue.

Thence east with the north line of Dartmouth Avenue to its intersection with the northwest line of the right-of-way of the M. K. & T. R. R.

Thence southwestwardly with the northwest line of the right-of-way of the said M. K. & T. R. R. to its intersection with the southwest line of Armstrong Avenue.

Thence westwardly with the southwest line of Armstrong Avenue to Hackberry Branch.

Thence down said Hackberry Branch with its meanderings to Turtle Creek.

Thence up said Turtle Creek with its meanderings to the south line of Armstrong Avenue.

Thence west with the south line of Armstrong Avenue to its intersection with the west line of the Preston Road.

Thence northwardly with the west line of the Preston Road to the south line of Mocking Bird Lane.

Thence westwardly with the south line of Mocking Bird Lane to the west line of the right-of-way of the St. L. & S. W. R. R.

Thence southwardly with the west line of the right-of-way of the St. L. & S. W. R. R. to its intersection with the northwest line of the City's Parkland Hospital tract of land.

Thence southwestwardly with the northwest line of said hospital tract of land and a continuation thereof to the southwest line of the J. A. Sylvester survey.

Thence southeast along the southwest line of said Sylvester survey to low water mark on the southeast bank of the Trinity River.

Thence down said river with the meanderings of the low water mark on the east bank of same to the south line of Commerce Street.

Thence westwardly crossing said river and continuing same course along the south line of the Fort Worth Pike to the east line of Beckley Avenue.

Thence south with the east line of Beckley Avenue to the south line of Tilden Street.

Thence west with the south line of Tilden Street to the west line of Ballard Street.

Thence south with the west line of Ballard Street to the north line of Haynes Avenue.

Thence southwestwardly with the west line of Haynes Avenue to the south line of Nueces Street.

Thence westwardly with the south line of Nueces Street to the west line of Cedar Hill Avenue.

Thence south with the west line of Cedar Hill Avenue to the southeast corner of Gilliam's tract of land.

Thence west with Gilliam's south line 300 feet.

Thence south and southwestwardly parallel to and 300 feet from the west line of Cedar Hill Avenue to the north line of Taft Street.

Thence west with the north line of Taft Street to its intersection with the east line of alley, which is the east line of Oak Cliff Annex.

Thence north with the east line of Oak Cliff Annex 1040 feet to the north line of Oak Cliff Annex.

Thence west and parallel with Davis Street 2086 feet.

Thence south 2150 feet to the south line of Davis Street.

Thence west with the south line of Davis Street to its intersection with the west line of alley in block No. 2, Rosemont Crest Addition.

Thence south with the west line of said alley 824 feet to the northeast corner of lot No. 20, block 2 of said Addition.

Thence west 190½ feet to the northwest corner lot 23, block 2 of said Addition.

Thence south 461 feet to the north line of alley in block 28A of Sunset Hill Addition.

Thence west with the north line of said alley 529.5 feet.

Thence south with the west line of lot No. 1, block 28A, 227.9 feet to the north line of Tenth Street.

Thence east with the north line of Tenth Street 171½ feet.

Thence south with the east line of Montreal Avenue 821½ feet to the south line of Wentworth Street.

Thence west with the south line of Wentworth Street 225 feet to the west line of an alley.

Thence south with the line of said alley 338 feet.

Thence west with the north line of lots Nos. 6 and 19 in blocks 7 and 5 of said Sunset Hill Addition 313 feet.

Thence south along the west line of lots 19 to 24 of said block 342 feet to the south line of Twelfth Street.



Thence west with the south line of Twelfth Street 275½ feet to the east line of Hampton Road.

Thence south with the east line of Hampton Road 2287.7 feet to its intersection with the north line of Jamestown Road.

Thence eastwardly with the north line of said Jamestown Road 529 feet to the southwest corner of Jamestown school property.

Thence north with the west line of said school property 183.4 feet to the northwest corner of said school property.

Thence east with the north line of said school property 495 feet to the northeast corner of said school property.

Thence south with the east line of said school property 183.4 feet to the southeast corner of said school property in the north line of Jamestown Road.

Thence eastwardly with the north line of Jamestown Road to Edgefield Avenue and continuing eastwardly along the survey lines passing the southeast corner of the J. B. Robinson and the southwest corner of the G. L. Leonard surveys and the southwest corner of the W. H. Heard survey to the intersection of the south line of the W. H. Hoard survey with the east line of Ewing Avenue.

Thence south with the east line of Ewing Avenue 440 feet.

Thence east to the west line of Greenwood Avenue.

Thence north with the west line of Greenwood Avenue 440 feet to the south line of the W. H. Hoard survey.

Thence east with the south line of said Hoard survey to its southeast corner.

Thence north with the east line of said Hoard survey to its intersection with the southeast line of the right-of-way to the G. C. & S. F. R. R.

Thence northeastwardly with the southeast line of the right-of-way of said railroad to its intersection with the west line of the Gaston Road.

Thence northwardly with the west line of the Gaston Road to the south line of the Hutchins Road.

Thence northwestwardly with the south line of the Hutchins Road to the west line of Miller Avenue.

Thence north with the west line of Miller Avenue to the north line of Brazos Street.

Thence east 30 feet to the west line of the W. S. Beaty survey.

Thence north with the west line of said Beaty survey and a continuation thereof to low water mark on the east bank of the Trinity River.

Thence southeastwardly down said river with the meanderings of low water mark to the place of beginning. [Amendment of 1919.]

Sec. 3. PLATTING OF PROPERTY. Should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same; provided, that in no case shall the City of Dallas be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property at whatever date platted, they shall become by such act the property of the City of Dallas for use as public highways, and may be cared for as such.

Sec. 4. ADDITIONAL TERRITORY. Any territory adjoining the present or future boundaries of said city may from time to time in any size or shape desired be admitted and become a part thereof on application made or written consent given to the city council by the owner or owners of the land, or, as the case may be, by a majority of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds, in an ordinance accepting, assenting and adding the same to the municipal corporation; and thereafter the inhabitants of said added territory shall in all respects be on an equal footing with the inhabitants of the original municipal territory.

## CHAPTER II

### Powers of the City

Section 5. The City of Dallas, as such body politic and corporate, shall have perpetual succession; may use a corporate seal; may sue and be sued; implead and be impleaded in all courts; may contract and be contracted with; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, device, lease or condemnation, and may sell, lease, hold, manage and control any property now owned by it or which it hereafter may acquire, construct, own, lease, operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the city by the issue or sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate and maintain public works and public improvements of any nature; may levy and collect assessments for local improvements; may levy an occupation tax on any person, occupation, calling or business where permitted under the laws of this State; may license and regulate vehicles operated for hire and fix and regulate the rates to be charged therefor; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may license and regulate all places of public amusement; may define nuisances and prohibit the maintenance of any nuisance within the corporate limits of the city to within three thousand feet of the corporate lines, outside of the city limits, and abate such nuisances by summary proceedings and provide for the punishment of the authors thereof; may regulate the use of automobiles and motorcycles and the speed thereof and prescribe the proper lighting of the same when used at night; may provide for the inspection of buildings and all works of construction and prescribe and enforce proper regulations in regard thereto; may regulate and locate or prohibit the erection of all poles in the city and cause the same to be removed or changed at any time; may provide for the inspection of weights and measures and fix standards of weights and measures; may provide for the regulation of bakeries and prescribe the weight, quality and price of bread manufactured or sold in the City of Dallas; may provide for the inspection and regulation of dairies located inside or outside of the City Limits, from which milk or other products are sold within the city, and for the inspection of all cows from which milk is sold to the city and prescribe fees to be charged in connection with such inspection, and may establish and maintain a standard of the quality of all dairy products sold in the City; may fix a tax on dogs and regulate, restrain and prohibit the running at large of dogs in the City of Dallas; may adopt any ordinance or regulation having for its purpose the prevention of fires or the removal of fire hazards; may regulate burial grounds, cemeteries and crematories and condemn and close any such in the thickly settled portions of the city when public interest or public health may demand, and may regulate the burying of the dead; may provide for a system of vital statistics; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city; may regulate the construction and height of and materials used in all buildings and the maintenance and occupancy thereof; may regulate and control the use, for whatever purpose, of the streets and other public places; may create, establish, abolish and organize offices and fix the salaries and compensation of all officers and employes; may make and enforce all police, health, sanitary and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, for the performance of the functions thereof, for the order and security of its inhabitants and to protect the peace, lives, health and property of such inhabitants, and may provide suitable penalties for the violation of any ordinance enacted by the City of Dallas. The city shall have all powers that now are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the Governing Body of the City of Dallas.

Sec. 6. GENERAL POWERS ADOPTED. The enumeration of particular powers in the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for the Charter specifically to enumerate. The City of Dallas shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto, passed by the Thirty-Third Legislature of the State of Texas, found in the published laws of said Legislature. Regular Ses-

sion, pages 307 to 317, and affective July 7, 1913, and all other laws passed by the Legislature of the State of Texas, relating thereto, or which may hereafter be passed by said Legislature in relation to such matters.

**Sec. 7. AIRPORTS.**—The City of Dallas shall have power to acquire or own, within or without the City of Dallas, either by purchase, donation, bequest, eminent domain or otherwise, all property that may be necessary for the purpose of establishing, maintaining and operating an airport or airports and a landing field or landing fields, and to provide for the accommodation of United States mail planes and other aerial machines, and to make suitable charges therefor. That the ownership, maintenance and operation of any such airport and landing field shall be deemed a municipal purpose, and the city shall pass suitable ordinances providing for fees to be collected and other charges to be made in the operation of such airport and field, and shall have full authority thereover.

**Sec. 8. POWER TO ACQUIRE PROPERTY INSIDE OR OUTSIDE THE CITY FOR PUBLIC PURPOSES.**—The City of Dallas shall have the power to acquire, by condemnation, either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights of way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, airports and landing fields, burial grounds and cemeteries, incinerators or other garbage disposal plants, electric light and power plants and rights of way for lines in connection therewith, gas plants and rights of way for gas lines in connection therewith, streets, boulevards and alleys or other public ways, city jails, prison farms, city halls and other municipal buildings or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal purpose. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the State law with reference to eminent domain. The provisions of Title 52 of the Revised Civil Statutes of Texas (1952) shall apply to such proceedings, or such proceedings may be under any other State law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city.

### CHAPTER III

#### City Council

**Section 9.** Except as otherwise provided by the Charter of the City of Dallas, all powers conferred on the City shall be exercised by a City Council to be composed of nine members, nominated and elected in the manner hereinafter provided. The members of the City Council shall be elected by the qualified voters of the entire city, and they shall each be elected for a term of two years and until their respective successors shall have been elected and shall have qualified.

**Sec. 10.** The City Council shall, as soon as practicable after the election, elect one of its members as presiding officer, who shall be known as the Mayor of the city. He shall have a vote on all matters coming before the Council, but no power of veto. He shall represent the City on all ceremonial occasions and be known as the official head of the city government. The Mayor shall be selected after each biennial election and shall serve for a period of two years, subject to removal at any time by a vote of six members of the Council.

**Sec. 11. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.**—Each member of the City Council shall receive as compensation for his services the sum of Twenty (\$20) Dollars per diem for each regular meeting attended by him, said compensation in no event to exceed the sum of One Thousand and Forty (\$1040) Dollars per annum. In addition to the above, all necessary expenses incurred by members of the City Council in the performance of their official duties shall be paid by the city.

**Sec. 12. VACANCIES IN THE CITY COUNCIL—HOW FILLED.**—Vacancies in the City Council, where the same do not exceed four at any one time, shall be filled by a majority vote of the remaining members of the Council, and the persons elected to fill such vacancies shall serve only until the next general city election, when such

vacancies shall be filled as in the case of an original election, but only for the unexpired period of the terms of the Councilmen whose offices are to be filled. Where more than four vacancies shall develop at any one time, then a special election shall be called to elect their successors to fill their unexpired terms; provided, that if such vacancies shall occur within sixty days of a general election, then no special election to fill such vacancies shall be called, but in that event the remaining members of the Council shall, by a majority vote, fill such vacancies, and the persons so selected shall serve only until the next general city election, when such vacancies shall be filled, as in the case of an original election.

**Sec. 13.** At eleven o'clock A. M. on the day the Councilmen take office, they shall meet at the Municipal Building and thereafter all meetings of the Council shall be held in the Municipal Building at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week unless postponed for valid reasons, to be spread on the minutes.

Special meetings shall be called by the City Secretary upon the written request of the Mayor, the City Manager or three members of the Council. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered.

All meetings of the Council and of all committees thereof shall be open to the public and the rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings, in regard to any matter considered thereat.

A quorum shall consist of six members, except where the number of Councilmen, due to vacancies, is reduced to less than six, in which event a quorum shall consist of all of the remaining Councilmen; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner under such penalties as may be prescribed by ordinance.

The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the minutes of the proceedings of the Council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of the members present.

No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. The Council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

**Sec. 14. MAYOR PRO TEM—DUTIES OF.**—The City Council shall elect one of its members as Mayor Pro Tem, who shall perform the duties of Mayor in case of the absence or inability of the Mayor to perform the duties of his office, and who shall for the time being be vested with all the powers belonging to the Mayor. In case of the absence of both the Mayor and the Mayor Pro Tem the remaining Councilmen shall elect one of their members to act in the place of the Mayor or Mayor Pro Tem.

**Sec. 15. CITY COUNCIL MAY SUMMON WITNESSES, ETC.**—The City Council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the Mayor and attested by the City Secretary and shall be served by the Chief of Police or any police officer of the said city.

The Mayor, City Secretary or any member of the City Council shall have authority to administer oaths in any matter pertaining to municipal affairs.

**Sec. 16. CITY SECRETARY.**—The Council shall appoint a City Secretary and prescribe the duties and compensation of said officer, and shall provide him with such assistants as it may deem necessary. He shall hold office during the pleasure of the Council.

### CHAPTER IV

#### Method of Nominating and Electing Members of the City Council

**Section 17.** Each member of the City Council shall, in addition to the other qualifications prescribed by law, be at the date of his election a qualified voter of the City

of Dallas, and shall not be in the arrears in the payment of any taxes or other liabilities due the city.

Sec. 18. Primary elections to determine the selection of nominees for members of the City Council shall not be restored to except in such instances wherein the general laws of the State of Texas specifically authorize the selection of nominees for members of the City Council of the City of Dallas by a primary election. On the first Tuesday in April, A. D. 1931, and biennially thereafter on the first Tuesday, there shall be elected at an election to be held in the City of Dallas, to be called as hereinafter provided, nine Councilmen who shall compose the City Council and the City of Dallas, and who shall serve for the term of two years and until their respective successors shall have been elected and shall qualify.

Sec. 19. NOMINATION OF MEMBERS TO COUNCIL BY PETITION—ELECTION DISTRICTS.—The method of determining the names of the candidates entitled to be placed upon the official ballot for the position of members of the City Council shall be by petition, separately circulated, on behalf of each proposed candidate for the position of Councilman, and must be signed by not less than three hundred qualified voters of the city and filed with the City Secretary not less than thirty days prior to the election. Each signer to such petition shall write his name in ink or indelible pencil and attach thereafter his home or business address.

The places of the several Councilmen shall be designated on the official ballot as Member of Council, Place No. 1, 2, 3, 4, 5, 6, 7, 8, 9, and each petition circulated on behalf of each proposed candidate shall designate the place to be filled by such candidate. In all elections after the first, the name of each candidate shall appear on the official ballot for the place number to which the member whom he seeks to succeed in office was elected. No candidate's name shall be placed upon the official ballot unless requested by a petition of this character, and such candidate shall file a written acceptance of his nomination with the City Secretary not less than twenty days before the election is held.

The City is hereby divided into six districts, known as Districts A, B, C, D, E, and F.

District A shall be comprised of all that portion of the city lying southwest of the Trinity River and south and east of the Northern Texas Traction Company's interurban railway line.

Any territory hereafter annexed to the city and located south of said railway line and south or west of the Trinity River, shall become a part of District A upon annexation.

District B shall be comprised of all that portion of the city located within the Trinity River and north and northwest of the Northern Texas Traction Company's interurban railway line.

Any territory hereafter annexed to the city and located southwest of the Trinity River and north of said railway line, shall become a part of District B upon annexation.

District C shall be comprised of all that portion of the city located within the following boundaries, to-wit: Beginning at the point where the railway line of the Texas & Pacific Railway Company of Texas crosses the Trinity River; thence east with said railway line and Pacific Avenue to the railway line of the Texas & New Orleans Railroad; thence southeastwardly with the railway line of said Texas & New Orleans Railroad to the corporate limits of the city; thence to the right with said corporate limits to the Trinity River; thence northwestwardly with said Trinity River to the point of beginning.

Any territory hereafter annexed to the city and located between the railway line of the Texas & New Orleans Railroad and the Trinity River shall become a part of District C upon annexation.

District D shall be comprised of all that portion of the city located within the following boundaries, to-wit: Beginning at the point where Gaston Avenue extended intersects the railway line of the Texas & Pacific Railway Company of Texas; thence east with said railway line to the railway line of the Texas & New Orleans Railroad; thence southeastwardly with the railway line of the Texas & New Orleans Railroad to the corporate limits of the city; thence to the left with the corporate limits of the city to Gaston Avenue or Garland Road; thence west and southwest with Garland Road and Gaston Avenue and Gaston Avenue extended to the place of beginning.

Any territory hereafter annexed to the city and located between Garland Road and the railway line of the Texas & New Orleans Railroad shall become a part of District D upon annexation.

District E shall be comprised of all that portion of the city located within the following boundaries, to-wit: Beginning at the point of the intersection of the railway line of the Houston & Texas Central Railway with the railway line of the Texas & Pacific Railway Company of Texas; thence northeastwardly with said railway line of the Houston & Texas Central Railway to the corporate limits of the city; thence to the right with said corporate limits to Gaston Avenue or Garland Road; thence west and southwest with Garland Road and Gaston Avenue and Gaston Avenue extended to said railway line of the Texas & Pacific Railway Company of Texas; thence with said line to the point of beginning.

Any territory hereafter annexed to the city and located between the railway line of the Houston & Texas Central Railway and Garland Road shall become a part of District E upon annexation.

District F shall be comprised of all that portion of the city located within the following boundaries, to-wit: Beginning at the point where the railway line of the Texas & Pacific Railway Company of Texas crosses the Trinity River; thence east with said railway line and Pacific Avenue to the railway line of the Houston & Texas Central Railway; thence northeastwardly with said line of the Houston & Texas Central Railway to the corporate limits of the city; thence to the left with said corporate limits to the Trinity River; thence southeastwardly down the Trinity River to the point of beginning.

Any territory hereafter annexed to the city and located west of the railway line of the Houston & Texas Central Railway and northeast of the Trinity River shall become a part of District F upon annexation.

Within two years after this charter takes effect, and from time to time thereafter, but not oftener than once each two years, the City Council shall, by ordinance, rearrange said districts so as to make them as nearly equal in population as is practicable.

No person shall be eligible as a candidate for member of Council, Place No. 1, unless he is at the time a bona fide resident of District A.

No person shall be eligible as a candidate for member of Council, Place No. 2, unless he is at the time a bona fide resident of District B.

No person shall be eligible as a candidate for member of Council, Place No. 3, unless he is at the time a bona fide resident of District C.

No person shall be eligible as a candidate for member of Council, Place No. 4, unless he is at the time a bona fide resident of District D.

No person shall be eligible as a candidate for member of Council, Place No. 5, unless he is at the time a bona fide resident of District E.

No person shall be eligible as a candidate for member of Council, Place No. 6, unless he is at the time a bona fide resident of District F.

A candidate for Place No. 7, Place No. 8 or Place No. 9 may reside in any portion of the city.

Section 20. The candidate at said election for a place on said City Council who shall receive a majority of all votes cast for the office for which he is a candidate, shall be declared elected to such office. In the event any candidate for either of said offices fails to receive a majority of all votes cast, for all the candidates for such office at such election, the Mayor of said city shall, on the first day following the completion of the official count of the ballots cast at said first election, issue a call for a second election to be held in said city on the second Tuesday following the issuance of such call, at which said second election the two candidates receiving the highest number of votes for any such office in the first election, at which no one was elected at said first election by receiving a majority of all votes cast for all candidates for such office, shall again be voted for. The official ballot to be used at said second election shall be prepared by the City Secretary and the name of no person shall appear thereon unless he was a candidate for the office designated at said first election, and the two persons receiving at said first election the first and second highest number of votes cast for candidates for such office at such first election, shall be entitled to have their names printed on said official ballot in the order of their standing in the computation of the votes cast for such candidates at said first election as candidates at said second election for such office; provided, however, that in the event any person who was a candidate at said first election and who shall be entitled to become a candidate at said second election shall fail to request that his name shall appear on the official ballot therefor at such second election as herein provided, the candidate for such office standing next highest in the computation of votes shall

succeed to the rights of such candidate who failed to request that his name appear upon the ballot at said second election; provided, further, that two candidates for such office at said first election shall be entitled to become candidates therefor at said second election, which two candidates shall be those two among such candidates as shall stand highest respectively in the computation of all votes cast for all the candidates for such office at said first election as shall file written requests to be placed on the official ballot as candidates for such office at said second election. In the event of a tie in the vote for the two leading candidates for any office at said first election, said office shall be filled at a second election as herein provided for, at which such candidates so tied in said first election may again become candidates. In the event such candidates who tied in said first election or either of them shall fail so to do, the two candidates for such office who are next highest in the computation of votes therefor and who desire to become candidates therefor at said second election shall be entitled so to do in the order of the number of votes they respectively received at said first election. In the event of a tie between the two candidates for any office at said second election, they shall cast lots to determine who shall be elected to such office.

Sec. 21. OFFICIAL BALLOT—ELECTION.—The City Secretary shall make up the official ballot from the names presented to him in the manner hereinabove set out. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the City Secretary. The election shall be held in conformity with the election laws now in force in the City of Dallas, or with those that may be hereafter enacted. All members of the City Council shall be elected by a vote of the qualified voters of the City of Dallas at large. All qualified voters in the city shall be entitled to vote for candidates for each place number. The candidate for Councilman receiving a majority of all votes cast as provided in Section 20 hereof, for the position of Councilman under the place number under which his name appears shall be declared the duly elected Councilman to hold said position.

## CHAPTER V

### Recall of Councilmen

Section 22. RECALL OF COUNCILMEN PROCEDURE—ELECTION OF SUCCESSORS.—Any Councilman of this city may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent as herein provided. The procedure to remove Councilmen shall be as follows:

A petition signed by qualified voters entitled to vote for a successor to the Councilman sought to be removed, equal in number to at least fifteen per centum of the entire number of persons entitled to vote in said city, as appears from the County Tax Collectors rolls for the year ending January 31st, next preceding, demanding the recall of said Councilman, shall be filed with the City Secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten days from the filing of such petition the City Secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If by the Secretary's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Secretary shall, within ten days after such amendment is filed, in case one is filed with him, make like examination of the said amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing same, without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds.

If the petition be found sufficient the Secretary shall submit the same to the City Council without delay and the City Council, in the event the Councilman fails to resign, shall order and fix a date for holding the said election not less than thirty nor more than forty days from the date of the Secretary's certificate to the Council that a sufficient petition is filed; provided, that, if an election is to be held within the city for any other purpose within sixty days from the date of said certificate,

then the said recall election shall be held on the same day. If the Councilman in question resigns, no election shall be necessary and the vacancy shall be filled by the Council as in other cases of vacancies.

The City Council shall make or cause to be made publication of notice and provide for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as other city elections. Any officer so elected shall hold office only during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise, in writing, the Secretary shall place his name on the official ballot without nomination. The names of other candidates for such position shall be placed on the official ballot by petition in the same manner as provided for in other portions of this charter for the nomination of Councilmen for a place on the ballot. At such election the candidate receiving a majority of all votes cast for such office, according to the rules regulating the election of Councilmen as set forth in Chapter Four of this Charter, shall be declared elected. At such election, if some other person than the incumbent receives a majority of all votes cast for such office, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives a majority of all votes cast at said election should fail to qualify within ten days after receiving notification of his election, the office shall then become vacant. If the incumbent receives a majority of all votes cast at such election he shall continue in office and shall not be subject to any other recall for any grounds existing prior to said election.

Sec. 23. DISTRICT JUDGE MAY ORDER ELECTION.—Should the Council fail or refuse to order an election as herein provided for the recall of a Councilman, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this chapter of the Charter, then it shall be the duty of any one of the District Judges of Dallas County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this chapter of the Charter.

## CHAPTER VI

### The City Manager

Section 24. The Council shall appoint a City Manager, who shall be the chief administrative and executive officer of the city. The Manager shall be chosen by the Council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration, and need not when appointed be a resident of the City of Dallas or the State of Texas. No member of the Council shall, during the time for which elected, be chosen as City Manager. The City Manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the Council by a vote of the majority of the entire Council. If removed after serving three months he may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which his final removal shall take effect; but pending such hearing the Council may suspend him from office. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In case of the absence or disability of the City Manager the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council.

Sec. 25. POWERS AND DUTIES OF THE CITY MANAGER.—The powers and duties of the City Manager shall be as follows:

- (1) To see that all laws and ordinances are enforced.
- (2) Except as otherwise provided, by the Charter of the City of Dallas to appoint and remove all heads of departments and all subordinate officers and employes of the city; all appointments to be upon merit and fitness alone, and in the classified civil service all appointments to be subject to the civil service provision of this Charter.
- (3) To exercise control over all departments and subdivisions thereof created by the Charter, or that may hereafter be created by the Council, except as herein-after provided.
- (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) To attend all meetings of the Council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.

(6) To recommend to the Council for adoption such measures as he may deem necessary or expedient.

(7) To keep the Council at all times fully advised as to the financial condition and needs of the city.

(8) To act as budget commissioner and as such prepare and submit to the Council the annual budget after receiving estimates made by the directors or heads of the various departments of the City Council.

(9) To see to it that the city lives within its budget.

(10) To execute deeds, when authorized by ordinance duly passed as provided by Section 133 hereof, and to make and execute all contracts on behalf of the City when authorized by ordinance or resolution of the City Council.

(11) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the Council.

Sec. 26. The City Manager shall be responsible to the Council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employes not otherwise provided for in this charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the City Manager as may be removed by him at any time. In case of removal after six months' service, if the director removed so demands, a written statement shall be made by the City Manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the Council before the order of removal is made final. The statement of the Manager and any written reply of the director thereto shall be filed as a public record in the office of the City Secretary.

Sec. 27. BOND OF CITY MANAGER.—The City Council shall require the City Manager, before entering upon the duties of his office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the City Council, as surety thereon, said bond to be in such amount as the Council may demand, payable to the City of Dallas, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the city.

Sec. 28. NO INTERFERENCE BY COUNCIL WITH APPOINTMENTS OR SUBORDINATES OF CITY MANAGER.—Neither the Council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates, or in any manner interfere in the appointment of officers and employes in the departments of administrative service vested in the Manager by this Charter. Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through such Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager in said departments, either publicly or privately.

Sec. 29. Willful violation of the foregoing provisions of this charter by any member of the Council shall constitute official misconduct, and shall authorize the Council, by a vote of two-thirds of its entire membership, to expel such offending member from the Council, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

321  
Sec. 30. INVESTIGATIONS.—The Council, the City Manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

## CHAPTER VII

### Legal Department—Corporation Court

Section 31. There is hereby created a department to be known as the Legal Department. The director or head of this department shall be a competent practicing attorney of recognized ability residing in the City, and he shall be known as the City Attorney. He shall be appointed by a majority vote of all the members of the City Council and shall serve for a period of two years from the date of his appointment unless sooner discharged by the Council, and he shall not be discharged during his term of office except after a public hearing upon written charges and upon a two-thirds vote of the members of the City Council. He shall receive such compensation as shall be fixed by the Council at the time of his appointment and such compensation shall not be diminished during the term for which he is appointed.

Sec. 32. The City Attorney shall have such assistants as shall be provided for by ordinance, such assistants to be nominated by him and confirmed by the Council, and they shall receive such compensation as may be fixed by the City Council. Any such assistant may be discharged at any time by the City Attorney with the consent of the City Council. The City Attorney and all such assistants shall devote their entire time to the service of the City.

Sec. 33. DUTIES OF THE CITY ATTORNEY.—The City Attorney shall represent the city in all litigation and controversies. The City Attorney and his assistants shall have authority to administer oaths and affidavits. The City Attorney shall prosecute, in person or by an assistant, all cases brought before the Corporation Court. It shall be the duty of the City Attorney to approve in writing all proposed ordinances before they shall be adopted or to file with the City Council, in writing, his objection thereto. It shall be his duty to draft all proposed ordinances granting franchises, and in the event he shall not approve any such proposed ordinance it shall be his duty to file with the City Council, in writing, his objections thereto. It shall be the duty of said officer to inspect and pass upon all papers, documents, contracts and other instruments in which the city may be interested. He shall be the legal adviser of the City Manager, the Council and Board of Education, or any committee thereof, and all city officers and employes with respect to any legal question involving an official duty or any matter pertaining to the affairs of the City of Dallas. The City Attorney shall perform such other duties as the Council may direct. Whenever it shall be brought to the knowledge of the City Attorney, through the affidavit of ten creditable persons or otherwise, that any person, firm or corporation exercising and enjoying any franchise or privilege from the City of Dallas has been guilty of a breach of any condition of such grant, or has failed to comply in any material matter with the terms and stipulations thereof, it shall be the duty of said officer to make report of said matter to the City Council, together with all facts bearing upon the same which may be brought to his attention. If said Council shall determine that said complaints are well founded, it shall be its duty to take such action as may be necessary; and in the event the offending corporation shall fail or refuse to conform to such orders as it may make with respect thereto, it shall be the duty of the Council to direct the City Attorney to institute suit in the Court having jurisdiction thereof against such person, firm or corporation so offending to obtain a judgment of forfeiture of said franchise or privilege.

All powers and duties imposed on the City Attorney may be exercised and performed by any Assistant City Attorney under his direction.

Sec. 34. CORPORATION COURT—CREATION AND JURISDICTION—FINES.—There is hereby created and established a court to be held in the City of Dallas which shall be known as the Corporation Court of the City of Dallas, which court shall have jurisdiction within the territorial limits of said city of all criminal cases arising under the ordinances of such city, and shall have concurrent jurisdiction with the Justices of the Peace of the precincts in which the city is or may be situated of all criminal cases arising under the criminal laws of the State, where the offense is committed within the territorial limits of said city and the punishment is by fine only and the maximum of said fine, under the laws of this State, may not exceed two hundred (\$200) dollars. Said court shall give no civil jurisdiction, except for the forfeiture and collection of bonds given in proceedings pending therein. It shall also have jurisdiction of violations of ordinances of the city enacted for the preservation and protection of the watersheds of the city's water supply and the purity of the water supply of the city, whether such offences are committed inside or outside of the corporate limits of the City of Dallas, and the violation of any ordinance prohibiting the maintenance of any nuisance within three thousand feet of the corporate lines of the city, outside of the city limits.

## CHAPTER VIII

### City Auditor

Said court shall have jurisdiction in cases where a person is required by the provisions of this charter, or by ordinance passed in pursuance thereof, to obtain a license for any calling, occupation, business or vocation, upon complaint before said court to adjudge said person guilty of violating any rule, regulation or ordinance of the city in relation thereto, and in addition to the punishment to be imposed therefor may suspend or revoke the license so granted.

Sec. 35. TITLE 2 OF CODE OF CRIMINAL PROCEDURE CONTROLLING.—All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by the provisions of Title 2 of the Code of Criminal procedure of the State of Texas applicable to Corporation Courts.

Sec. 36. APPEALS.—Appeals from convictions in the Corporation Court shall lie to the County Criminal Court, and such appeals shall be governed by the same rules of practice and procedure as are provided by law in cases of appeal from the Justice Court to said County Criminal Court, as far as said rules are applicable.

Sec. 37. CITY JUDGE.—Said court shall be presided over by a Judge who shall be known as the City Judge. Said officer shall be elected by a majority vote of the Council. He shall be a practicing attorney in good standing and shall have resided in the City of Dallas at least three years immediately preceding his appointment. He shall hold office for two years from the date of his appointment, unless sooner removed by the Council. He shall have full power and authority to enforce all processes of said Court and to punish witnesses for failing to obey subpoenas and to compel their attendance by process of attachment, and to punish all contempt of his court by fine or imprisonment or both. He may require of all persons arrested for offenses committed in the city a bond or bonds for his or their appearance before said court, and no such bond shall be taken except it be executed by the person in whose behalf it is made and with two or more good and sufficient sureties, to be approved by the City Judge and all bonds taken in proceedings in said Court shall be payable to the City of Dallas. The City Judge shall have power and authority to administer official oaths and affirmations and to give certificates thereof, and either the City Judge or Clerk of said Court shall have full power and authority to issue subpoenas, writs of *capias*, search warrants, executions and all other process known to the law which Justice Courts are by law authorized to issue in similar cases.

If, for any cause, the City Judge shall temporarily fail to act, then and in such case the Mayor, or in his absence, inability or disqualification, the acting Mayor of the city, is hereby authorized to appoint some qualified person who shall act in the place and stead of the City Judge, and who shall have all the powers and discharge all the duties of said office, and shall receive the compensation therefor accruing while he is so acting.

The City Judge shall receive such compensation as may be determined by the Council by resolution spread upon the minutes at the time of his election to fill such office.

Sec. 38. CLERK OF COURT.—There shall be a clerk or clerks of said court and such deputies as may be created or provided for by ordinance, which clerks and deputies shall be appointed by the Council and shall be subject to removal at any time by the Council and shall receive such salaries as may be fixed by the Council. Said clerks shall have the power to do and perform all things and acts usual or necessary to be performed by clerks of court in issuing process of said courts and conducting the business thereof, and the City Council may require such clerks or deputies to perform such other duties, in addition to the duties of clerk or deputy clerk, as may be prescribed or may provide that some other employe or employes of the city, in addition to their duties may perform the duties of such clerk or deputy clerk without extra compensation.

Sec. 39. DIVISIONS OF COURT.—The Council may create additional divisions of the Corporation Court whenever the future needs of the city may require it, and may pass all ordinances necessary to organize and administer same.

Sec. 40. GENERAL LAWS—ACT CUMULATIVE OF.—The foregoing sections are hereby declared to be cumulative of any laws that may now or hereafter be passed by the Legislature regulating or increasing the jurisdiction of Corporation Courts in cities of the grade and size of the City of Dallas.

Section 41. There is hereby created the office of City Auditor, which official shall hold office for a period of two years and until his successor shall be chosen and shall qualify. The presidents of the several banks in the City of Dallas which are members of the Clearing House Association, now in existence, or that hereafter may be incorporated, and their successors in said offices who shall qualify by taking the oath of office prescribed by the Constitution of the State of Texas, shall be and are hereby constituted a nominating board which, by a majority vote of its acting members, shall nominate an auditor to fill the office herein created. Said board shall meet within fifteen days after the first Tuesday of April, in the year 1931, and biennially thereafter, and shall organize by electing a president and secretary from its own membership. Three members shall constitute a quorum. The said board shall proceed to select by ballot a nominee for auditor and shall certify such nomination to the Council at its first meeting after May 1, 1931, and biennially thereafter. It shall be the duty of the Council, on receipt of such certificate, to confirm or reject such nomination. A majority of the Council shall be sufficient for confirmation or rejection. In the event the nomination is rejected the Council shall immediately notify the nominating board of such rejection and request the nomination of a different person for said office, and the nominating board shall continue to make such nominations until confirmation has been made by the Council.

The City Auditor shall be the chief accounting officer of the city and shall, under the direction of the City Manager, establish and maintain an adequate and efficient system of accounting. It shall be his duty to examine in detail all bills, accounts and claims against the city, and if found correct, to certify his approval thereof; but if found incorrect he shall return them to the department presenting the same for correction. He shall keep comprehensive accounts of all real, personal and mixed property of the said city, of all receipts and disbursements of money, and under proper headings, separately, each source of receipt and the cause of each disbursement. He shall also keep an account with each person, including the officers who have money transactions with the city, crediting amounts allowed by proper authority, and specifying the transactions to which such entries apply. He shall, at least once in each month, examine the accounts of all officers of said city charged with the receipt and disbursement of money, and if they be found incorrect, at once make a report in writing of the same to the City Manager. It shall also be his duty to examine all warrants and countersign the same after appropriation has been duly made by the City Council to pay the same. He shall also ascertain whether any expenditure made or proposed to be made by the city is excessive, either in the price of the thing purchased, the computation of the charge or otherwise, and if he shall so find he shall make report thereon to the City Manager.

Sec. 42. MONTHLY FINANCIAL STATEMENT.—The Auditor shall prepare and transmit to the City Manager and Director of Finance, for submission to the City Council at its second meeting in each month, a summary statement of the revenues and expenses of the preceding month, detailed as to appropriations and funds, in such manner as to show the exact financial condition of the city and of each department, division and office thereof as of the last day of such month. Such reports shall reflect the condition of each of the city funds, showing the budget appropriation, the amount expended to the date of such report and the unexpended balance therein. Financial reports shall also be prepared for each quarter and fiscal year and for such other periods as may be required by the City Manager or the Council. It shall also be the duty of the Auditor to furnish to the City Council, City Manager and the heads of City departments such additional reports, information and assistance as may be required.

Sec. 43. SALARY AND BOND.—The salary of the City Auditor shall be fixed by the Council. Before assuming the duties of his office he shall execute a bond with some responsible surety company, acceptable to the Council, in such amount as may be required by the Council, conditioned for the faithful performance of the duties of his office, the premium of which bond shall be paid by the City of Dallas.

## CHAPTER IX

### Administrative Departments to Be Controlled and Administered by the City Manager

Section 44. ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED AND ADMINISTERED BY THE CITY MANAGER.—There are hereby created and placed under control of the City Manager, seven administrative departments of the city government as follows:

- (1) Finance Department.
- (2) Police Department.
- (3) Fire Department.
- (4) Department of Public Works.
- (5) Public Health Department.
- (6) Welfare Department.
- (7) Waterworks Department.

The Council shall have power by ordinance to establish other departments and offices. The Council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of departments and offices, but no function or duty assigned by this Charter Amendment to a particular department or office shall be abolished or assigned to any other department or office; provided, that the Council may, if it deems it advisable, consolidate into one department not more than two of the departments hereby established. No administrative department or office created by ordinance shall be established or discontinued, and no consolidation as hereinbefore provided shall be made until the recommendation of the City Manager thereon shall have first been heard by the Council.

The Council shall, in co-operation with the City Manager, fix all salaries, which in the classified service shall be uniform for each grade as established by the Civil Service Commission.

Sec. 45. DUTIES OF DIRECTORS OF DEPARTMENTS.—A director for each of the above departments shall be appointed by the City Manager, and shall serve until removed by the City Manager, or until his successor is appointed and has qualified; provided that the City Manager shall assume the directorship of the Department of Finance, unless otherwise ordered by the Council. The Council shall have authority to prescribe, by ordinance, rules and regulations governing the operation of each of said departments, and each director shall have power to prescribe rules and regulations not inconsistent with this Charter or the ordinances of the City for the conduct of his department and the preservation of the records and property under his control. Subject to the control and supervision of the City Manager in all matters, the director of a department shall manage his department.

Sec. 46. RESPONSIBILITY OF DIRECTORS OF DEPARTMENTS.—The directors of departments appointed by the City Manager shall be immediately responsible to the City Manager for the administration of their departments, and their advice in writing may be required by him on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals or when requested by the City Manager.

## CHAPTER X

### Department of Finance

Section 47. DIRECTOR OF FINANCE.—The Director of Finance shall have charge of the Department of Finance and the administration of the financial affairs of the city in the various departments placed under his control, and shall prescribe the methods of keeping and the supervision of all accounts. He shall have control of the custody and disbursement of city funds and moneys, according to ordinances and regulations of the Council; the assessment and collection of such taxes, including special assessments, as may be levied by ordinance; the issuance of licenses and collection of license fees, and shall perform such other duties as the Council may by ordinance require.

Sec. 48. SPECIAL AUDITS.—Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the City Auditor, the City Auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the City Manager and the Council. Either the Council or the City Manager may at any time provide for an investigation or audit of the accounts of any

officer or department of the city government. In case of the death, resignation or removal of the City Auditor, the City Manager shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the city, the City Auditor, or other person making such audit, shall immediately give notice thereof to the Council, the City Manager and the City Attorney, and the latter shall, as directed by the City Council, forthwith proceed to collect such indebtedness.

Sec. 49. CITY TREASURER.—There shall be in the Department of Finance an officer to be known as the City Treasurer, who shall have the custody of all the public moneys, funds, notes, bonds and other securities belonging to the city. The office of City Treasurer shall be let by contract to the highest and best bidder, in the discretion of the Council. The Council shall, during the first week in May of 1931, and biennially thereafter, advertise for bids for said office, stating what said bids shall specify and the terms on which such bids shall be received. The Treasurer appointed by contract shall nevertheless be an officer of the city and subject to the same duties as a City Treasurer otherwise elected. Said Treasurer shall give such bond as the Council may require, conditioned for the faithful discharge of his duties, and in addition to such bond the city may require the Treasurer to hypothecate securities in such amount as it shall prescribe. He shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the City Manager and countersigned by the Auditor, except that payments from school funds shall be upon orders signed by the President of the Board of Education, countersigned by the Auditor and attested by the Secretary of said Board; provided that no order shall be paid unless it shows upon its face that the City Council or Board of Education, as the case may be, has ordered its issuance and for what purpose. He shall render a full and correct statement of his receipts and payments to the City Manager and the City Council, on or before the 10th day of each month, and at such other time or times as the City Manager or Council may require, such statements to be made in such form as the City Manager may prescribe. The Treasurer shall perform such other acts and duties as the Council may prescribe. He shall receive for his services five (\$5) dollars per annum.

Sec. 50. PURCHASING AGENT.—There shall be in the Department of Finance the office of Purchasing Agent. The officer in charge of this office shall be known as the City Purchasing Agent. The City Purchasing Agent shall make all purchases for the city in the manner provided by ordinance and shall, under such regulations as may be provided by ordinance or by resolution, sell all personal property of the city not needed for public use, or that may have been condemned as useless by the director of a department. He shall have charge of such storerooms and warehouses of the city as the Council may by ordinance provide, and shall keep true and correct inventories of all property and stores of the city.

Sec. 51. PURCHASING AND FURNISHING OF SUPPLIES.—Before making any purchase or sale the City Purchasing Agent shall give opportunity for competition under such rules and regulations as the Council may establish. Supplies required by any department may be furnished upon requisition from the stores under the control of the Purchasing Agent, and whenever so furnished shall be paid for by the department furnished therewith by warrant made payable to the credit of the Stores Account of said office. The City Purchasing Agent shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance in excess of all unpaid obligations, sufficient to pay for such supplies, unless the Council should by ordinance otherwise order.

Sec. 52. DIVISION OF ASSESSMENTS, LICENSES AND TAXES.—There shall be in the Department of Finance a Division of Assessments, Licenses and Taxes, the officer in charge of this department shall be known as the Assessor and Collector of Taxes. He shall have charge of the collection of all special assessments for public improvements, the assessment of all taxable property in the city, the preparation of the tax rolls, the collection of all taxes and assessments under the ordinances of the city now in effect or hereafter to be enacted. He shall issue all licenses, collect all fees therefor and shall pay over to the City Treasurer all moneys belonging to the city coming into his hands from any source within twenty-four hours after such collections, taking duplicate receipts therefor, one of which he shall retain and the other he shall file with the City Auditor. If he shall fail so to deposit any funds with the City Treasurer within twenty-four hours after collection, he and the sureties on his bond shall be required to pay interest thereon at the rate of ten per cent per annum until such deposit is made. He shall perform such duties as are elsewhere in this Charter prescribed, as well as such duties as may be prescribed by the Director of Finance or by the City Council. He shall be responsible for all acts of the deputies in his office. Before assuming office he shall be required to make bond in some responsible surety company accept-

able to the Council for such amount as the Council may prescribe, conditioned for the faithful performance of the duties of his office, premium on which bond shall be paid by the city. The Council may require a new or additional bond at any time the existing bond shall be deemed insufficient.

## CHAPTER XI

### The Budget and Financial Procedure Relating Thereto

Section 53. ANNUAL BUDGET ESTIMATE.—The fiscal year of the City shall begin on the first day of October of each year and shall end with the thirtieth day of September of each year. On the fifteenth day of August of each year the City Manager shall submit to the Council a budget estimate of the revenues of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments, divisions and offices of the city on uniform blanks furnished by the City Manager. The classification of the estimate shall be as nearly uniform as possible for the main functional divisions of such departments, divisions and offices and shall give the following information:

- (a) An itemized estimate of the expense of conducting each department, division, office and commission.
- (b) Comparison of such estimates with the corresponding items of expenditure of the last two fiscal years, and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.
- (d) A separate schedule for each department showing the things necessary for the department to do during the year and which of any desirable things it ought to do if possible.
- (e) Items of pay roll increases as either additional pay to present employees or pay for more employes.
- (f) A statement from the Director of Finance of the total probable income of the city from taxes for the period covered by the estimate.
- (g) An itemization of all anticipated revenue from sources other than the tax levy.
- (h) The amount required for interest on the city's debt, for sinking fund and for maturing serial bonds.
- (i) The total amount of outstanding city debts, with a schedule of maturities on bond issues.
- (j) Such other information as may be required by the Council.

Sec. 54. BUDGET ESTIMATES TO BE FURNISHED CITY MANAGER BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION.—Every department of the city government not under the direct control of the City Manager shall, by not later than the first day of August of each year, furnish to the City Manager, for use in the preparation of his recommendations to the Council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

Sec. 55. ANNUAL APPROPRIATION ORDINANCE.—Upon receipt of the Manager's estimate the Council shall at once prepare an appropriation ordinance and fix the tax levy for the current year, using the Manager's estimate as a basis. Provision shall be made for public hearings upon the appropriation ordinance before a committee of the Council, or before the entire Council sitting as a committee of the whole. Following the public hearings, and before the second reading and final passage, the appropriation ordinance shall be published in the official newspaper of the city, with a separate schedule setting forth the items in the Manager's estimate which were omitted or changed by the Council and the reason for such omission or change. The Council shall not pass the appropriation ordinance until at least ten days after its publication, nor before the first Monday in September of each year. Upon passage of the appropriation ordinance by the Council it shall, before becoming effective, be published once in the official newspaper of the city.

The City Manager shall, as soon as practicable after May 1, 1931, prepare and submit to the Council an interim budget to be operative from May 1, 1931, to Oct. 1,

1931, and the City Council shall prepare and enact such appropriation or other ordinance as may be necessary for the adoption of said interim budget.

Sec. 56. TRANSFER OF APPROPRIATIONS.—Upon the written recommendation of the City Manager the Council may at any time transfer an unincumbered balance of an appropriation made for the use of one department, division or purpose to any other department, division or purpose; but no such transfer shall be made of revenues or earnings of any nontax-supported public utility to any other purpose.

Sec. 51. APPROPRIATION OF EXCESS REVENUE.—If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with subdivisions (f) and (g) of Section 53 hereof, the Council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.

Sec. 58. EXPENDITURE ONLY PURSUANT TO APPROPRIATIONS.—No money shall be drawn from the City Treasurer, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriations made by the Council and, whenever an appropriation is so made, the City Secretary shall forthwith give notice to the Director of Finance. At the close of each fiscal year the unincumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city which will not be completed within the current year.

Sec. 59. ACCOUNTS OF APPROPRIATIONS.—Accounts shall be kept for each item of appropriation made by the Council and every warrant on the City Treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the Council, the amount drawn thereon, the unpaid obligations charged against it and the unincumbered balance to the credit thereof.

Sec. 60. PAYMENT OF CLAIMS.—No claim against the city shall be paid unless it is evidenced by a voucher approved by the head of the department or office for which the indebtedness was incurred; and each such director or officer and his surety shall be liable to the city for all loss or damage sustained by the city by reason of his negligent or corrupt approval of any such claim. The City Auditor shall examine all pay rolls, bills and other claims and demands against the city and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent or person and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the City Auditor issues a warrant on the Treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the city for the amount thereof.

Sec. 61. MONEY CERTIFIED IN TREASURY.—No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Council or be authorized by any officer of the city, except in the cases hereinafter specified, unless the Director of Finance first certifies to the Council, or to the proper officer as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

Sec. 62. MONEY DEEMED IN TREASURY.—All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come in the Treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service products, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the City Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery, shall, for the purpose of such certificate, be deemed in the Treasury to the credit of the appropriate fund and subject to such certification.



Sec. 63. OBLIGATIONS—WHEN VOID.—All contracts, agreements or other obligations entered into, all ordinances passed and resolutions and orders adopted, contrary to the preceding sections, shall be void, and no person whomsoever shall have any claim or demand against the city thereunder, nor shall the Council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution or order, as provided in Section 62 hereof, or fasten upon the city any liability whatever in excess of such limits, or relieve any party from an exact compliance with his contract under such ordinance, resolution or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure, nor to the exceptions contained in Section 64 following.

Sec. 64. LIMITATIONS ON EXPENDITURES NOT TO APPLY TO PURCHASES BY PARK BOARD IN CERTAIN EXTRAORDINARY CASES WHEN APPROVED BY THE CITY COUNCIL.—The limitations and restrictions contained in Sections 62 and 63 hereof shall not be applicable to the Park Board where an advantageous opportunity is presented to said Board to purchase an additional park for any year upon a cash payment out of the appropriation set apart to the Park Department for that year and the contract or agreement to pay the balance of the purchase price for the said park in not to exceed ten annual installments; provided that such contemplated purchase of park property shall first be reported to the City Council and approved by the Council. When so approved the said purchase may be consummated and thereafter provision shall be made in the annual budget for the payment of the annual installment with interest thereon, to be charged against the annual appropriation for such department.

Sec. 65. INDEPENDENT AUDIT.—The Council shall cause an independent audit to be made of the books of account, records and transactions of all the administrative departments of the city (except the public schools) at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants, who, for the three years next preceding, have held a certificate issued by the State Board of Accountancy of the State of Texas, or by a State maintaining an equal standard of professional requirements, which entitles the holder of such certificate, to a Texas certificate. The Auditor or Auditors to make the said audit shall be selected by the Council, and shall be responsible to the Council. The duties of the Auditor or Auditors so appointed shall include the certification of all statements required under Section 53 of this Charter. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year. The report of such Auditor or Auditors for the fiscal year shall be printed and a copy thereof shall be furnished to each member of the Council, the City Manager and to each citizen who may apply therefor, and the same shall also be published once in the official newspaper. The original report of the said Auditor or Auditors shall be kept among the permanent records of the city.

## CHAPTER XII

### Police Department

Section 66. CHIEF OF POLICE, DIRECTOR OF POLICE DEPARTMENT.—The Director of the Police Department shall be the Chief of Police. The Police Department shall be composed of the Chief of Police and of such other officers, patrolmen and employes as the City Manager may determine. The Chief of Police shall appoint his own assistant from the ranks of the organization. He shall have immediate direction and control of the Police Department, subject to the supervision of the City Manager, and also subject to such rules, regulations and orders as the City Manager may prescribe, not inconsistent with the ordinances of the city, and shall promulgate all orders, rules and regulations for the government of the police force. He shall devote his entire time to the discharge of his official duties, and shall not be absent from the city except in the performance of his official duties, unless granted a written leave of absence by the City Manager. His office shall be kept open at all hours, day and night, and either he or his subordinate shall be in constant attendance at such office. Should the Chief of the Police Department, in case he is selected from the ranks of the Police Department, or the Assistant Chief, be dismissed from said position on account of unfitness for the discharge of the duties of said positions, and not for any cause justifying his entire dismissal from the service, he shall be restored to the rank and grade held by him prior to his appointment. In case of the disability of the Chief of Police by reason of sickness, absence from the city or other cause, the Assistant

Chief shall perform the duties of Chief of Police, but he shall receive no additional compensation.

Sec. 67. The members of the Police Department, other than the Chief of Police and the Assistant Chief, shall be selected from the list of eligibles prepared by a Civil Service Commission, in the event the Charter of the City of Dallas should be amended to provide for a Civil Service Commission, and if no Civil Service Commission should be created such list of eligibles shall be prepared by the City Council, and in accordance with such rules and regulations as the Civil Service Commission or City Council, as the case may be, may prescribe; provided that in case of riot or emergency the City Manager, or the Chief of Police, may appoint additional patrolmen and officers for temporary service, who need not be in the classified service, and provided, further, that the members of the Police Department, as constituted at the time any Charter amendment takes effect, providing for civil service, shall not be required to submit to a Civil Service examination, but in the event civil service shall be inaugurated, they shall continue in service subject to the provisions of the Charter and the ordinances of the City and the rules and regulations of the department. Each member of the Police Department, both rank and file, shall have issued to him a warrant of appointment, signed by the City Manager, in which the date of his appointment shall be stated, and such shall be his commission. Each member of the Police Department, shall, before entering upon his duties, subscribe to an oath that he will faithfully, without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department, and in addition the several officers of the said force shall, if so required by the Council, give bond in such penalty and with such security as the Council may by ordinance prescribe.

Sec. 68. No persons, except as otherwise provided by general law or the Charter, or the ordinances passed in pursuance thereof, shall act as special police or special detective, except upon written authority from the City Manager. Such authority, when conferred, shall be exercised only under the direction and control of the Chief of Police and for the time specified in the appointment.

Sec. 69. AUTHORITY OF POLICEMEN—CONTROL OF CITY PRISON.—The officers and privates constituting the Police Department of the City of Dallas shall be and they are hereby invested with all the power and authority given to them as peace officers under the laws of the State of Texas in taking cognizance of, and in enforcing the criminal laws of the State and the ordinances and regulations of the city within the limits of the city, and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the city of offenses against the laws of said State and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the city and to secure the inhabitants thereof from violence, and the property therein from injury. Such policemen shall execute any criminal warrant or warrants or arrest, or any writ, subpoenas or other process that may be placed in their hands by the duly constituted authorities of the city. No policeman shall receive any fee or other compensation for any service rendered in the performance of his duty other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of this State or under the ordinances or regulations of the city and prosecuted in the Corporation Court of the city or in any Criminal Court in Dallas County.

Subject to the direction of the City Manager, the Chief of Police shall have control and management of the city prison.

Sec. 70. POLICE CHIEF TO PRESCRIBE UNIFORMS AND ARMS.—The Chief of Police shall prescribe the uniforms and badges for the members of the police force and direct the manner in which the members of the said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed, as aforesaid, shall be subjected to such fine as may be prescribed by the Council by proper ordinance.

Sec. 71. SUSPENSION OF POLICE—HEARING.—The Chief of Police shall have the exclusive right to suspend any of the officers or employes who may be under his jurisdiction and control for incompetence, neglect of duty, immorality, drunkenness or failure to obey orders given by the proper authority. If any officer or employe be suspended, as herein provided, the Chief of Police shall forthwith in writing certify the fact, together with the cause for the suspension, to the City Manager, who shall within five days from the receipt of such certificate, if demanded by the suspended officer or employe so to do, proceed to inquire into the cause of the suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank or dismissal, and such judgment shall be final unless such suspended officer

or employe shall desire to avail himself of the right to a public hearing before such board, or committee as may be provided by the Charter of the City of Dallas or ordinances passed in pursuance thereof.

## CHAPTER XIII

### Fire Department

Section 72. CHIEF OF FIRE DEPARTMENT, DIRECTOR OF SUCH DEPARTMENT.—The Fire Department shall be under the control and direction of the Chief of such department, who shall be appointed by the City Manager, and who shall be the director of the said Department. He shall be an experienced fireman. The Chief of the Fire Department shall appoint his own assistant or assistants from the ranks of the organization. The city shall maintain a fire force consisting of the Fire Chief and such other officers, firemen and employes as may be provided by ordinance or resolution of the Council. The members of the fire force, other than the Fire Chief and his assistant or assistants, shall be appointed from the list of eligibles prepared by a Civil Service Commission, in the event the Charter of the City of Dallas should be amended to provide for a Civil Service Commission, and if no Civil Service Commission should be created, such list of eligibles shall be prepared by the City Council, and in accordance with such rules and regulations as may be prescribed by the Civil Service Commission, or the City Council, as the case may be; provided, however, that in case of riot, conflagration or emergency the City Manager or the Fire Chief may appoint additional firemen and officers for temporary service, who need not be in the classified service, and provided further that the members of the Fire Department, as constituted at the time any Charter Amendment takes effect, providing for civil service, shall not be required to submit to a Civil Service examination, but in the event Civil Service should be inaugurated they shall continue in service subject to the provisions of the Charter and the ordinances of the city and the rules and regulations of the department. The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employes constituting the fire force, under such rules and regulations as may be established by the City Manager, to whom he shall be immediately responsible, or according to the ordinances of the city. Should the Chief of the Fire Department, in case he is selected from the ranks of the Fire Department, or any Assistant Chief, be dismissed from said positions on account of unfitness for the discharge of the duties of said positions, and not for any cause authorizing his entire dismissal from the service, he shall be restored to the rank and grade held by him prior to his appointment. In case of the absence, disability or death of the Chief, the First Assistant Chief shall assume charge of the department.

Sec. 73. SUSPENSION OF FIREMEN—HEARING.—The Chief of the Fire Department shall have the exclusive right to suspend any of the officers or employes who may be under his control and management for incompetence, neglect of duty, immorality, drunkenness or failure to obey orders given by the proper authority. If any officer or employe be suspended as herein provided, the Chief of the Fire Department shall forthwith in writing certify the fact, together with the cause of suspension, to the City Manager, who shall, within five days from the receipt of such certificates, if demanded by the suspended employe, proceed to inquire into the cause of the suspension and render judgment therein, which judgment, if the charge be sustained, may be suspension, reduction in rank or dismissal, and such judgment shall be final unless such suspended officer or employe shall desire to avail himself to the right to a public hearing before such board or committee, as may be provided by the Charter of the City of Dallas or ordinances passed in pursuance thereof.

Sec. 74. RULES FOR FIRE DEPARTMENT.—The Chief of the Fire Department or the City Manager, shall classify the fire service of the city in conformity with the ordinance of the Council concerning the number of persons to be employed therein, and shall make rules for the regulation and discipline of such service.

Sec. 75. PLATOON SYSTEM.—The double platoon system now in force in the city shall be preserved and continued in full force as to all its essential features, subject to the right of the Council to make such changes and modifications therein as it may deem for the best interest of the department and of the City, but without in any way impairing the merit, vigor, or integrity of said system.

Sec. 76. POLICE, FIREMEN AND FIRE ALARM OPERATORS' PENSION FUND.—The Council shall have authority to make provision for the care and sustenance of policemen, firemen and fire alarm operators who have been disabled while in active discharge of their duties in the service of the city, or who, after long and continuous service, shall become by reason of old age and infirmities incapacitated to discharge

their duties, and shall have authority to make provision for the aid and relief of the widows, minor children and dependents of deceased policemen and firemen and may provide for the creation of a fund or funds for such purposes from fines imposed for violations of particular ordinances, from fees for the issuance of particularly designated permits, from the general revenues of the city or from such other sources as may be prescribed by the Council under such rules and regulations as the Council may adopt, and said city may exercise all of the powers conferred by Article 6229 to 6243, inclusive, of the Revised Civil Statutes of the State of Texas.

Sec. 77. CITY MANAGER TO PREPARE ACTUARIAL REPORT.—The City Manager, within two years from the date upon which this Charter amendment becomes effective, shall cause to be made an actuarial determination and appraisal of the police, firemen and fire alarm operators' pension funds then existent and the moneys therein. A report of the condition of the funds, together with a plan for the reconstitution and reorganization thereof, shall be made to the Council. If the funds be found to be actuarially unsound, a plan shall be prepared and adopted which will, within a stated term of years, place the funds upon a sound and solvent basis.

Sec. 78. ADDITIONAL COMPENSATION FOR CONTINUED SERVICE.—All policemen and firemen who have served continuously for ten consecutive years and have not been found guilty of any charges for the violation of any of the rules of such department shall receive as salary the sum of five dollars (\$5.00) per month in addition to their regular salary; for fifteen years of such service, seven dollars and fifty cents (\$7.50) per month in addition to their regular salary; for twenty years of such service ten dollars (\$10.00) per month in addition to their regular salary; for twenty-five years of such service fifteen dollars (\$15.00) per month in addition to their regular salary.

Sec. 79. DANGEROUS BUILDINGS TO BE CONDEMNED.—When any building in the city is on fire it shall be lawful for the Chief of the Fire Department or an Assistant Fire Chief, with the concurrence of the City Manager, or, in his absence, that of the Mayor or two of the Councilmen, to direct such building or any buildings which they may deem hazardous and likely to communicate fire to other buildings, to be torn down, blown up or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any building so destroyed or injured may within six months, and not thereafter, apply in writing to the Council to assess and pay the damages he may claim to have sustained; and if the Council and the claimant can not agree upon the terms of adjustment, then the application of such claimant shall be referred for decision to three disinterested arbitrators, one to be appointed by the claimant, one by the Council and the third by both arbitrators selected as aforesaid, and the decision of the majority thereon shall constitute the award in the case. The arbitrators shall be sworn to faithfully execute their duties according to the best of their ability; shall have power to subpoena and administer oaths to witnesses; to give all parties a fair and impartial hearing; and give reasonable notice beforehand of the time and place of the hearing. Said arbitrators shall be qualified voters and owners of real estate within the city. They shall take in account the probability as to whether said building would have been destroyed by fire if it had not been pulled down and destroyed; the loss of insurance upon the said property, if any, caused by the pulling down, blowing up and destroying of such building, and may report that no damages should equitably be allowed to such claimant. Whenever such report appraising said damages shall be made and finally confirmed by the Council a compliance therewith by the Council shall be deemed full satisfaction of said damages.

Sec. 80. FIREMEN TO EXERCISE POLICE POWERS IN ATTENDING AND RETURNING FROM FIRES.—The Chief of the Fire Department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The Fire Chief and each of his assistants, and each and every member of the Fire Department, shall have issued to him a warrant of appointment signed by the City Manager, in which the date of his appointment shall be stated, and such warrant shall be his commission. The Chief of the Fire Department shall prescribe the uniform and badges for the members of the Fire Department.

## CHAPTER XIV

### Department of Public Works

Section 81. DIRECTOR TO BE ENGINEER—COMPENSATION—BOND.—The Department of Public Works shall be under the control and direction of the Director of Public Works, who shall be appointed by the City Manager and who shall be by profession an engineer who has had experience in municipal engineering. The Director of Public Works shall be ex-officio City Engineer. He shall receive such compensation

as shall be prescribed by the City Council and before entering upon the duties of his office he shall be required to make bond in some responsible surety company acceptable to the Council for such amount as the Council may prescribe, conditioned for the faithful performance of the duties of his office, the premium of which bond shall be paid by the city.

**Sec. 82. CUSTODIAN OF MAPS, ETC.**—The Director of Public Works shall be custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the City Auditor. All maps, plans, profiles, field notes, estimates and other memoranda of professional work done by him, or under his direction or control, during his term of office, shall be the property of the city.

**Sec. 83. JURISDICTION OF DIRECTOR OF PUBLIC WORKS.**—The Director of Public Works shall have charge of the planning, opening, construction, paving, maintenance and repair of all streets, boulevards, alleys, sidewalks and public ways. He shall have supervision over the sewers and sewer systems, the corporation yard and warehouse and the cleaning and sprinkling of all streets. He shall have charge of the construction, maintenance, repair and operation of all public buildings belonging to or used by the city; of the automobile mechanics and machinists in the employ of the city and the electric wires for furnishing heat, light or power and of the wiring of all buildings hereafter in the city, and the inspection of all buildings and the issuing of permits for building operations in accordance with the rules and regulations which may be prescribed by ordinances of the city. He shall have the administrative control and operation of the electric lighting system of the City. He shall have charge of the inspection of all plumbing within the city and shall enforce the rules and ordinances of the city respecting the same. He shall have charge of the execution of the ordinances, contracts and regulations of the city with regard to the disposal of the city's garbage. He shall also perform such other duties relating to this department as may be required of him by the City Manager or by city ordinance.

**Sec. 84. FURNISH LABOR AND MATERIALS TO OTHER DEPARTMENTS.**—It shall be the duty of the City Engineer, subject to the approval of the City Manager to furnish to any other department of the city such service labor and materials as may be requisitioned by the head of such department. The expense of such service, labor and materials shall be charged to the department so furnished at actual cost.

## CHAPTER XV

### Public Health Department

**Section 85. JURISDICTION.**—The Director of Public Health shall have charge and control of the work of protecting and preserving the public health. He shall have supervision and control of all free clinics and hospitals operated exclusively by the city. The department shall have such divisions as may be established by ordinance.

**Sec. 86. QUALIFICATIONS AND DUTIES OF HEALTH DIRECTOR.**—The Director of Public Health shall be a licensed physician, a graduate of a recognized school of public health, or a sanitary engineer. He shall enforce the laws of the State, the provisions of this Charter and all ordinances relating to public health, and shall make rules and regulations for preserving and promoting the public health. He shall, from time to time, direct inspection of every part of the city and its environs with a view of maintaining sanitary conditions, and for such purpose may enter in the daytime any public building or premises, and may enter private buildings or premises within the city after reasonable notice to the owner or occupant thereof. He shall inspect dairies, milk, meat and all foods kept and offered for sale to the public, and all water supplies and shall enforce the pure food laws. He shall inspect all commodities intended for human consumption, and the production, storage and sales thereof, including the sanitary conditions and cleanliness of all places and premises wherein the same are produced, kept or offered for sale, and including the healthfulness, cleanliness and sanitation of all methods, practices, persons and things relating thereto; and he may in the manner provided by ordinance condemn all such commodities found unfit for human consumption and direct the disposition thereof. He shall investigate and take measures including the exercise of the power of quarantine and detention, to prevent the development and spreading of contagious and infectious diseases, and, if necessary to the public health and safety, may order the destruction of animals suffering from an

contagious or infectious disease and may disinfect or order destroyed buildings within which they have been sick with any such disease. He shall regulate the sanitary condition of all morgues, cemeteries, crematories and burial places within the limits of the city, and the disposition of dead bodies of persons and animals. He shall provide for and require the registration of births and deaths occurring within the city. He shall perform such other duties and possess such powers as shall be prescribed by city ordinance.

**Sec. 87. EPIDEMICS, FLOODS AND OTHER DISASTERS.**—Whenever it shall come to the knowledge of the Director of Public Health that any malignant, infectious or contagious disease or epidemic is prevalent in the city or probably will become so, or in case of public calamity arising by reason of flood, tornado or fire or other disaster, he shall have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and relieve distress caused by flood or resulting from tornado, fire or other disaster.

**Sec. 88. NUISANCES.**—The Director of Public Health shall have power, whenever in his opinion a nuisance detrimental to health exists, to cause the same to be abated or removed.

**Sec. 89. HEALTH DIRECTOR AND EMPLOYEES MAY MAKE ARRESTS AND ADMINISTER OATHS.**—The Director of Public Health and other regularly appointed employees of said department shall have the right and power to arrest any person or persons who may violate any ordinance of general law relating to the maintenance of the public health and sanitation of the city. They shall have authority to administer oaths and to require the giving of sworn testimony in matters connected with the Department of Public Health.

**Sec. 90. MONTHLY AND SPECIAL REPORTS TO CITY MANAGER AND CITY COUNCIL.**—The Director of Public Health shall make monthly reports to the City Manager and to the City Council, and may at any time be required either by the City Council or the City Manager, to make special reports concerning the health and sanitation of the city, with his observations and recommendations thereon, together with all statistics concerning the department.

**Sec. 91. BOND OF HEALTH DIRECTOR.**—The Director of Public Health shall be required to make bond in some responsible surety company, acceptable to the Council, for such amount as the Council may prescribe, conditioned for the faithful performance of the duties of his office, the premium of which bond shall be paid by the city.

**Sec. 92. COUNCIL TO MAKE ADEQUATE PROVISION IN APPROPRIATION BILL FOR THE EFFICIENT ADMINISTRATION OF THIS DEPARTMENT.**—The City Council shall make adequate provision in each annual appropriation for the setting apart of a sufficient fund to enable this department to function efficiently.

## CHAPTER XVI

### Welfare Department

**Section 93. QUALIFICATIONS OF DIRECTOR, JURISDICTION—EMPLOYMENT BUREAU.**—The Director of Welfare shall be a person trained and experienced in public welfare work. The Welfare Department shall consist of such divisions as may be created by ordinance; provided, however, that the Council shall provide for the establishment and maintenance of a free employment bureau and a free legal aid bureau, which shall be administered by this department. Said department shall have charge and supervision of all public charities of the city and all correctional work in connection with the jails and hospitals.

**Sec. 94. DUTIES.**—The Director of Welfare shall enforce all ordinances regulating public amusements and recreations of all kinds, whether publicly or privately operated, including dance halls or places where public dancing is permitted, theatres, moving picture shows, amusement parks, cabarets and all other places of public amusement and recreation not herein enumerated. Said Director of Welfare shall have charge of the operation of public playgrounds, bathing beaches, swimming pools, wading pools, grounds or building for games or sports, and other recreational facilities, but shall have no supervision over school grounds. When such recreational grounds are on property controlled by the Park Department, such operation shall be subject to rules and regulations of the Park Department concerning such use. Said Welfare Department shall have authority to provide for the appointment of a Child Welfare Board to co-operate in an advisory capacity with said Welfare Department.

Sec. 95. BOND OF WELFARE DIRECTOR.—The Director of Welfare shall be required to make bond in some responsible surety company, acceptable to the Council for such amount as the Council may prescribe, conditioned for the faithful performance of the duties of said office, the premium of which bond shall be paid by the city.

Sec. 96. CO-ORDINATION WITH PRIVATE AGENCIES—COMMISSION ON UNEMPLOYMENT—HOUSING COMMISSION, ETC.—For the purpose of co-ordinating the work of public and private agencies for charity and social service and to prevent duplication thereof the City Council is authorized to provide by ordinance for the consolidation and co-operation of such agencies where possible or feasible, under the Welfare Department. Authority also is hereby conferred upon the Council for the creation of a commission on unemployment, a housing commission and such other commissions or committees as may in its judgment be necessary to efficiently correlate charity and social service work and promote the economic welfare of the people of the community.

Sec. 97. COUNCIL TO MAKE ADEQUATE PROVISION IN APPROPRIATION BILL FOR THE EFFICIENT ADMINISTRATION OF THIS DEPARTMENT.—The City Council shall make adequate provision in each annual appropriation for the setting apart of a sufficient fund to enable this department to function efficiently.

## CHAPTER XVII

### Waterworks Department—Sanitary and Storm Sewers

Section 98. WATERWORKS DEPARTMENT—POWERS TO OWN AND OPERATE GENERALLY.—There is hereby created the Waterworks Department, and the City of Dallas shall have the exclusive right to erect, own, maintain and operate said waterworks for the use of said City and its inhabitants, and to regulate the same but shall not have the power or right to sell said waterworks system. It shall have the power to prescribe rates for water furnished to said inhabitants, and to make such rules and regulations as the Council may deem expedient; to acquire by purchase or donation suitable grounds on which to erect such works, and necessary rights-of-way and to do anything whatsoever necessary to operate and maintain said works, and to compel the owners of all property and the agents of such owners to pay all charges for water furnished upon such property.

Sec. 99. FUNDS NOT TO BE DIVERTED—MAY USE FOR SEWERS.—All receipts and revenues from the waterworks shall constitute a separate and sacred fund which shall never be diverted or drawn upon for any other purpose than the extension, improvement, operation, maintenance, repair and betterment of the waterworks and water supply; provided, however, that the City Council may use any surplus funds accruing from said revenues for the purposes of constructing, extending and maintaining sanitary sewer mains, laterals, disposal plants and other sewerage facilities, and the Council may appropriate or pledge such receipts and revenues for the purpose of extending, improving, operating, maintaining and bettering the waterworks plant and mains and supply, and for constructing and extending lateral sewers, and also for the purpose of discharging or retiring the indebtedness of the city that may be incurred for waterworks purposes.

Sec. 100. POWER TO ACQUIRE PROPERTY WITHIN AND WITHOUT CITY LIMITS—ACTS OF LEGISLATURE ADOPTED.—For the purpose of furnishing to the inhabitants of the City of Dallas an adequate and wholesome supply of water for fire protection and domestic consumption and the uses of the said city, the City of Dallas shall have the power, by purchase, gift or devise, or by the exercise of the right of eminent domain by and through condemnation proceedings, to acquire and own, in fee simple or otherwise, public or private lands and property, including riparian rights within the City limits or without the City limits or within any county in the State. The City of Dallas may exercise the right of eminent domain by and through condemnation proceedings to acquire and condemn either public or private lands and property and all interest therein for the extension, improvement or enlargement of its waterworks system, including water supply reservoirs, riparian rights, stand pipes, watersheds, the construction of water supply reservoirs and dams and the laying and building of water mains and the construction, building, erection or establishment of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water. In addition to the above powers conferred and for greater certainty the City of Dallas shall have and may exercise all the powers conferred upon water improvement districts or water control and preservation districts under the State Statutes now or hereafter

existing providing for the exercise of the rights of eminent domain by and through condemnation proceedings and shall have all the power conferred by general law under the Statutes authorizing cities and towns to exercise the right of eminent domain by and through condemnation proceedings and shall have all the power provided by that certain law passed by the Thirty-Eighth Legislature authorizing cities and towns to exercise the right of eminent domain by condemnation proceedings to acquire all the necessary land and property, either public or private, lying within any such city or outside any such city, or in any county in the State for the purpose of constructing reservoirs, for the purpose of the extension, construction, improvement and enlargement of the said waterworks system, including the construction of water supply reservoirs, watersheds and such other necessary appurtenances and facilities in order to furnish to any such city an adequate supply of wholesome water, which said Statute is found in the General Laws of the State of Texas passed at the Regular Session of the Thirty-Eighth Legislature.

Sec. 101. PROCEDURE IN CONDEMNATION.—The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provision of Title 52 of the Revised Civil Statutes of Texas, 1925; provided, however, the city may acquire the fee to any land or property in any such condemnation proceeding when the same is expressed in the resolution ordering the said condemnation proceedings, by the governing authorities.

The terms of this Charter Amendment shall be cumulative of any other law prescribing or authorizing condemnation proceedings by cities, and the city may proceed under the terms of any applicable State law with reference to the condemnation of lands for the improvement and enlargement of its waterworks system as provided for herein.

Sec. 102. SUPERINTENDENT.—The Waterworks Department shall be operated and managed by the Superintendent thereof, who shall be appointed by the City Manager, together with such assistants, engineers, clerks and employes as may be prescribed from time to time by the City Manager, subject to the approval of the Council. The Superintendent of the Waterworks Department shall have charge of the waterworks system, mains, filtration plants, reservoirs and other facilities directly connected therewith and all plants, properties and appliances incident to or connected with the operation of the said Waterworks Department or any extension thereof.

Sec. 103. QUALIFICATION OF SUPERINTENDENT.—No one shall be appointed Superintendent of the Waterworks Department who has not had at least two years' previous experience in the operation or management of a waterworks department in a city similar in size or grade of Dallas, provided a person of such qualifications shall be available; and, if not, some competent and experienced mechanical or sanitary engineer, who has had training and experience fitting him for the management of a department of this character.

Sec. 104. BOND OF SUPERINTENDENT.—The Superintendent of the Waterworks Department, shall before assuming office, make bond in some responsible surety company acceptable to the Council for such amount as the Council may prescribe, conditioned for the faithful performance of the duties of his office, the premium of which bond shall be paid by the City.

Sec. 105. SANITARY SEWERS. CHARGE FOR SERVICE.—The City of Dallas, in connection with the operation of its waterworks, may establish, maintain, and operate its sanitary sewer system and, if the governing authorities deem it advisable, a reasonable charge may be made for sanitary sewer service furnished by such sanitary sewer system, and for such purposes the City Council may have all of the powers conferred by the provisions of the Charter relative to water services furnished by the Waterworks Department.

Sec. 106. ASSESSMENTS FOR SANITARY SEWERS—ASSIGNABLE CERTIFICATES.—The City Council may, whenever it may be deemed advisable, provide for special assessments against property owners in the laying or extension of sanitary sewers or the laying of lateral sewers in order to furnish sanitary sewer service to the inhabitants of the city. Such special assessments may be provided for under an assessment plan as herein provided for streets, or the same may be provided for under what is known as the police powers or the powers conferred for the protection of public health. The City Council shall have full power to issue assignable certificates for any other evidence of indebtedness for the cost of the same and make such cost a personal charge against the owner specially benefited. The City Council may provide the terms of the said certificates and the interest the same shall bear, provided the

same shall not exceed seven per cent and provided that the said certificates shall not run for a longer period than fifteen years, and said City Council may adopt all suitable ordinances therefor.

**Sec. 107. STORM SEWERS.**—The City Council shall have power, by ordinance or resolution, to provide for and construct a general storm sewer and drainage system in the City of Dallas, which may be divided into public and private sewers and drains and be built, maintained and conducted in such manner, as the City Council may provide. For the purpose of establishing a general storm sewer and drainage system the City Council shall have full power to change any creek, bayou or other public drain or any part thereof, so as to divert the drainage thereof in accordance with a general drainage plan or any special plan providing therefor.

**Sec. 108. ASSESSMENTS FOR STORM SEWERS—ASSIGNABLE CERTIFICATES.**—Wherever any creek, waterway, bayou or other public drain or any part thereof is diverted or changed in its course, in accordance with the drainage system adopted, and wherever property is reclaimed, improved or other specially benefited by reason of such diversion or alteration, or wherever, by reason of the laying of a storm sewer, or the establishment of any drainage system, property is specially benefited it shall be liable to be assessed therefor to the extent said property is specially benefited, and all of the provisions relative to the opening and widening of streets or other laws and the assessments of property therefor and the making of a personal charge against the owners of such property specially benefited, and the issuance of assignable certificates therefor, shall govern as far as practicable the procedure relative to the character of improvements contemplated in this section, particularly when condemnation of land is made necessary to accomplish the building and construction of said drainage system. Such assignable certificates may be spread over a period of fifteen years, according to such terms as may be authorized by the City Council. The City Council, in carrying out this power, may pass all suitable ordinances and resolutions in order to carry out and effectuate the purpose of this section and adopt such assessment plans as it may deem advisable; it being one of the purposes of this section that the City Council may create drainage districts and seek to reclaim property that is now affected by creeks, bayous, waterways and other public drains or any part thereof, and the property that may be located in the vicinity of or in the territory that is specially benefited by reason of such alteration or change of any creek, bayou, waterway or other public drain or any part of any creek, bayou, waterway or other public drain, may be specially assessed for the special benefits received by it by reason of the changing, abolition, modification or discontinuance of such creek, bayou, waterway or other public drain or any part thereof. Provision may be made for the regulation and control of private drains, as well as for the levying of special assessments therefor, as herein provided for.

Provided, however, that Proposition Three when adopted shall become effective the 1st day of May, A. D. 1931, except that the provisions herein with reference to holding an election for members of the City Council on the first Tuesday in April, 1931, shall be effective for the purpose of authorizing the holding of said election. The provisions of the existing Charter of the City of Dallas to be repealed by this Proposition Three in force at the time of the adoption of this Proposition Three, shall continue in full force until the 1st day of May, A. D. 1931, except to the extent that such provisions are modified by this Proposition Three for the purpose of holding the election on the first Tuesday in April, 1931, and that the Board of Commissioners of the City of Dallas shall be authorized and it is hereby made their duty to hold the general election for members of the City Council on the first Tuesday in April, 1931, in accordance with the provisions of this Proposition Three relating to elections and providing further that no election shall be held under the provisions of the existing Charter of the City of Dallas on the first Tuesday in April, 1931, for the election of a Mayor and a Board of Commissioners. [Proposition Three included sections 9 to 108 inclusive, according to the Amendments of 1930. See note at page 86.]

## CHAPTER XVIII

### Public School

**Section 109. BOARD OF EDUCATION—POWERS AND DUTIES.**—The City of Dallas and the Town of Highland Park shall merge, in which case the Board of Education shall be composed of a President and six members elected from the City at large and an additional member elected from the City at large but who shall

be a resident of the territory included within the limits of the Town of Highland Park at the time of such merger. Said Board shall be elected on the first Tuesday of April, 1932, and shall hold these offices for two years, and at a regular election to be held biennially thereafter on the first Tuesday of April, and shall hold their offices for two years and until their successors are elected and qualified. Any vacancy occurring in the Board of Education shall be filled by an election to be held by said Board, and the person elected shall hold office for the unexpired term. The members of said Board shall serve without compensation, shall have exclusive control of the public schools of the City of Dallas, and shall have full and ample authority, in accordance with the provisions hereof, to provide necessary school buildings and facilities; and to open and conduct a sufficient number of schools to meet the wants of the scholastic population of the City of Dallas, so far as they can do so by prudent and judicious application of the means made subject to their administration, and management. Among the powers hereby conferred on said Board of Education the following are for greater certainty enumerated: To contract for, lease and purchase lots and to construct buildings for school purposes, and to make all needed repairs and alterations in same; to furnish said school buildings with all appropriate furniture, fixtures and apparatus; to sell or dispose of school property when the same is necessary or advisable; to lay off the City into such school districts, as, in the judgment of the said board, shall be proper; to increase or diminish said districts, and to change the boundaries thereof at pleasure; to employ superintendents, teachers and such other persons as may be necessary and to fix their compensation and prescribe their duties, and to establish all such regulations and rules deemed necessary by the board to provide and maintain an efficient system of public schools in the City of Dallas. The Governing Body of the City of Dallas, when levying the annual taxes for the fiscal year, shall levy an ad valorem tax of one-fourth of one percentum of the taxable value of the City of Dallas for that fiscal year, and said tax when collected shall be deposited with the City Treasurer to the credit of the School Fund, and shall also levy all other school taxes heretofore authorized at any election for that purpose for the respective times for which they were authorized to be levied, which said sums, together with all sums received from the State, County and other school funds, shall be held by the City Treasurer subject to the order and disbursement of the Board of Education, and shall be paid out upon warrants issued by order of the said Board of Education, audited by the City Auditor and signed by the President and Secretary of the Board of Education.

The interest and sinking fund on the one million nine hundred thousand (\$1,900,000) dollars of bonds authorized to be issued for the purpose of the acquisition of necessary grounds and the erection of school buildings, at the election held in the City of Dallas on the 15th day of December, 1927, shall be charged against said ad valorem tax of one-fourth of one per cent.

An official statement or copy of all contracts, claims, accounts, pay rolls and demands of whatsoever nature whereby any money is to be disbursed or expended from the school funds and also complete annual reports showing the operations of the schools, shall be filed with the City Auditor, who shall examine, adjust and audit all claims, accounts, pay rolls and demands before same shall be paid. The school board may enter into contracts by competitive bids with publishers and dealers in school supplies for furnishing to the patrons or pupils of the public schools of the City any and all books, stationery and school supplies required by the city schools at such prices as may be agreed upon by and between the board and such publishers or dealers, in no case to exceed the list prices of the same articles in the book stores of the city, and when such contracts or agreements are made by the Board of Education it shall be the duty of the Secretary of the Board of Education to keep constantly on hand, and to furnish to the patrons or pupils of the city schools, the various books, stationery and supplies thus agreed upon and at the prices agreed upon by the Board of Education; provided that no profit, compensation or commission shall ever be allowed to or collected by said board, its secretary or any member thereof, upon the agreed contract prices at which the publishers or dealers furnish the same to the Board of Education under any such agreement or contract; provided that this section of the Charter shall be subject to the provisions of the uniform textbook act applying to the same subject matter.

Should the City of Dallas hereafter agree with the Town of Highland Park for the purpose of carrying out the merging and consolidation of Highland Park with the City of Dallas, that there shall always be a member of the Board of Education who shall be a resident of Highland Park, then in such event, there shall be added to the Board of Education, a seventh member who shall be elected by the City at large, but who shall be a resident of the territory included within the limits of Highland Park at the time of its annexation, and at all times after such merger and annexation, at

least one member of said Board shall be a resident of the territory included within the limits of the Town of Highland Park at the time of its annexation.

Sec. 110. DUTIES OF PRESIDENT.—The President of the Board of Education shall be elected and hold his office as hereinbefore provided. He shall preside over all meetings of the Board of Education and in case of a tie on any question he shall cast the deciding vote, but in elections he shall vote as other members of the Board. He shall be active in enforcing the laws, rules and regulations governing said Board. He shall from time to time, give information about the condition of affairs, and recommend for consideration such measures as he deems best for the schools. At the first regular meeting of the Board of Education after the general election, or as soon thereafter as practicable, the President shall appoint the standing committees of the Board and the President shall be ex-officio a member of all committees of the Board. He shall have the power to veto any resolution, by-law, motion or order passed by the Board of Education by filing his written objections within three days after the passage thereof on Sundays and the day of passage excluded, at the next meeting, or as soon thereafter as practicable, the Board shall consider such objections, and unless the Board shall pass the measure over his veto by a two-thirds vote of all the members taken by yeas and nays, such measures shall be of no effect. The regular meeting of the Board shall be at such times as the board may fix by resolution or otherwise, but the President, on his own motion, may call special meetings by written notice thereof served upon each member or left at his place of abode or usual place of business. At the first meeting of each new Board, or as soon thereafter as practicable, the Board shall elect one of its members Vice-President, who shall hold his office for two years. In case of absence, failure, inability or refusal of the President to act, the Vice-President shall perform the duties of the President. In the absence of the President and Vice-President any one of the members may be chosen to preside.

Sec. 111. MAY ESTABLISH KINDERGARTENS.—The Board of Education shall have power, when money for that purpose is available, from the general fund or voted therefor by special tax, to establish and maintain a system of kindergartens in connection with the public schools.

Sec. 112. TRANSACTIONS INVOLVING ONE THOUSAND DOLLARS OR MORE TO BE CERTIFIED TO GOVERNING BODY OF CITY.—Whenever the amount involved in any purchase or sale of property proposed to be made by the Board of Education shall equal or exceed the sum of One Thousand Dollars it shall be the duty of said Board to certify its action with respect to said matter to the governing body of the city and said governing body shall have power to veto and nullify said action within five days after being notified thereof, but to become effective such veto must be supported by and receive the votes of six members of said governing body and such action must be taken within five days after notice in writing of the terms of such proposal shall have been filed by the Board of Education with the governing body of the City.

Sec. 113. The members of the Board of Education in office at the time this Charter amendment takes effect shall continue in office until their successor shall qualify, after election on the first Tuesday in April, 1932.

## CHAPTER XIX

### Civil Service

Section 114. ORGANIZATION OF CIVIL SERVICE BOARD.—As soon as practicable after this Charter Amendment shall become effective, the governing body of the City of Dallas shall appoint a Civil Service Board, composed of three qualified taxpaying citizens of the City, to serve for two years and until their successors have been appointed and qualified. Members of the Civil Service Board shall not hold any other position under the city, county or State Government. The governing body may remove any member of the Board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancies in the members of the Board shall be filled by the governing body for the unexpired term.

Sec. 115. OFFICERS OF CIVIL SERVICE BOARD.—Immediately after appointment the Board shall organize by electing one of the members Chairman and one Vice-Chairman. The Board shall also appoint a Chief Examiner, who shall be a member of the Board and also act as Secretary. The Board may appoint such other subordinate officers as may, by appropriation of the governing body, be provided for.

Sec. 116: CIVIL SERVICE DIVIDED INTO UNCLASSIFIED AND CLASSIFIED SERVICE.—The Civil Service of this City is hereby divided into the Unclassified and Classified Service, to-wit:

1. The Unclassified Service shall include:
  - (a) The City Manager and his Secretary.
  - (b) The heads of departments, assistant heads of departments, members of appointive boards and the City Secretary.
  - (c) The labor class, which shall include all ordinary unskilled labor.
2. The Classified Service shall comprise all positions not specifically included by the Charter of the City of Dallas in the Unclassified Service. There shall be in the Classified Service two classes to be known as the Competitive Class and the Non-Competitive Class, to-wit:
  - (a) The Competitive Class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination.
  - (b) The Non-Competitive Class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the Board.

Sec. 117. CIVIL SERVICE BOARD TO ADOPT RULES AND REGULATIONS FOR GOVERNMENT OF BODY, SUBJECT TO APPROVAL OF COUNCIL.—The Civil Service Board, subject to the approval of the governing body of the City, shall adopt, amend and enforce a Code of Rules and Regulations providing for appointment and employment in all positions in the Classified Service based upon merit, efficiency, character and industry, which shall have the force and effect of law; also rules regulating reduction of force of employes and in what order they shall be dismissed and reinstated; shall make investigation concerning the enforcement and effect of this section of the Charter and of the rules adopted under the powers herein granted. It shall make an annual report to the governing body of the City at the end of each fiscal year, giving a complete itemized statement of all expenditures paid or incurred by it and containing such recommendations with regard to improving the efficiency of the Civil Service as it may deem advisable.

Sec. 118. LISTS OF ELIGIBLES TO BE PROVIDED AND MAINTAINED BY BOARD.—The Chief Examiner shall provide for examination in accordance with the regulations of the Board, and maintain lists of eligibles to each class of the Service, those meeting the requirements of said regulations. Positions in the Classified Service shall be filled from such eligible lists upon requisition of the City Manager. As employments are filled, the Chief Examiner shall certify the fact to the Director of Finance.

Sec. 119. BOARD TO PROVIDE FOR PROMOTIONS IN THE CLASSIFIED SERVICE.—The Board shall provide for promotion to all positions in the Classified Service on records of merit, efficiency, character, conduct and seniority.

Sec. 120. PROBATION PERIOD.—Appointment or promotion in the Classified Service shall not be deemed complete until a period of three months shall have elapsed. A probationer may be discharged or reduced at any time within said period by the City Manager, in the event the Charter of the City of Dallas should be amended to provide for a City Manager, or the head of the department in which said probationer is employed.

Sec. 121. DISCHARGE OF EMPLOYEE AFTER PROBATION PERIOD.—An officer or employe in the Classified Service may be removed, suspended, laid off or reduced in grade by the City Manager, in the event the Charter of the City of Dallas should be amended to provide for a City Manager, or the head of the department in which he is employed after the three months' probation period has expired; but, demanded by such officer or employe, it shall be the duty of the officer discharging him to furnish him with a written statement of the reasons therefor and the said discharged or reduced officer or employe shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the Trial Board as hereinafter defined.

Sec. 122. TRIAL BOARD.—There is hereby created for the purpose of hearing and determining charges made against any officer or employe of the City in the Classified Service, a board to be known and designated as the Trial Board, which shall be composed of two members of the governing body of the city, selected by said governing body, and either the Chairman or Vice-Chairman of the Civil Service Board. The said Board shall have final jurisdiction to hear and decide all appeals made to the Board by any discharged or reduced officer or employe in the Classified Service, and to

judgment or decision of a majority of said Board shall be final. Any aggrieved officer or employe, who desires to avail himself of the right to appeal to said Board, must do so promptly and within ten days from the date of his notification of dismissal or reduction. He may be represented by counsel and shall have the right to an open hearing and to compel the attendance of such witnesses as he may desire to testify in his behalf. The appeal to said Board shall not suspend the execution of the order of dismissal or reduction pending said hearing. The Trial Board may either sustain or reverse the action of the City Manager or the head of the department as the case may be, or modify and amend the same as to them may seem just and equitable under the facts and circumstances of the particular case.

Sec. 123. **THREE OR MORE CITIZENS' RIGHT TO APPEAL TO CIVIL SERVICE BOARD FOR REMOVAL OR REDUCTION OF OFFICERS OR EMPLOYEES IN THE CLASSIFIED SERVICE LIST ON ACCOUNT OF MISCONDUCT.**—Three or more citizens of this city shall have the right to prefer written charge of misconduct before the Civil Service Board against any officer or employe in the Classified Service list. The accused shall be given a reasonable notice to appear before the Board and explain such charges. If the Board is of the opinion that the said charges are meritorious, then it shall be the duty of the said Board to file charges as preferred against such officer or employe by the said citizens with the Trial Board; and, if demanded by the said citizens, a trial of the accused upon said charges shall be had, as in other cases of trials before said Board, and the judgment of the said Trial Board shall be final in all such matters.

Sec. 124. **BOARD TO FIX MINIMUM STANDARD OF CONDUCT AND EFFICIENCY FOR OFFICERS AND EMPLOYEES.**—It shall be the duty of the Board to fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the said Board for a period of three months that the conduct and efficiency of any employe has fallen below this minimum, that employe shall be called before the Board to show cause why he should not be removed, and if upon hearing, no reason is shown satisfactory to the Board, he shall be removed, suspended or reduced in grade, as the Board shall determine.

Sec. 125. **RETENTION IN THE SERVICE OF ALL OFFICERS AND EMPLOYEES COMING WITHIN THE CLASSIFIED SERVICE WHO WERE IN THE SERVICE OF THE CITY THREE MONTHS PRIOR TO THE TIME THIS CHARTER TAKES EFFECT.**—All persons in the employ of the City, holding positions in the Classified Service, as defined and established by the Charter, at the time this amendment takes effect, and who have been filling said positions for a consecutive period of three months or more prior to the time that this amendment takes effect, shall, unless their positions or places of employment be abolished, retain the same until discharged, reduced, promoted or transferred in accordance with the provisions of this amendment.

Sec. 126. **PAY ROLL TO CARRY ONLY NAMES OF THOSE EMPLOYEES CERTIFIED BY THE BOARD TO HOLD POSITIONS IN THE CLASSIFIED SERVICE.**—The City Auditor shall not issue any warrant or order in payment of any salary or compensation for service to any person holding a position in the Classified Service unless the pay roll or account of such salary or compensation shall bear the certification of the Board by its Secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Charter and of the rules established by this amendment.

Sec. 127. **INVESTIGATIONS—POWER TO REQUIRE ATTENDANCE OF WITNESSES, ETC.**—In any investigations conducted by the Board it shall have the power to subpoena and require the attendance of witnesses and the production thereof of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Sec. 128. **NO APPOINTMENT OR REMOVAL IN THE CLASSIFIED SERVICE ON ACCOUNT OF RELIGIOUS OR POLITICAL OPINIONS—PROHIBITING POLITICAL ACTIVITY ON THE PART OF THOSE IN THE CLASSIFIED CIVIL SERVICE.**—No person in the Classified Service, or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of political or religious opinions or affiliations. No officer or employe of the City shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or for any political purpose whatever.

No person holding a position in the Classified Service shall take part in political management or affairs, or in political campaigns, further than to cast his vote or express privately his opinion.

Sec. 129. **RELATING TO MEMBERS OF GOVERNING BODY OF CITY ACCEPTING DIFFERENT OFFICE AND PROVIDING FOR FORFEITURE OF OFFICE AND POSITIONS OF ASPIRANTS FOR OFFICE.**—No person elected to the City Council or other governing body of the City, shall, during the term for which he was elected, be appointed to any office or position in the service of the City. If a member of the governing body shall become a candidate for nomination or election to any public office, he shall immediately forfeit his place in the governing body; and any appointive officer or employe of the City who shall become a candidate for nomination or election to any public office shall immediately forfeit the office or employment held under the City.

Sec. 130. **DUTY OF GOVERNING BODY TO PASS NECESSARY ORDINANCES.**—The Civil Service Board, subject to the approval of the City Council, or other governing body, shall determine the penalties for the violation of the Civil Service provisions of the Charter of the City as well as the provisions of this amendment. It shall also be the duty of the governing body to pass the necessary ordinances defining what violations of the Civil Service rules adopted under the provisions of this Charter shall constitute a misdemeanor, and prescribe the punishment therefor.

Sec. 131. **SALARIES TO BE REGULATED BY GOVERNING BODY AND INCLUDED IN BUDGET.**—The salaries of the Civil Service Board and its employes shall be determined by the governing body of the City, and a sufficient sum shall be appropriated each year in the budget to carry out the Civil Service provisions of this Charter Amendment.

Sec. 132. **CERTAIN DEPARTMENTS EXCEPTED FROM THE PROVISIONS OF THIS CHARTER.**—The provisions of this Amendment shall not apply to the Public Schools, the Legal Department, the Library Department, the Judge of the Corporation Court or the City Auditor, but shall apply to all other departments of the City Government, including the employes in the City Auditor's Department.

## CHAPTER XX

### Franchises

Section 133. The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City of Dallas is hereby declared to be inalienable to said City, except by ordinances passed by vote of the majority of the governing body of the City, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance; provided, that alienation of school property shall be as herein elsewhere authorized.

Sec. 134. The City of Dallas shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the City, as defined in the preceding section, for the purpose of furnishing to the public any general public service, including heat, light, power, telephone service, refrigeration, steam, and manufacture and distribution of ice, and the carriage of passengers or freight, within the said City and its suburbs, over the streets, highways and property of said City, or for any other purposes whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City is necessary or proper; provided that no franchise shall be granted by said City to any person, firm or corporation to own, control or operate waterworks therein.

Sec. 135. No exclusive franchise or privilege shall ever be granted nor a franchise, nor a privilege to commence at any time after six months subsequent to the taking effect of the ordinance granting the same and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of the City Charter; nor, except as hereinafter provided, shall any franchise be granted to any person, firm or corporation, their associates, assigns or successors, to acquire the physical property, rights or franchise of another person, firm or corporation to whom or which a franchise has already been granted by the City, whereby the rights and properties held and used under such franchise are assigned to any other person, firm or corporation which holds a fran-

chise from the City extending beyond the time of the expiration of the franchise of the person, firm or corporation selling such physical properties, rights or franchises; provided, however, that when it shall appear that the public welfare will be promoted by permitting or requiring the properties of two or more companies doing the same character of business to be under one common ownership the City may, in granting a franchise for such properties, allow or require the ownership of such properties to become vested in one ownership or one corporation, provided that no debts or obligations of any of the said companies so consolidated shall be assumed by the corporation, person or association of persons acquiring the ownership of such properties, except such debts and obligations of said companies, or either of them as could at the time of the creation of such indebtedness, lawfully be created under the Constitution and laws of the State of Texas, and only to the extent that the assumption of such indebtedness is permitted under the provisions of the ordinance granting such franchise and the amount of such indebtedness shall be fixed or limited in such ordinance and the same shall not thereafter be increased except by such actual moneys as may hereafter be expended pursuant to the rules and regulations to be formulated by the Governing Body of the City from time to time; and, provided, further, that no franchise shall authorize the joint operation and ownership through and in one company of both a street railway and an electric lighting business.

Sec. 136. The City of Dallas shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance shall not be passed finally until its third and final reading, which reading shall be at three separate regular meetings of the Governing Body of the City of Dallas, the last of which shall take place not less than thirty days from the first. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the Governing Body, and such ordinances shall not take effect until sixty days after its adoption on its third and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition or petitions shall be presented to the Governing Body signed by not less than five hundred of the bona fide qualified voters of the City, then the Governing Body shall submit the question of the granting of said franchise to a vote of the qualified voters of the City of Dallas at the next succeeding general election to be held in said City, provided that notice thereof shall be published at least twenty days successively in the official newspaper of the City prior to the holding of said election. Ballots shall be used briefly describing the franchise to be voted on and the terms thereof and containing the word, "For the granting of a franchise", and "Against granting a franchise". The vote shall be canvassed by the governing body, and should it result in a majority of those voting thereon casting their votes "For the granting of a franchise", then by order entered in its minutes, the Governing Body shall so declare and said franchise shall at once take effect. But should a majority of such votes be cast "Against granting a franchise", as ascertained by the Governing Body, then said Governing Body by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the Governing Body, then the matter may be submitted to the qualified voters on petition, as hereinbefore provided, and a failure to finally pass on an application within six months after the filing of such application shall be construed as a refusal. The Governing Body in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting thereon at a general election.

Sec. 137. No determinate or fixed term franchise shall ever be granted for a longer term than twenty years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly or through any means whatsoever, and any ordinance in violation or evasion of this prohibition shall be absolutely void; provided, however, that any corporation, person or association of persons now holding any franchise under any charter or charters or ordinances of the City of Dallas may, with the consent of the Governing Body of the City surrender such franchise or franchises, subject to the provisions of the City Charter then in force, and take a new franchise under such charter or a new franchise may be granted to a new company or another person with the privilege of acquiring the properties of such franchise holder upon the surrender of the franchise rights then held. No subsidiary franchise or franchises of any character appertaining or relating to any other franchise holder, or to any person, firm or corporation acting directly or indirectly for such franchise holder, and such grant in violation of this prohibition shall be absolutely void to the extent of the excess in time beyond the life of such main franchise. No franchise, privilege or easement shall ever be used or operated so as to extend or enlarge any other franchise or privilege granted by said city except

upon surrender of such original franchise as herein provided, and any violation of this prohibition shall operate as a forfeiture of each and all such franchise privileges or easements. No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

Sec. 138. All persons, firms or corporations to whom franchises may hereafter be granted, or their assigns and successors, shall as compensation for the right or privilege enjoyed, pay to the city a sum not less than four per cent of the gross receipts of the business pursued by the holder of the franchise earned for service rendered in the City of Dallas, unless the Governing Body of the City shall in lieu of such compensation to the city provide in the ordinance granting such franchise that there shall be applied to the reduction of fare and rates such part of the receipts of the business pursued by such franchise holder as remains after deducting such sums as are necessary and proper for operation, taxes, maintenance, renewals and replacements and a fixed and specified maximum return on a valuation specified and fixed in the ordinance granting the franchise, which valuation shall not be thereafter increased except by such actual moneys as may thereafter be expended with the approval and under the direction of the Governing Body, or of an official empowered to so approve and direct by the Governing Body.

All sums required to be paid by the holder of any franchise under the terms of this section shall be due and payable on the 15th day of February of each year for the preceding calendar year and shall be exclusive of and in addition to all ad valorem taxes upon the value of the franchise and other property of the holder thereof and all lawful occupation taxes imposed upon the occupation or calling of the holder thereof; and the amount of such compensation may be changed from time to time as in the opinion of the Governing Body may be just and reasonable, to the extent and upon such terms and conditions as may be fixed in the ordinance granting such franchise.

In order to ascertain the true amount of the gross receipts and to determine the amount of compensation as well as to ascertain the capital invested, property value, amount of depreciation and expenses, and for any other purposes relating to the business of the city, or for the purpose of ascertaining any fact connected with or relating to the business done by such franchise holder, the Governing Body shall have full power to examine or cause to be examined at any time and all times the books, papers and records of franchise holders; to take testimony and compel the attendance of witnesses and the production of books, papers and records and to examine witnesses under oath and under such rules and regulations as the said Governing Body may adopt, and should any franchise holder refuse to permit the inspection of such books, papers or records by the Governing Body or by any one designated by them to make such inspection, or fail to produce the same when notified to do so by the Governing Body, or should any officer, agent or employe of such franchise holder refuse to give testimony before said Governing Body, then said Governing Body shall have the power by ordinance, to declare the franchise or privilege enjoyed by such person, firm or corporation so in default, annulled and terminated.

The Governing Body of the City shall have the power to appoint a Supervisor of Public Utilities and to prescribe his powers and duties and to provide that his compensation and all expenses incurred incident to the proper supervision of public utilities shall be paid by the public utilities supervised by him.

The adoption of this Charter Amendment shall never be construed to relieve any person, firm or corporation to whom any franchise has heretofore been granted, under provisions of the City Charter of 1907, from payment of the per cent of gross receipts stipulated in such franchise until such franchise is forfeited, surrendered or otherwise terminated; nor shall the adoption hereof relieve any person, firm or corporation enjoying such privilege, franchise or easement from the city from paying any license fee, tax or other character of charge which has accrued or which may hereafter accrue in accordance with the provisions of any ordinance of the City of Dallas imposing same.

Any person, firm or corporation to whom any privilege, easement or franchise has heretofore been granted prior to the City Charter of 1907, shall pay for such privilege, easement or franchise a reasonable and just compensation which shall be regulated and changed from time to time by the Governing Body of the City as in their opinion is just and reasonable.

Sec. 139. The right is hereby delegated to the City of Dallas, acting through its Governing Body, to determine, fix and regulate the charges, fares or rates of any



person, firm or corporation enjoying or that may enjoy a franchise or exercising any other public privilege in said city and to prescribe the kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time to alter or change such rules, regulations, and compensation. The Governing Body shall make rules and regulations granting a fair hearing to persons or corporations to be affected by said regulations, and no change in regulations shall be adopted except after notice to the persons affected and after a fair hearing shall be granted them; provided that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stocks or bonds authorized or issued by any corporation enjoying a franchise shall be considered unless upon proof that the same shall have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and constitution of the State applicable thereto; and in order to ascertain all facts necessary for a proper understanding or what is or should be a reasonable rate or regulation, the Governing Body of the City shall have full power to inspect books and compel attendance of witnesses as provided in Section 138 hereof, and may prescribe all penalties named in Section 138 for a failure or refusal to attend and testify or produce books.

The powers herein conferred to determine, fix and regulate the charges, fares and rates of any person, firm or corporation enjoying or that may enjoy a franchise or exercise any other public privilege in said City may, in the judgment of the Governing Body of the city, be referred to the Supervisor of Public Utilities for the purpose of affording to such person, firm or corporation a hearing thereon. The Supervisor of Public Utilities may give a hearing to any such person, firm or corporation in any rate hearing provided hereunder and report his findings of fact and of law to the Governing Body of the City for their adoption, revision or rejection.

The Supervisor of Public Utilities, while sitting for the purpose of giving such hearing shall have all the powers herein conferred on the Governing Body of the City, to inspect books and compel attendance of witnesses, and may prescribe the penalties provided therein for failure or refusal to attend and testify or produce such books.

Said Governing Body may certify any such hearing to the said Supervisor of Public Utilities whenever it deems it advantageous to have the said Supervisor of Public Utilities sit and give such hearing instead of the said Governing Body; provided, however, that the evidence at any hearing so held and the findings of the Supervisor shall be fully reported to the Governing Body for its approval or amendment, revision or rejection.

The Supervisor of Public Utilities may have referred to him by the Governing Body of the City the power to regulate all vehicles using the streets of the City of Dallas and let for hire, and to fix the rates thereof, and to work out schedules of rates for each kind of vehicles operated over the streets of the City of Dallas for hire, and shall report his recommendations and findings to the Governing Body who shall consider the same and may amend, revise, affirm or reject any such report. In the event any report is finally approved by the Governing Body, an ordinance shall be passed with reference to any vehicle, or classes of vehicles, let for hire, other than vehicles of corporations using and enjoying the streets under a franchise, and such ordinance shall provide for the rate to be established governing the particular kind of vehicle, and providing penalties for the violation thereof. In this connection, the Governing Body is given full power to pass all suitable ordinances or resolutions necessary to carry into effect the power herein granted.

The Governing Body of the City shall have the power, by ordinance or resolution and without reference to the other franchise provisions of this charter, to grant the right and to require street railway companies, gas companies, telephone companies, telegraph companies, and all other companies, or individuals enjoying a franchise now or hereafter from the City to make and furnish necessary changes in or reasonable extensions of facilities and service in or to any portion of the city (which shall include in the case of a street railway company the building of new or additional lines) as in the judgment of the Governing Body may be necessary, under and subject to the terms and conditions of the franchise then enjoyed by such franchise holder in connection with which the change or extension is to be made, and under such further terms and conditions as the Governing Body may deem proper, and the Governing Body shall have the power to prevent the making of unnecessary or unprofitable extensions. Railway extensions, double tracks, switches or sidings ordered by the City to be constructed shall be laid without the necessity of obtaining consents of property owners having property abutting on the streets or alleys to be occupied thereby, and no such

consents need be obtained for new franchise for the operation of tracks, switches and sidings already in use at the time of the granting thereof.

The Governing Body may provide in the ordinance granting any such franchise that the corporation, person or association of persons to whom such franchise is granted shall spend, with the approval and under the direction of the Council, specified sums of money for specified purposes under such franchises, and may require adequate security for the carrying out by such corporation, person or association of persons of such agreements, to expend such sums of money within a time specified in such ordinance and for the purposes specified in such ordinance, and may provide adequate penalties in the event of the failure by the franchise holder so to do.

Every public service corporation shall furnish and provide equal and uniform service alike to all persons, firms and corporations in the City of Dallas, and it shall be unlawful and a sufficient ground for the forfeiture of any franchise for any such corporation to grant free service or furnish better service or to furnish service for a lower price or rate, conditions or quantity of service considered, to any person, firm or corporation, than to any other person, firm or corporation or to otherwise discriminate in the matter of rates or service; provided, however, that any such public service corporation may from time to time, with the consent and approval of the Governing Body, adopt schedules governing rates, conditions or quantities or service considered, and allow applicants to choose between alternative schedules, but no such schedule shall be operative nor shall service be furnished in accordance therewith until filed and approved by the Governing Body of the City of Dallas. Upon proof being received by the Governing Body that this provision is being violated, it shall at once summon witnesses and investigate, and if they so find, then it shall be their duty to immediately cause suit to be instituted to have such franchise forfeited; provided, however, the Governing Body shall have the power, by ordinance, to grant any such corporation the right to grant reduced rates to persons specified in such ordinance, and provided further that the Governing Body may by ordinance authorize any street railway or interurban railway to transport free any member of the police or fire departments of the City within the corporate limits thereof, and to authorize the giving of such free transportation in other cases when the same shall not be in conflict with the general laws of the State which shall govern and control this provision.

Sec. 140. In addition to the powers conferred to grant privileges and franchises for a fixed term not to exceed twenty (20) years the City of Dallas shall have power to grant "indeterminate franchises." The term "indeterminate franchise", as used in this Charter, shall mean and embrace every privilege, franchise or easement granted directly or indirectly by the City of Dallas which shall have no fixed or determinate duration, but shall continue in force only until such time as the City shall exercise an option, to be provided for in the ordinance granting any such franchise, giving the City in express terms the right to purchase the property, of the franchise holder or cause a purchaser to buy such property, and fixing the time or times when such right may be exercised, in accordance with the terms hereof and of the ordinance granting such franchise, or until such grant shall otherwise be terminated according to law, or in accordance with the terms of the ordinance granting the franchise.

The ordinance granting such franchise shall be subject to the right to a referendary vote as provided by Section 136 hereof.

No franchise for a fixed term of twenty (20) years shall ever be granted except upon the condition that the City of Dallas shall have the right, at any time after the expiration of eighteen (18) years, to purchase the property of such franchise holder, or cause a purchaser to buy such property and thereby terminate or transfer the franchise and all privileges enjoyed thereunder in the manner and upon the basis hereinafter prescribed for the purchase of property of the holder of an indeterminate franchise provided that the purchase when made by the City shall not in the case of a fixed term franchise take effect until the expiration of twenty years from the time of the granting of such franchise.

No determinate franchise shall ever be granted except upon the condition that the City shall have the right at any time after ten years to purchase the property of the franchise holder devoted to public service thereunder, or cause a purchaser to buy such property and thereupon to terminate, or transfer, the franchise and all privileges enjoyed thereunder; provided that before the City shall purchase such property the matter of the acquisition of such property shall be submitted at a general election to be determined by a majority vote of the qualified property taxing voters voting thereon.

The City shall have the power to provide and fix any franchise the amount or amounts (or the basis for determining the same), to be paid in case it shall buy any

such property and the amount or amounts to be paid by any purchaser, or purchasers, it may procure to buy such property (or fix a basis for determining same). If the City shall fail in any franchise to so fix the amounts to be paid, or the time when such right to purchase or secure a purchaser may be exercised, it shall, notwithstanding such failure, have the right to buy such property or to procure a purchaser or purchasers therefor at any time on paying or causing to be paid the physical value of the property bought, making due allowance for depreciation, but making no allowance whatever for the value of the franchise or easement, or for any "going concern" or "good will" value or for any speculative profits, such value to be determined by the report of the majority of three arbitrators, one to be selected by the city, one by the franchise holders and the third by the arbitrators so selected. But if the franchise holder shall refuse for thirty (30) days to select an arbitrator, then the value of such property shall be fixed by a vote of the majority of the Governing Body of the City; and if the two arbitrators so selected shall fail to agree upon a third arbitrator within thirty (30) days after their selection, then such third arbitrator may be selected by any person holding the office of Judge of a District Court in Dallas County, to whom the city may apply for such appointment. Where the amount, or amounts, to be paid for such property, or a basis for determining same, shall be fixed in the ordinance granting such franchise, the franchise holder, by accepting the provisions of such ordinance, shall be thereby forever estopped from questioning the justness of reasonableness of such compensation, and shall be further estopped from having the question of value of such property determined in any other manner.

In acquiring by the City of the property of a franchise holder, as herein prescribed, such property may be taken subject to the outstanding indebtedness authorized by the Constitution and laws of the State of Texas, not in excess of the agreed or arbitrated value, as the case may be. The City of Dallas shall have the power to agree that its exercise of its powers conferred in this Charter amendment, except matters relating to its police power, which shall never be abridged, shall be exercised in accordance with the terms of any such franchise and to provide for the settlement through arbitration of any differences between the City or its Supervisor of Public Utilities and any franchise holder, and to provide the extent to which such arbitration shall be binding on the parties thereto, and the effect thereof, and the matters which shall be subject to arbitration and for the method of selecting arbitrators.

The City shall also have the power to condemn the property of any person, firm or corporation, now conducting, operating or maintaining a system, or systems, of gas, electric lighting, telephones or street railways, or any other public service or public utility in the City of Dallas, for the purpose of distributing such service throughout the City or any portion thereof; and in all cases where the City seeks to exercise such power it shall be controlled as nearly as practicable by the law governing the condemnation of property by railroad corporations in this State, the city taking the position of the railroad corporation in any such case. In the case of such condemnation of franchises, rights and privileges of the franchise holder shall cease and the property thereof shall be vested in the City in fee simple title.

The City shall have the power to obtain and secure funds for the purpose of acquiring the property of any franchise holder by purchase or condemnation, under the provisions hereof, by issuing bonds or notes, or other evidences of indebtedness, and fixing a lien upon, or otherwise pledging the properties constituting the said public utility to be so acquired by such condemnation proceedings or purchase as security for the payment of any such bonds, notes or other evidence of indebtedness so issued to obtain such funds, and in such case the property so pledged, or upon which a lien is fixed, shall be subject to private or judicial sale for the payment of any indebtedness created against said property in order to obtain said purchase money and in case of any such purchase the purchaser shall succeed to the franchise rights so acquired by the City by such condemnation or purchase.

The Governing Body of the City shall have full power to determine and agree upon the manner and form of fixing the lien or pledging or mortgaging the properties or the receipts therefrom in order to obtain the necessary funds for acquiring any public utility and operating the same; and the said Governing Body shall also have full power and authority to adopt any such means as may be deemed advisable for the purpose of financing and raising funds for any such public utility and providing security therefor.

Sec. 141. Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as the Governing Body of the City shall see fit to impose. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the Charter. If such franchises shall not be exercised in substantial accordance with the terms hereof, and of the ordinance grant-

ing the same, then after notice and reasonable hearing to the holders thereof, such franchises may be cancelled or annulled and the Governing Body of the City shall, by ordinance, adopt reasonable rules and regulations for such notice and hearing.

Sec. 142. Any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City or its suburbs shall be subject to the conditions that the Governing Body of the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City of Dallas the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter said city and to reach the section thereof used for business purposes; provided, that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owner thereof to pay it a reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation within sixty days from offering in writing to do so, and as to terms and conditions of the use of said track and facilities, then the Governing Body of the City shall by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Governing Body, when so made, shall be binding on and observed by the parties concerned.

Interurban railways are defined to be, in the meaning of the Charter, railways operating their own cars by electricity for the carriage of freight and passengers for hire, not wholly within the City and its suburbs, but whose lines extend from the City of Dallas and its suburbs to other towns, cities or villages.

Sec. 143. The Governing Body of the City shall have the power subject to the terms and conditions contained in this Charter amendment to grant to any person or corporation desiring to extend an interurban railway into the City the right to lay tracks and operate cars over the streets or other property of the City and over the tracks of other street railways for a term of not exceeding twenty years.

Sec. 144. The right mentioned in the preceding section shall be granted by ordinance only, which ordinance shall not be finally passed until after three separate readings, the last of which shall take place not less than thirty days from the first. The granting or refusing of the right or franchise herein mentioned shall be subject to the terms and provisions of this amendment concerning the submission of general franchises to a vote of the qualified voters of the City, which shall in all things govern and apply thereto.

Sec. 145. The ordinance granting such right or franchise shall contain such conditions as may seem proper to the Governing Body of the City, and shall provide for such reasonable compensation to the City as may seem just to the Governing Body for the use of the franchise or right granted, which compensation shall be payable annually. And the ordinance granting such right or franchise shall provide that failure to pay said compensation at the time specified therein shall forfeit and terminate said franchise. Said compensation shall be deemed to be a bonus payable to the City for the use and the right granted and shall be exclusive of and in addition to all ad valorem or occupation taxes payable by the owner of said franchise.

Sec. 146. The terms of this amendment concerning the granting of franchises to persons or corporations for the purpose of rendering any public service wholly within the city and its suburbs shall not apply to interurban railways, except as specified in the four preceding sections and in the various sections providing for the referendum.

Sec. 147. The governing body of the city shall have power to authorize steam railways operating their lines from the City of Dallas to other towns and cities beyond its limits to lay their tracks and establish their switches on and over the streets and other property of the City of Dallas, or such parts thereof as the Governing Body of the City may see fit, subject to the terms of the Charter and to such other conditions as may be imposed by the Governing Body.

Sec. 148. The right mentioned in the preceding section shall be granted only by ordinance, which shall provide for the payment of a reasonable annual compensation, to be paid to the City, which in no case shall be less than ten (\$10.00) dollars per annum, and not be construed to be a tax, but shall be in addition to and exclusive of all occupation or ad valorem taxes levied upon the property or franchises of the owner of said rights and upon the occupation pursued by said owner.

Sec. 149. The compensation mentioned in the preceding section shall be payable annually in advance on the second day of January, and if not then paid the right granted shall forfeit and terminate.

Sec. 150. The grant or refusal of an ordinance by the Governing Body of the City granting or refusing the right mentioned in the preceding sections shall be subject to the provisions of the Charter providing for the submission of the granting or refusal of general franchises to the vote of the qualified voters of the city; provided, that an ordinance granting or refusing the right to lay a switch not more than one block in length need not be subject to such vote unless said switch shall cross a street bounding such block.

Sec. 151. The Governing Body of the City shall have the power, by ordinance, or resolution, to grant to any owner of property abutting upon the streets or other property of the City the use thereof or to go over or under the same in any manner which may be necessary or proper to the enjoyment of said abutting property by the owner; provided, that such use be not inconsistent with or does not unreasonably impair the public use to which said street or other public property may be dedicated.

The Governing Body of the City shall fix the terms and conditions of any such grant and the time for which the same shall exist. The right is expressly reserved to the City, acting through said Governing Body to terminate such grant when deemed inconsistent with the public use of the property of the City, or when the same may become a nuisance.

Sec. 152. For the rights granted under the preceding section the City shall receive annual compensation to be fixed by the Governing Body of the City, not less than five (\$5.00) dollars per annum. Such compensation shall be paid each year in advance on the second day of January. The failure to pay same when due shall operate as an absolute forfeiture of the rights granted.

Sec. 153. Except as herein otherwise provided, no street or other railway shall be authorized by the Governing Body of the City to lay tracks on or occupy the streets or alleys of the City until the owners of a majority of the front feet of property abutting on said street or alleys so to be occupied have, in writing, consented thereto and said consents have been filed with said Governing Body, provided the entire distance of such proposed line of railway shall be considered in determining whether the owners of a majority of the front feet of abutting property have consented thereto, and the majority here required shall be a majority of the front feet of the entire distance of such continuous line, whether occupying one or more streets or alleys and provided further, that after the consent of any property owner shall be given in writing as herein provided for, he shall not be entitled to withdraw the same within twelve months after giving such consent, nor shall he be entitled to withdraw it thereafter if within such period the applicant for the easement shall file with the City the consents of enough property owners interested to authorize the Governing Body of the City to authorize such easement.

Sec. 154. Excepting as herein otherwise provided, no switch shall be authorized by the Governing Body of the City to be laid in such streets or alleys until the owners of a majority of the front feet of property in front of which said switch is to be laid shall have filed with the Governing Body their written consent thereto.

Sec. 155. The City of Dallas shall have the power by ordinance or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said City, and to require steam, interurban and electric railway companies to keep the streets over which they run properly drained and to light same wherever deemed necessary, and to require steam, interurban and electric railway companies to construct and keep in repair from curb to curb, bridges and crossings over all the ditches made or crossed by them, and to construct and maintain drains and culverts where crossed by any line of said railways, on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches and to regulate the grade of same, and to require them to conform to the grade of the streets of said city as they may hereafter be or are now established, and that said tracks and turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets; to require steam railways using any portion of the streets of the City to pay all or any part of the paving, grading, draining, and repair thereof along the streets so used by such railway, and to light the same whenever and wherever deemed necessary or advisable; to require any street or electric railway company to pay the cost of the grading, paving, repairing or repaving, or otherwise improving the street or streets or intersections thereof used or occupied by such railway company and such cost shall be a lien upon the property and franchise of the company. The portion of the street occupied by an electric, steam, or street railway shall be deemed to be the space between the tracks and twenty-four inches on the outside of each of the rails, and all the space between the double tracks, turnouts and switches.

Any railway company, interurban or street railway company proposing, with the permission of the City of Dallas, to occupy any street or streets already occupied by any other such company, shall, besides paying for paving as may be required by the City of Dallas or by the provisions of the Charter be required also to pay for paving between the tracks of said two roads within twenty-four inches of the tracks of such other road, and such cost shall be a lien upon the property and franchises of the company; and if the Governing Body of the City shall so direct, said street or electric railway company may be required to pave the street or streets occupied by them from curb to curb.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this amendment, it shall become liable for such portion of the cost of such improvement as the Governing Body of the City may direct, or as is fixed by this Charter.

The City of Dallas shall have the power, by ordinance, to require any street car or electric railway corporation, operating street cars, in, into or through the City of Dallas, and also any motor bus company operating motor busses in the City of Dallas to issue to its passengers transfers from any of its lines to any other lines within the City, upon payment by said passenger of the fare or rate prescribed for one continuous passage, whether such line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railway company or motor bus company, and in addition thereto, the City of Dallas may recover of the street railway company or motor bus company the sum of twenty five (\$25.00) dollars as penalty and liquidated damages for each and every failure to give a transfer.

It shall be unlawful to grant, to continue, amend or extend any street railway franchise binding any such railroad to give universal transfers, under provisions now fixed or hereafter to be fixed by general ordinance.

Sec. 156. All persons or corporations now operating or hereafter operating within the corporate limits of the City of Dallas, any interurban electric railway line, either on their own or other street railway tracks, shall be required to give reasonable local passenger service thereon within the corporate limits of the City of Dallas between all points on said interurban line or lines for a fare of not exceeding five cents, and to that end, shall be required to stop passenger cars so operated by them at all street crossings in said City, to take on and let off local passengers, provided that this shall not apply to any portion of such interurban lines where local service is furnished by local cars to the same extent as is required under the foregoing provisions hereof.

Sec. 157. Any person, persons or corporation operating an interurban electric railway line within the corporate limits of the City of Dallas, who shall violate any of the provisions of the foregoing subdivision shall be liable to the City of Dallas for a penalty of not less than \$100.00 nor more than \$500.00 for each offense, and which penalties shall be recovered and suit therefor shall be brought in the name of the City of Dallas, in any court of proper jurisdiction in Dallas County, by the City Attorney, or under his direction.

Sec. 158. No person or corporation enjoying any franchise to operate a public utility within the City of Dallas shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the City of Dallas without first being authorized by the Governing Body of the City by an ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the Governing Body of the City under the authority otherwise conferred in the Charter of the City in any suit or cause of action in any Court until after such utility has filed a motion for a rehearing with the Governing Body of the City specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the Governing Body of the City shall have passed upon the said motion for rehearing.

Sec. 159. The City of Dallas shall have the power, by ordinance to fix and regulate the price of water, gas and electric lights and to regulate and fix the fares, toll and charges, of local telephones and exchanges; of public carriers and motor vehicles whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges and the kind of service of all public utilities of every kind.

Sec. 160. The City of Dallas shall have the power to require any or all railroad companies operating any track or tracks upon or across any public streets of the City of Dallas, to reduce such track or tracks below the level of the streets intersecte

or occupied by such track or tracks, or to elevate such track or tracks above the level of the streets intersected or occupied by such track or tracks, and to require the company or companies owning or operating such track or tracks to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the City of Dallas.

Sec. 161. The Governing Body of the City shall have the power to require any corporation holding a franchise from the City to allow the use of its tracks, poles and wire by any other corporation to which the City shall grant a franchise, upon payment of a reasonable rental therefor to be fixed by the Governing Body of the City.

Sec. 162. Corporations enjoying franchises now or hereafter from the City of Dallas shall not be permitted to issue stocks or bonds, except for money paid, labor done or property actually received. In the event of the issuance of such stock or bonds, the same shall not be issued as to either in excess of the money actually paid or in excess of the reasonable value of labor actually done or property actually received, and any such stocks or bonds issued in contravention of this provision shall be void. Whenever any such corporation shall desire to issue any stocks or bonds, it shall file with the City Secretary a statement showing the amount of such stock and the amount of such bonds proposed to be issued and the purpose for which they are to be issued, upon application made and after thirty days' public notice thereof, the Governing Body, upon a showing that the necessary interests of the corporation require the issuance of such stocks or bonds, may authorize their issuance; provided, that such authority shall never be given for the issuance of funding bonds, to replace other bonds, in excess of the amounts to which such bonds would be limited by the provisions of this amendment.

Sec. 163. Every corporation holding a franchise or enjoying an easement of any sort through, under or from the City of Dallas, shall be required to prepare and file annually with the Governing Body of the City, within sixty days after the close of the fiscal year of such corporation, a true, full and correct statement based upon its condition at the close of such fiscal year and its transactions for the current year which shall exhibit:

- (a) The amount of all stock issues of such corporation and the divisions thereof.
- (b) An itemized statement of the indebtedness of such corporation, its nature and division, whether floating or bonded, and the interest payable on each item thereof.
- (c) An itemized statement of the income of such corporation and the amounts derived from each source of income.
- (d) An itemized and detailed statement of the expenditures of such corporation.
- (e) An itemized statement of all property of every kind owned by said corporation, wherever situated and the location and fair market value of each item thereof.

Said annual statement shall be verified by oath of a duly authorized officer or agent of such corporation, and shall be spread upon the minutes of the Governing Body of the City.

If any corporation required to file such report shall fail to do so as herein provided, it shall be the duty of the City Attorney, after due notice to such corporation of such intention, to bring suit in the District Court to forfeit the franchise granted by the City to such corporation, and if it shall appear to the court that such corporation has wilfully failed to make such report, it shall render judgment in said cause decreeing a forfeiture of such franchise and of all rights accruing thereunder to said corporation.

Sec. 164. Permits unconditionally revocable at the will of the Governing Body for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance from time to time, and such permits shall not be deemed franchises as the term is used in this Charter.

Sec. 165. The City of Dallas shall have power to buy or construct, own, maintain and operate a system or systems of waterworks, gas or electric lighting plants, telephones, street cars and sewers, or any other public service or enterprise that may be approved by a majority of the qualified voters of the City of Dallas voting therefor at any regular election for City officers in accordance with the provisions of this Amendment; and may demand and receive compensation for such service furnished for private purposes, and shall have power to condemn the property of any person, firm or corporation for the purpose of operating and maintaining any such utility, and for distributing such service throughout the City or any portion thereof, but in such condemnation proceedings no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the City of Dallas.

## CHAPTER XXI

### Ordinances

Section 166. ORDINANCES, RULES AND REGULATIONS EXISTING AT THE TIME AN AMENDMENT GOES INTO EFFECT VALIDATED.—All ordinances, resolutions, rules and regulations of the City of Dallas heretofore ordained, passed or enacted, that are in force at the time any Charter amendment becomes effective, and which are not in conflict with such Charter amendment, shall remain in full force and vigor until altered, amended or repealed by the Governing Body of the City after such Charter amendment or amendments take effect; provided that said ordinances, resolutions, rules and regulations have become in effect by the terms of the Charter under which the same were enacted, and provided, further that the same were valid and authorized by said Charter.

Section 167. ENROLLMENT.—Each ordinance passed by the City Council or other Governing Body shall be enrolled by the City Secretary within five days after its passage, or as soon thereafter as is practicable. The enrolled ordinance shall then be carefully compared with the original ordinance and all amendments, if any, by the City Attorney. If errors exist therein, they shall be corrected. If found correct, or after the correction of errors, if any exist, the City Attorney shall indorse on the margin thereof the words "Correctly Enrolled" and give the date thereof and subscribe his name thereto.

Sec. 168. PUBLICATION.—Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after passage thereof, be published in every issue of the official newspaper for three days successively (excluding Sundays), and proof of such publication by the printer or publisher of such newspaper made before any officer authorized to administer oaths and filed with the City Secretary, or any other competent proof of such publication, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinance; provided that the amendments and corrections made in digesting any revision for publication in book form need not be so published.

All ordinances, except as herein otherwise provided, shall be published at least once in some newspaper in the City of Dallas, and shall take effect as hereinafter provided.

Sec. 169. PRINTED ORDINANCES ADMITTED IN COURTS.—All ordinances of the City, when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Dallas," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Sec. 170. STYLE OF ORDINANCES.—The style of all ordinances shall be "Be Ordained by the City Council of the City of Dallas," or words of like import, but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the Council.

Sec. 171. CODIFICATION OF ORDINANCES.—The City Council or other Governing Body shall have power to cause the ordinances of the City to be printed in book form, and shall have the same arranged and digested as often as to the Council may seem advisable.

Sec. 172. HOW PLEAD.—In all judicial proceedings it shall be sufficient to plead any ordinance by caption, or by the number of sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances, codes of ordinances published by authority of the City Council or other Governing Body shall be admitted in evidence and shall have the same force and effect as would the original ordinances.

Sec. 173. ORDINANCES—APPROVAL OF MAYOR NOT NECESSARY.—The final passage of an ordinance by the Council or other Governing Body and the publication of the same when so required shall be all that is necessary to make such ordinance valid and effective. The approval or signature of the Mayor shall not be necessary.

#### INITIATIVE AND REFERENDUM OF ORDINANCES

Sec. 174. PETITION REQUESTING SUBMISSION.—Any proposed ordinance may be submitted to the Governing Body of the City by a petition signed by qualified electors of the City equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall

add to his signature his place of residence, giving street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

**Sec. 175. CITY SECRETARY TO EXAMINE PETITION — AMENDMENT.**—Within ten days from the date of filing such petition, the City Secretary shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Governing Body shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of such examination. If by the Secretary's certificate the petition is shown to be insufficient, it may be amended within ten days from date of said certificate. The Secretary shall, within ten days after such amendment, make like examinations of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Secretary shall submit the same to the Governing Body of the City without delay.

**Sec. 176. GOVERNING BODY EITHER TO PASS ORDINANCE OR CALL ELECTION.**—If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the qualified voters of the City of Dallas, as appears from the County Tax Collector's rolls for the year ending January 31st, next preceding, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, the Governing Body of the City shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under the provisions of the Charter); or

(b) Forthwith the Secretary shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Governing Body of the City shall proceed to call a special election, at which said ordinance, without alteration, shall be submitted to a vote of the people.

**Sec. 177. SUBMITTED AT GENERAL ELECTION WHERE ONLY FIVE PER CENT SIGN.**—If the petition be signed by electors equal in number to at least five per cent, but less than fifteen per cent of the qualified voters of the City of Dallas, then such ordinance, without alteration, shall be submitted by the Governing Body of the City to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Secretary's certificate of sufficiency attached to the petition accompanying such ordinance.

**Sec. 178. BALLOTS—ONE OR MORE ORDINANCES MAY BE VOTED—PROVISION FOR REPEAL.**—The ballots used when voting upon said ordinance shall contain the words "For the Ordinance", (Stating the nature of the proposed ordinance), and "Against the Ordinance", (Stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted at the same election, in accordance with the provision of this section of the Charter, but more than one special election shall not be held in any period of six months.

The Governing Body may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general City election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

**Sec. 179. PROMULGATION OF ORDINANCE BEFORE ELECTION.**—Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City at any election, the City Secretary shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter at least ten days prior to the election, but the Governing Body of the City may order such ordinance or proposition to be printed in the official newspaper of the City and published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

**Sec. 180. WHEN ORDINANCES BECOME EFFECTIVE—REFERENDUM PROVIDED FOR.**—No ordinance passed by the City Council or other Governing Body, except when otherwise required by the general laws of the State, or by the provisions

of the Charter respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the City Council or other Governing Body (But no grant of any franchise shall be construed to be an emergency measure but all franchises shall be subject to the referendary vote herein provided), shall go into effect until thirty days after its final passage; and if during said thirty days a petition signed by electors of the City equal in number to at least fifteen per cent of the qualified voters of the City of Dallas, protesting against the passage of such ordinance, shall be presented to the Governing Body, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Governing Body to reconsider such ordinance, and if the same is not entirely repealed the Governing Body of the City shall submit the ordinance, as is provided in Sections 174 to 179, inclusive, hereof to the vote of the electors of the City, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of Section 174 hereof, except as to the percentage of signers, and be examined and certified by the Secretary, and in all respects as therein provided.

## CHAPTER XXII

### Assessment and Collection of Taxes

**Section 181.** All property, real, personal or mixed, lying and being within the corporate limits of the City of Dallas on the 1st day of January, shall be subject to taxation, excepting such property as may be exempt, from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the Assessor and Collector of Taxes, between the first day of January and the first day of July of each year, to make and return to the Governing Body of the City a full and complete list and assessment of all property, both real and personal, held, owned or situated in said City on the first day of January of each year and not exempt from municipal taxation, and also a list of all banks, and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each such bank or other corporation and the names of the owners thereof.

**Sec. 182.** The Governing Body of the City shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized, and to that end may and shall have full power an authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinance deemed necessary to the levying, laying, imposing, assessing and collecting of the taxes provided for in the Charter. Unless otherwise provided by ordinance and the Charter, all property in such City liable to taxation shall be assessed in accordance with the provisions of the general laws of the State in so far as applicable.

**Sec. 183.** The Governing Body of the City shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisement of property herein, and to prescribe the oath that shall be administered to each person on rendition of his property, and prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and fix the duties and define the powers of City Assessor and Collector, and adopt such measures as the Governing Body may deem advisable to secure the assessment of all property within the City limits, and collect the tax thereupon, and may provide a fine for all person neglecting, failing or refusing to render their property for taxation.

**Sec. 184.** The Assessor and Collector of Taxes shall, at least ten days before the first day of January of each year, give public notice by advertisement in the official newspaper that all persons owning or controlling, as agent or otherwise, any personal property or real estate subject to municipal taxation, are required to render same for taxation on or before the first day of April of each year. All merchants doing business in the City are required within the same time to furnish the Assessor and Collector of Taxes a true statement, verified by affidavit, of all goods, wares and merchandise owned, or kept on hand by such merchant on the first day of January. Any merchant failing to comply with this requirement shall be liable to such fine as may be imposed by ordinance.

**Sec. 185.** If the Assessor and Collector of Taxes shall discover any real or personal property which was subject to taxation for any previous year, and which for any cause has escaped taxation for that year, he shall assess the same in a supplement

to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other assessments; provided, that such supplement roll may be made at any time and reported to the Governing Body of the City for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls shall be due at once upon the approval of such rolls by the Governing Body of the City, and such taxes may bear interest at the rate of six per cent per annum from the date on which the same would have been delinquent if levied and assessed, and if the same shall not be paid within thirty days after the date of such approval, the City Collector shall proceed to collect the same by advertisement and by sale of such property as soon as practicable; such advertisement and sale to be made in the same manner and for the same time as in cases of the sale of such property for other City ad valorem taxes, as prescribed by the City Charter; or may enforce the collection thereof in any other manner prescribed by law. Provided, that a misnomer of or failure to name the owner in the assessment rolls shall not affect the validity of the assessment of any taxes; and provided, further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from date of the approval of the supplemental rolls. The Assessor and Collector of Taxes may in any year reassess property which, because of irregularity in the assessment of any previous year, may have been improperly assessed; such re-assessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such re-assessment, if made prior to the first of April in any year, but if made after such date, notice shall be given by the Assessor and Collector of Taxes as in case of the raising of an assessment. Any property owner whose property has been re-assessed may appeal to the Board of Equalization as in case of an original assessment.

Sec. 186. FRANCHISES—TAXATION OF.—All rights, privileges and franchises heretofore or hereafter granted to and held by any person, firm or corporation, in the streets, alleys, highways or public grounds or places in said City, shall be subject to taxation by said City separately from and in addition to the other assets of such person, firm or corporation, and the Governing Body of the City may require the rendition and assessment thereof accordingly.

Sec. 187. The Assessor and Collector of Taxes shall assess all property which for any cause has not been rendered, placing such valuation thereon as he may deem just. If the owners of such property are unknown, such assessment may be made in the name "unknown".

Sec. 188. No irregularity in the time or manner of making or returning the City assessment rolls or the approval of such rolls shall invalidate any assessment.

Sec. 189. All property, real and personal, shall be rendered for taxation by the owner thereof or his agent, as provided by the laws of the State for the rendition of property for assessment by the county, in so far as applicable; provided, however, that in making such renditions the owner or agent shall not be required to state the value of the real property, but shall furnish to the Assessor and Collector, verified by the oath of the party making such rendition, a full and complete list and schedule of all property, real and personal, belonging to the person, firm or corporation in whose name such property is rendered. It shall be the duty of the Assessor and Collector to value each and every item of the property so rendered in accordance with the fair market price thereof upon a basis of valuation to be applied alike to all taxpayers, and to transmit to the Governing Body of the City all renditions thus made together with a statement by him, verified by his oath, to the effect that he has truly, fairly and equally valued all such property.

Sec. 190. BOARD OF EQUALIZATION.—The Governing Body of the City shall each year prior to the first day of June appoint a Board of Equalization, to be composed of three members who may or may not be members of the Governing Body, and who are taxpaying citizens, well acquainted with real estate values, one of whom shall be designated as Chairman of the said Board. The said Board shall convene as near as practicable on the 15th day of June and continue its labors until its said work is completed, but not to continue longer than the 15th day of July following. It shall be the duty of the Governing Body, as soon as the assessment rolls are completed, to refer the same to the Board of Equalization, whose duty it shall be to equalize the taxes assessed on said rolls and to make all necessary correction and adjustment to that end; and, in addition to the powers and perform the same duties as the County Commissioners' Courts of this State in regard to the assessment of property for taxation and the equalization thereof, and shall be governed in its pro-

cedure and acts in this respect as now provided by the laws of this State relating to the equalization of State and County taxes by said Commissioners' Court. In addition to the foregoing, the said board shall have the power, when sitting, to compel the production of all books, documents, stocks, bonds, and other papers pertinent to the investigation, to be produced before it in the investigation of the taxable values of any person or persons, firm or corporation having or owning property within the corporate limits of the City subject to taxation. Said Board shall have full power to correct any mistake or injustice or inequality in the assessment of property, the rendition of same, or in the payment of taxes, and shall have power to correct such mistakes and make redress therefor; and the said Board may add to the rolls a property omitted therefrom, either for the current year or for previous years, a lawfully taxable within said City. A majority of the said Board shall constitute a quorum for the transaction of business. The City Secretary or his assistant shall be ex-officio the clerk of said Board. Members of the Board, while serving, shall receive such compensation as may be provided for them by the Governing Body of the City. Immediately upon completion of its work the Board of Equalization shall certify its approval of the assessment rolls, which shall be returned to the Governing Body of the City, which shall thereupon either approve the said rolls as returned or make such corrections and changes therein as it may deem advisable, a taxes for the current year.

Sec. 191. BOARD OF EQUALIZATION—APPEALS TO BY OWNERS—PROCEDURE.—Any person aggrieved by reason of any act of the Assessor and Collector of Taxes in making up the assessments, or in the valuation of property for tax purposes, shall be entitled to make complaint to the Board of Equalization and appeal to said Board for revision and correction of the matter upon which said complaint is based. The said Board shall hear and examine such complaint or appeal and may examine the complainant, his agent or attorney, and all other persons who may shed light on said controversy on oath touching the matter complained of, and may compel the attendance of witnesses and the production of books and papers necessary to enlighten the Board and elucidate the controversy.

Sec. 192. If the Assessor and Collector of Taxes or the Board of Equalization proposes to increase any assessment over the amount assessed in the preceding year notice shall be issued to such property owner stating the fact that the assessment of the owner's property is about to be increased, without specifically designating the particular property or the amount to be increased, and be addressed to the owner or agent or representative thereof and mailed at the postoffice in the City of Dallas and further notice shall be given by publication for one day in the official newspaper in the City of Dallas, which notice shall state the name or names of the owner or owners whose property assessments are to be increased; provided that when the owner of the property is unknown it shall be sufficient to give a general description of the property, and the newspaper notice shall be the only notice required. The City Secretary shall be ex-officio secretary of the Board of Equalization and he shall give notice by publication in the official newspaper for three consecutive days advising all tax payers that the Board of Equalization will convene on a certain day for the transaction of business and adjourn on a certain day, and that all parties interested in the work of said Board shall repair to the office of the Assessor and Collector of Taxes without delay and inform themselves of the determinations of said Board and if dissatisfied therewith, to bring the matter to the attention of said Board before final adjournment.

Substantial compliance with the provisions of this section with reference to notice shall be sufficient, and no assessment shall be invalidated by reason of failure to comply with this section of the Charter.

Sec. 193. As soon as practicable after the tax rolls shall have been revised and finally adopted, the Assessor and Collector of Taxes shall prepare an alphabetical list of the taxpayers of the City, together with the total amount of property assessed against each, which list shall be preserved in his office and shall be accessible to the public.

Sec. 194. A lien is hereby created on all property, personal and real, in favor of the City of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1st in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, judicial writ of any kind, can ever defeat such lien, but the Assessor and Collector of Taxes can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes.

All persons or corporations owning or holding personal property or real estate in the City of Dallas on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

The personal property of all persons owing any taxes to the City of Dallas is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

Sec. 195. If anyone against whom a personal tax is assessed, and which is due and unpaid, whether the same is delinquent or not, shall have removed out of the City, or shall be about to remove out of the City, or shall have removed or about to remove his personal property out of the City, it shall be the duty of the Assessor and Collector of Taxes to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the City of Dallas, or anywhere in the State of Texas.

Sec. 196. All taxes shall be payable at the office of the Assessor and Collector of Taxes in the City of Dallas.

No demand for such taxes shall be necessary but it is made the duty of the taxpayer to make payment of such taxes in cash within the time specified.

Sec. 197. The Assessor and Collector of Taxes shall, by virtue of his tax rolls, have power and authority to seize and levy upon personal property and real estate and sell the same to satisfy delinquent taxes. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the City Hall door and one at the courthouse in the City of Dallas, at least ten days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of caring for said property, and shall make an entry in the book of sales of the amount realized. All such sales shall be made at any door of the City Hall.

Sec. 198. Before sales of real estate are made, notice of the time and place of sale, together with as near as may be, a description of the property, shall be given by posting two notices, one at the courthouse and the other at the City Hall in the City of Dallas; also by publication in some newspaper of the City for at least three weeks, which shall contain a statement of the amount due on each particular piece of ground. All such sales shall be made at any door of the City Hall specified by ordinance.

Sec. 199. The Assessor and Collector of Taxes shall, where any real estate has been sold for taxes, make and execute a deed to the purchaser for the property sold, which deed shall be prima facie evidence of the following facts:

First—That the lot or lots, or property conveyed, was or were subject to taxation and assessment at the time of such sale, and at the time taxes thereon were levied and assessed in all respects according to law.

Second—That such taxes were not paid in whole or in part at any time before such sale, and that a lien existed on the property conveyed in such deed for taxes.

Third—That the real estate therein conveyed was advertised according to law.

Fourth—That the property conveyed was advertised according to law, was regularly and lawfully sold for taxes, which were delinquent at the time of the advertisement and sale.

Fifth—When such property shall have been sold to the City of Dallas or any other purchaser at such sale, either for general or special taxes, the title acquired by the City, or such purchaser, shall not be disputed by any person whomsoever, or for any cause whatever, except upon tender to said City, or purchaser, of the taxes lawfully due on such property from which such sale was made, together with lawful interest thereon, and all accrued penalties and costs, as provided by the City Charter of the City of Dallas.

Sec. 200. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Sec. 201. The City shall have the right to become a purchaser of property at tax sales, and the City Manager shall attend such sales for such purpose or may empower any person to so bid on behalf of the City.

Sec. 202. Whenever any real property is bid off to the City, or to any individual, for delinquent ad valorem taxes the owner or attorney, or his agent, may redeem the same at any time within two years from the day of sale by paying the following amounts: All taxes paid or due, 10 per cent per annum interest from the time they

become delinquent, and two and one-half (\$2.50) dollars as costs on each piece of property sold, and as a further penalty, a sum equal to twenty-five per cent of the amount of the delinquent tax if redeemed in three months; fifty per cent penalty if redeemed in six months, seventy-five per cent penalty if redeemed in one year, and one hundred per cent if redeemed thereafter within two years, the said penalties to go to the purchaser at tax sales, whether the purchaser be the City or an individual.

Sec. 203. If any real property sold for taxes under the provisions of this Charter Amendment shall not be redeemed within two years from the day of sale, the holder of the tax deed shall have the right to bring suit in any District Court in the County of Dallas to have the absolute title to such real estate, without any equity of redemption, vested in him.

Sec. 204. All levies of ad valorem taxes heretofore made by the City of Dallas, and all assessments heretofore made, and assessment rolls heretofore placed in the hands of the City Assessor and Collector of Taxes for collection are hereby validated, and the same shall be legal and binding, regardless of any irregularities that may exist in the manner of making such levies, and the making and returning of such assessment rolls. This provision shall apply to all suits and actions now pending, as well as those hereafter prosecuted.

Sec. 205. In any suit by the City of Dallas for the collection of any delinquent tax where it shall appear that the description of any property in the City assessment rolls shall be insufficient to identify such property, the City shall have the right to set up in its pleading a good description of the property intended to be assessed, and to prove the same, and to have its judgment enforcing its tax lien upon the same, and personal judgment against the owner, for such taxes, the same as if the property were fully described upon the assessment rolls.

Sec. 206. When the owner of any property, or his agent shall render any property to the Assessor and Collector of taxes for assessment, and such property is assessed in accordance with the description furnished by such owner or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for the collection of such taxes, but the same shall be binding upon such owner, and shall be sufficient for all purposes of such assessment.

Sec. 207. The provisions herein for the collection of taxes shall not be construed to prevent the City from filing suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal property, and for the enforcement of levies for such taxes; and the assessment rolls shall be prima facie evidence of the facts stated in said rolls and that all taxes assessed on such rolls have been regularly levied and assessed in accordance with the provisions of this Charter Amendment and of the law; and no irregularity in the manner of levying or assessing taxes shall invalidate the same unless it appears from affirmative proof that such irregularity operated injuriously to the taxpayer attempting to avoid the payment of such tax. Nothing in this section shall be construed to prevent the Governing Body from hearing all complaints as to erroneous and unjust assessments and making such adjustments with references thereto as said Governing Body may deem just.

Sec. 208. The Governing Body shall have power to levy, for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of the City of Dallas, not exempt from taxation by the Constitution and laws of the State of Texas, based upon its true full value in money as provided by law, to the extent of the Constitutional limit permitted by the State of Texas to cities of over five thousand population, the same being Two Dollars and Fifty Cent (\$2.50) on each One Hundred (\$100.00) Dollars valuation, and which said tax shall embrace all taxes for municipal purposes, inclusive of school taxes; provided that all taxes levied for school purposes or for the creation of interest and sinking fund on school bonds shall also be levied on all such property located within any territory annexed to the City of Dallas for school purposes only.

Sec. 209. DELINQUENT TAXES—PENALTIES.—The taxes herein and hereby authorized to be levied shall become due and payable in two equal annual installments. The first installment which amount shall be fifty per cent of the total sum of the taxes due and payable for the current year shall be due and payable on the first day of September of each year, and the second installment which amount shall be the remaining fifty per cent of the total sum due and payable in taxes for the current year shall become due and payable on the first day of March of the ensuing year. No demand for such taxes shall be necessary in order to insure or enforce their collection; but it is made the duty of the taxpayer to make payment of such taxes in cash as herein provided. The first installment of taxes required to be paid by virtue of this Charter Amendment for the current year shall become delinquent on the first

day of December of such year and the second installment of taxes required to be paid by virtue of this Charter for the current year shall become delinquent on the first day of May next succeeding. Should any taxpayer permit his taxes to become delinquent, by failure or refusal to pay the first installment, said installment being fifty per cent of the total amount of taxes due for the current year, before the first day of December of such current year as above specified, then the second installment shall also immediately become due and delinquent and a penalty shall attach to the payment of all such taxes at the rate of two per cent per month, for each month thereafter, until such penalty shall be ten per cent of the taxes due. All delinquent taxes shall bear interest at the rate of six per cent per annum from original delinquent date. Should any taxpayer pay the first installment of his taxes as hereinabove provided and permit the second installment of his taxes to become delinquent, by failure or refusal to pay said second installment before the first day of May of the next ensuing year, as above specified, then ten per cent penalty and interest shall immediately attach to the second installment of delinquent taxes. In addition to the penalties above prescribed, such delinquent taxpayer shall be subject to the payment of all costs and expenses that may be incurred in the advertisement of such delinquent property and the collection of such taxes through any method prescribed by this Charter Amendment and any of the statutes or laws of the State of Texas, and such penalties and interest shall be an obligation of the taxpayer and be secured by the same lien and collected in the same manner as the taxes.

Sec. 210. Unless otherwise provided by this Charter Amendment and by ordinances passed thereunder, all property in such City liable to taxation shall be assessed in accordance with the provisions of general laws of the State, in so far as applicable.

Sec. 211. It shall be the duty of the Assessor and Collector of Taxes to make reports to the City Manager monthly, or oftener if required by the Governing Body of the City, showing all taxes collected by him since the date of his last report.

Sec. 212. ASSESSMENT OF PROPERTY—JOINT, COMMON AND CONFLICTING INTERESTS IN REAL ESTATE—SEPARATE ASSESSMENT OF.—The City Assessor and Collector of Taxes shall not be required to make separate assessments of individual or joint common or conflicting interest in any real estate, but the owner of such interest may furnish to said Assessor and Collector of Taxes at any time before the 1st day of May of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the said Assessor and Collector may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.

Sec. 213. The Assessor and Collector of Taxes may receive the taxes on parts of any lots or parcels of real property or on an undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished the said Assessor and Collector of Taxes a particular description of the particular part or interest on which payment is tendered, and the Assessor and Collector shall enter such specification in the name of the person paying and at the proper place in the assessment books, so that the part or interest on which payment has been made and the part or interest on which taxes remain unpaid may clearly appear.

Sec. 214. In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Dallas shall have and may exercise all powers and authority now conferred or that may hereafter be conferred upon cities having a population of more than five thousand inhabitants by the general laws of the State of Texas.

## CHAPTER XXIII

### The Park Board

Sec. 215. ORGANIZATION OF BOARD AND TERMS OF OFFICE OF MEMBERS.—Within thirty days after the first day of May, 1931, or as soon thereafter as practicable, the City Council or other Governing Body shall appoint five qualified voters of the City of Dallas who shall constitute the Park Board of the City of Dallas. Said members of said Park Board shall possess the same qualifications and be subject to the same disqualifications provided by the Charter for Councilmen or members of such other governing body of the City of Dallas, as may be provided by the Charter or general laws of the State of Texas, and shall serve without compensation.

Each of said members of the Park Board shall be appointed for a term of two years and shall serve until their successors are appointed and qualify.

The Park Board in existence at the time this Charter Amendment becomes effective shall pass out of existence as soon as the members of the new Board provided for herein are appointed and qualify as members of said Board. Should the City of Dallas thereafter agree to appoint a member of the Park Board for the purpose of carrying out the merging and consolidation of Highland Park with the City of Dallas then in such event there shall be added to the Park Board another member, who shall be a resident of the territory included within the limits of Highland Park at the time of its annexation, and at all times thereafter at least one member of said Board shall be a resident of the territory included within the limits of the town of Highland Park at the time of its annexation.

Nothing herein contained shall prevent the City Council or other Governing Body from appointing other additional members, wherever the same may be agreed to by the City and any other municipality in the merging and consolidation thereof with the City of Dallas.

The Park Board shall adopt such rules and regulations as it may deem best for the management of the public parks of the City, and shall elect one of its members President of the Park Board.

Sec. 216. REMOVAL FROM BOARD—VACANCIES, HOW FILLED.—The members of the Park Board shall be subject to removal from office by the Governing Body of the City of Dallas for any cause deemed by the Governing Body sufficient for their removal in the interest of the public service; but only after a public hearing before the Governing Body on charges publicly made, if demanded by such member within ten days. Any vacancy in the membership of said Board shall be filled by the Governing Body for the unexpired term of the member whose place has by removal or otherwise become vacant.

Sec. 217. JURISDICTION ON THE PARK BOARD—SCOPE OF ACTIVITY.—The Park Board shall have exclusive jurisdiction over the control and management and maintenance of the public parks of the City of Dallas, with power to acquire, in the name of the City of Dallas, land for park purposes, except as herein otherwise provided, and provided that wherever any purchase of land involves more than \$500.00 or any contract involves the expenditure of public money of more than \$500.00, the same shall be approved by the City Council or other governing body. That in any such case it shall be the duty of the Park Board to certify its action with respect to such matters to the City Council or other governing body and said governing body shall have the power to veto and nullify the said action within ten days after such certification, but to become effective such veto must be supported by and receive the votes of two-thirds of the members of the governing body of the City, and such action must be taken within ten days after notice in writing of the terms of said certification.

The Park Board shall have the power and authority, in accordance with the City Charter, to provide for bands or music in the parks of the City of Dallas, as well as to provide for the maintenance of moving picture shows, radio entertainments or other devices providing for the entertainment, recreation, health and edification of the public and shall also have the power to provide an animal zoo or other attractions, and to provide for bathing, wading and swimming pools, playgrounds, tennis courts, handball courts, basket ball courts, golf courses, outdoor gymnasiums, baseball diamonds and other attractions or amusements. The operation and maintenance of such recreational facilities and amusements shall be deemed to be done in behalf of the general prosperity, convenience, health and recreation of the people, and the same shall be deemed and is so considered to be done in the governmental capacity of the City of Dallas and not in its proprietary capacity.

Said Board shall exercise supervision and control over the planting and care of all trees, plants and shrubs of any kind in the public parks and other grounds under its jurisdiction, as well as on or in the streets and sidewalks of the City.

Said Park Board shall have the power to contract for and to let the use of the Fair Park, acquired and now owned by the City of Dallas, heretofore known as State Fair Grounds, or any portion of, or addition thereto, for public fairs and public racetracks, when conducted thereon under the supervision of a regularly chartered Fair Association, and also for other public entertainments for limited periods of time including Sundays, during which admission fees may be charged to and in said grounds or any portion thereof, and all contracts and arrangements heretofore made with the City of Dallas in relation to said grounds shall be binding upon and shall be observed by said Park Board, and in the performance of such contracts and arrangements, the duties, functions and authority imposed on the City Council or its committees by the terms of such contract or arrangement shall be instead imposed upon and assumed by said Park Board. The Park Board shall have the exclusive power to direct ar



## CHAPTER XXIV

### The City Plan Commission and Zoning

control the improvement and maintenance of said grounds and appurtenances, subject to existing and future contract rights.

Sec. 218. **APPOINTMENT OF EMPLOYEES—RULES AND REGULATIONS FOR GOVERNMENT OF SAME.**—The Park Board shall have power to appoint and employ a superintendent and a city forester and such other officers and assistants and laborers as it may deem necessary for the efficient administration of the affairs of said Department; prescribe and fix their duties, authority, compensation and qualifications, as to residence or otherwise. It shall have power to establish rules and regulations for the conduct of its officers and employes and may require adequate bonds for any or all of them, except laborers, for the faithful performance of their duties, in such amounts as may be fixed by them, such bonds to be approved by the City Council and filed in the office of the City Secretary.

The Park Board may select such guards as it may deem necessary to protect the parks and property thereon in the City of Dallas, and such guards shall be commissioned as policemen by proper municipal authorities at the request of said Board, but such persons shall be under the control of the Park Board and their compensation shall be fixed by said Board, and they shall be subject to removal or dismissal at the pleasure and without cause by said board.

The Board shall have authority to select a secretary who is not a member of the Board.

Sec. 219. **CONFLICTS BETWEEN PARK BOARD AND OTHER BOARDS TO BE DETERMINED BY THE GOVERNING BODY OF THE CITY.**—In the event of any conflict of jurisdiction arising between this department and any other department of the City government, or in regard to any administrative detail thereof, the same shall be referred to the City Council or other governing body and its decision thereon shall be final.

Sec. 220. The Park Board shall render to the Governing Body quarterly reports for the quarter ending the last day of September, December, March and June, or as soon after the end of each quarter as practicable, showing in detail all of the transactions of said Board for that quarter, and shall render such other reports as may be required by the Governing Body.

Sec. 221. **PROVIDING FOR ANNUAL AUDIT.**—At the end of each fiscal year, the Department of Finance shall make a full and complete audit in duplicate of the accounts and business of this department for the year then ending, one copy of which shall be filed with the Governing Body of the City and the other copy with the Park Board.

Sec. 222. **PURCHASES OF SUPPLIES TO BE MADE ON COMPETITIVE BIDDING BY THE CITY PURCHASING AGENT.**—All supplies exceeding Fifty (\$50.00) Dollars in value shall be purchased for this department by the City Purchasing Agent under the rules and regulations prescribed by the Governing Body of the City with respect to competitive purchases of supplies by said official; but purchases of Fifty (\$50.00) Dollars or less may be made by the Park Board without competitive bidding.

Sec. 223. The City Council or other Governing Body when levying the taxes for each fiscal year shall annually levy an ad valorem tax of not exceeding one-tenth of one per cent of the assessed value of all real and personal property in the City not exempt from taxation by the Constitution and laws of the State, for the use and benefit of the park fund. Said tax when collected shall be deposited with the City Treasurer to the credit of the park fund, aid said sum, together with any amount that may be appropriated by the governing body of the City for park purposes and all sums received from other sources shall be held by the City Treasurer subject to the order and disbursement of the Park Board for acquiring additional lands for parks and improving and maintaining parks and for the operation, upkeep and maintenance of this department and for the purposes and in accordance with the provisions of the Charter, and shall be paid out upon warrants issued by the Park Board, signed by the President of said Board and countersigned by the City Auditor.

Sec. 224. **EXPENDITURE OF BOND MONEYS.**—All expenditures for the construction of parkways and boulevards out of the One Million Five Hundred Thousand (\$1,500,000.00) Dollars of bonds authorized for the acquisition, establishment, enlargement and development of playgrounds, parks, parkways, pleasure grounds and boulevards, at the election held in the City of Dallas on the 15th day of December, 1927, shall be made by the City Council or other Governing Body of the City, in its judgment, upon such plans as may be recommended by the Park Board and the City Plan Commission, and under such provisions of the Charter specially governing the building and construction of streets and the making of special assessments therefor.

Sec. 225. Within thirty days after the first day of May, 1931, or as soon thereafter as practicable, the Governing Body shall appoint fifteen real property taxpayers of the City of Dallas, who shall constitute the City Plan Commission, and who shall serve for two years and until their respective successors shall have been appointed and qualified. Said commissioners shall serve without pay and shall adopt such rules and regulations as they deem best governing their action, proceeding and deliberations and time and place of meeting.

The purpose and object of said City Plan Commission is to act as an advisory board to the City Council or other governing body relating to all nature of public improvements, civic improvements, city planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City of Dallas, and other matters relating to the City improvements as the City Plan Commission and the Governing Body of the City of Dallas may deem beneficial to the City of Dallas. A majority of said Commissioners shall constitute a quorum.

If a vacancy occurs upon the said City Plan Commission, by death, resignation or otherwise, the governing body of the City of Dallas shall appoint a Commissioner to fill such vacancy for the unexpired term.

Sec. 226. All of the provisions of Chapter 231 of the General and Special Laws of the State of Texas, found on page 342 of the General and Special Laws of the State of Texas passed by the Fortieth Legislature at the regular session thereof, are hereby adopted and made a part of this Charter amendment and shall be controlling on the City Plan Commission.

Sec. 227. The City Plan Commission shall have the power to pass upon all plans which may be considered by the Governing Body relating to public improvements authorized at the election held in the City of Dallas on the 15th day of December, 1927, and it shall be the duty of the Governing Body, as far as practicable, to submit plans governing public improvements involved under the terms of this Charter amendment, to the City Plan Commission, to obtain its advice with reference thereto. The Governing Body may thereafter adopt the methods recommended by the City Plan Commission or any other plans or methods which may be deemed most advisable by the Governing Body; provided, however, that any public improvement undertaken hereunder, or otherwise, by the Governing Body shall never be deemed invalid because the City Plan Commission has not been consulted or has not furnished any advice thereon, or because the Governing Body has failed to submit its plans thereon for consideration by said City Plan Commission.

Sec. 228. **REMOVAL FROM COMMISSION—VACANCIES, HOW FILLED.**—The members of the City Plan Commission shall be subject to removal from office by the Governing Body for any cause deemed by the Governing Body sufficient for their removal in the interest of the public service; but only after a public hearing before the Governing Body on charges publicly made, if demanded by such member within ten days. Any vacancy in the membership of said Commission shall be filled by the Governing Body from the unexpired term of the member whose place has by removal or otherwise become vacant.

Sec. 229. **ZONING ORDINANCES—POWER TO PASS.**—For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare the City of Dallas, acting through the City Council or other governing body or under its direction, shall have the power to divide the City of Dallas into zones or districts for the purpose of regulating and controlling the size, height, bulk and use of buildings within such zones or districts and may exercise any other powers necessary fully to effectuate and accomplish the purpose of the powers herein conferred; that the further power is conferred upon the City of Dallas to establish building lines within such zones or districts or to establish building lines in residence districts or in other portions of the City, as may be deemed advisable by the said Council, and to make different regulations for different districts, as may be deemed advisable.

Before any order or ordinance passed under the powers herein conferred becomes effective it shall be the duty of the Governing Body of the City of Dallas to cause a notice to be published in the official newspaper of the City of Dallas for a period of at least thirty days, notifying all persons, their agents or attorneys, interested or affected by any zoning plan in any district, to appear before the City Council or other governing body and to make such protests or remonstrances in writing as may be

deemed advisable by any such persons or his attorney or agent, and in addition thereto the Governing Body of the City may, if it is deemed advisable, cause to be mailed by registered mail any such notice to all persons affected or owning property in any such district to appear and show cause, if any, why such zoning plan or order or ordinance should not be adopted. After such hearing the City Council or other Governing Body may adopt any ordinance or pass any order relative to the said zoning district as it may deem to be the best interest of such district and for the general welfare and convenience of the people in said district and the public at large.

For the purpose of carrying out the powers herein conferred and seeking to do justice to all persons, the Governing Body is hereby authorized to create a Board of Appeals or Review, which shall be composed of at least five reputable citizens and taxpayers of the City of Dallas, and who shall, upon application of any person aggrieved by any order, requirement, decision or determination of the City Council or other governing body concerning any zoning or the exercise of the powers herein conferred upon the said Governing Body relative thereto, to give a full and fair hearing to any such person, and after said hearing if the Board of Appeals or Review is of the opinion that the said order or ordinance or decision of the said City Council or other Governing Body is inequitable and unjust it shall have the power to modify the said order or decision and in such case it shall certify its ruling to the Governing Body of the City and such Governing Body shall thereafter change its order so as to conform to the said ruling. The Board of Appeals or Review shall fix and determine the time of hearings to be given all persons aggrieved; provided that it shall be the duty of all persons to make application to the said Board of Appeals or Review within five days of the date of the order or of any action of the City Council or other Governing Body unless such time be extended by the Board of Appeals or Review. That the said Board of Appeals or Review shall have full power and authority to provide such rules or order of business as it deems advisable, and it shall be its duty to hear any person aggrieved, either in person or through agent or attorney.

The City Council or other Governing Body of the City is further authorized to exercise all other powers that may be necessary to effectuate and carry out the purpose and design of the powers herein conferred. Such powers shall include provisions for compensation for members of the Board of Appeals or Review, fixing their tenure of office and providing for their removal or dismissal therefrom.

All of the powers granted by Chapter 283, page 424, of the General and Special Laws of the Fortieth Legislature of Texas, and known as House Bill No. 87, authorizing cities and incorporated villages to pass zoning regulations, are hereby adopted.

## CHAPTER XXV

### Street and Sidewalk Improvements

Section 230. DEFINITIONS.—The term "Street Improvements" as embraced in this Chapter shall include the improvement of any street, alley, avenue, highway, public place or square, or any portion thereof, within the City, by filling, grading, raising, macadamizing, remacadamizing, paving, repairing, or otherwise improving the same, or by construction or reconstruction of sidewalks, curbs, gutters, or repairing the same, and shall also include the laying out, opening, widening, narrowing, straightening or otherwise establishing, defining and locating any street, avenue, public alley, square, place or sidewalk; and said term shall also include any other street improvement of a public nature and for a public benefit.

The term "Highway" wherever used hereafter in this Chapter shall be deemed to include any street, avenue, alley, highway or public place or square, or any portion thereof, within the City of Dallas, dedicated to public use.

The term "Owner" or "Property Owner" whenever used in this Chapter shall include all persons, firms, corporations, associations, estates of deceased persons or other estates, whether said owners are under disability or not, and all such owners and their property shall be subject to special assessments under the terms hereof.

The terms "Council" and/or "City Council" shall mean and include the legally constituted governing body of the City of Dallas.

Sec. 231. POWER TO ORDER IMPROVEMENTS.—The City Council, or other governing body of the City of Dallas, shall have power to order the improvement of any public highway, or part thereof, within the City of Dallas, and to prescribe the nature and extent of such improvements.

The City Council shall have power to cause sidewalks, curbs and gutters to be constructed, reconstructed or repaired, under the terms of this Chapter and the various

subdivisions thereof, either separately or together with other improvements; provided that the cost of constructing, reconstructing or repairing sidewalks shall be borne entirely by the owners of the property abutting upon such sidewalks; and provided that the right of the City Council to order the construction, reconstruction or repair of such sidewalks, curbs and gutters under the terms of this Chapter and the various subdivisions thereof, shall be exclusive of and in addition to all other powers by the Charter of the City of Dallas conferred upon such City Council, or other governing body, to order such improvements.

Sec. 232. POWER TO PROVIDE COST.—The cost of improving any public highway may be paid wholly by the City, or part by the City and the remainder by owners of property abutting such highways, or part thereof improved; provided, that the part of the cost payable by the City shall not be less than the cost of improving the intersections of the highway improved with other highways; exclusive of the portion of the cost of any such intersection chargeable against the owner of any railroad or street railroad occupying the same; provided further, that if such highway, or any part thereof, shall be occupied by the tracks or switches of any railroad or street railroad, then the whole cost of such improvement between and under the rails, tracks and switches of such railroad or street railroad and two feet on the outside of the rails may be assessed against the owner of such railroad or street railroad, and the property and franchises thereof; and such cost, together with all costs of collection and reasonable attorney's fees, if incurred, shall constitute a special tax against said owner, and said property, which shall be secured by a lien upon all the roadbed, rails, tracks, ties, fixtures, rights, franchises or other property whatsoever of said railroad or street railroad, which lien shall be first and superior to any other lien, claim or title except for ad valorem taxes. In any case the City Council, or other governing body, may provide for such part of the cost as may be assessed against the owner of any such railroad or street railroad, the contractor shall look only to such owner and the property of such owner and that the City shall be relieved from liability for such portion of such cost.

Sec. 233. SPECIAL TAX BY ORDINANCE.—The Governing Body shall levy such special tax in ordinance of assessment hereafter mentioned, and shall have power therein to provide for the collection thereof, and the date at which same shall become due, and may provide that such special tax shall bear interest at not more than seven per cent per annum.

Sec. 234. ENFORCEMENT.—Such special tax may be enforced either by sale of said property and franchises in the manner provided for sale of property for city taxes, or by suit in any court having jurisdiction, provided such sales need not be made at the same time as for delinquent ad valorem taxes. At such sale the City Tax Collector, or other officers appointed to sell, shall execute to the purchaser a deed similar to deeds executed in sales for city taxes, and the recital in such deed that all prerequisites to the making of such assessment and sale have been complied with shall be prima facie evidence thereof and no other proof shall be necessary. No assessment shall be made against any railroad or street railroad or owner thereof, or such property and franchises, until after a hearing to such owners and all persons interested therein shall have been given by the Governing Body as hereinafter provided, at which hearing such owners or other interested parties shall have an opportunity to contest such assessments and all matters in connection therewith.

Sec. 235. IMPROVEMENT ORDERED BY RESOLUTION.—The Governing Body shall have power, by resolution, to order the making of the public improvements mentioned in this Chapter, or any of them, by majority vote, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof, and no notice of such action by the Governing Body shall be requisite to its validity. Such resolution shall, in general terms, set forth the nature and extent of the improvements or improvement to be made, the section or sections of any highway or highways to be improved, the material or materials with which the improvements are to be constructed, and the method or methods under which the cost of such improvements are to be paid. It shall be the duty of the City Secretary immediately upon the passage of such resolution to furnish a copy of the same to the Assessor and Collector of Taxes, who shall indicate upon any tax statement thereafter issued by him covering property abutting upon that part of the highway or highways to be improved that said proceeding is pending. Any failure upon the part of the City Secretary to furnish a copy of such resolution to the Assessor and Collector of Taxes, or any failure upon the part of the Assessor and Collector of Taxes to indicate the pendency of such proceeding upon tax statements issued by him shall, however, not affect the validity of the proceeding hereunder, nor of any assessment thereafter levied in pursuance to the provisions of this Chapter. Such resolution may specify that said improvement

may, at the election of the Governing Body, be constructed from different materials, and may specify different or alternative methods of making such improvements, and provide for the payment of the cost thereof.

Sec. 236. SPECIFICATIONS—BONDS.—Upon the passage of such resolution, it shall be the duty of the City Engineer to forthwith prepare specifications for said improvement, which shall embrace the different materials or different plans or methods under which the said improvements or part thereof may be constructed or paid for; such specifications shall also describe the character of bond or bonds to be required of the successful bidder for the construction of said improvements or the maintenance thereof as hereinafter provided. When such specifications have been prepared, they shall be submitted to the Governing Body for its approval. The acceptance and approval of the specifications shall constitute notice to the affected property owners of the contents of such specifications. The Governing Body shall have power to require of the contractor or contractors to whom the work may be let a bond for the faithful performance of the contract, and also for the maintenance of the work in good condition at the cost of the contractor for a term not more than five years from the completion thereof, and for the maintenance thereof by the contractor at the cost of the city for an additional five years from the completion of the first term. The bonds (if any) required by the Council to be executed by the Contractor shall be executed together with one corporate surety acceptable to said Governing Body which shall be a surety company authorized to do business within the State of Texas.

Sec. 237. ADVERTISEMENT FOR BIDS.—When specifications have been adopted by the City Council or other governing body, it shall be the duty of the City Secretary or such other officer as may be designated by the Governing Body, to at once advertise for sealed bids for the construction of such improvements in accordance with the specifications. Such advertisements shall be inserted in the official newspaper of the City, and shall state the time within which bids may be received as prescribed by the Governing Body which shall be not less than ten nor more than fifteen days from the insertion of said advertisement. Bids shall be filed with the City Secretary, or such other officer as the Governing Body of the City may designate, and shall be opened and read in a public meeting of the Council. The City Council or other governing body shall have the right to accept such bids as it shall deem most advantageous to the City and the owners of the property abutting upon the public highway named to be improved, or may reject any and all bids; and where an improvement is ordered upon different specifications, or for the construction of work or part thereof with different materials or under different plans or methods of construction or payment for such improvements, the City Council or other governing body shall have power, after opening bids, to select such methods, plans or materials for making said improvements, or any part thereof, as it may deem best, and to let the work to such bidder and upon such bid as it may select. No bid shall be amended, changed or revised after being filed.

Sec. 238. CONTRACT.—When bids for such improvements have been accepted by the Governing Body, the City shall enter into contract with the contractor or contractors to whom the work has been let for the performance thereof, which contracts shall be executed in the name of the City by its City Manager and attested by the City Secretary, or such other officer as may be designated by the Governing Body, with the corporate seal. The contractor or contractors to whom said work has been let shall execute such bond or bonds as may be required by the Governing Body, and as herein provided. Such contract and bonds, if satisfactory, shall be approved by the Governing Body.

Sec. 239. ASSESSMENT OF COSTS.—Exclusive of the cost of making any improvements between and two feet on each side of the tracks and rails of railroad and street railroad, which cost may be assessed against and wholly paid by the owners of such railroads and street railroads as herein provided, and exclusive of the cost of improving intersections, which shall be borne by the City, as hereinabove provided, the City of Dallas, acting by its Governing Body, shall have power to assess the whole cost of constructing, reconstructing and repairing any sidewalk, and the cost of constructing or reconstructing any other improvement under the terms hereof, against the owners of property abutting upon the highway or highways, or part thereof, upon which said improvements are to be constructed, and who are specially benefited thereby, and shall have power to fix a lien against such property to secure the payment of the proportion of such costs assessed against the owners of such property; provided, that in no event shall such costs be assessed against such owners or their property, or their personal liability therefor finally determined, until after the hearing hereinafter mentioned, and after the adjustment of equities between such owners; and provided further that the cost assessed against any property or owner thereof shall not exceed

the amount of the special benefit in enhanced value which such property shall receive from such improvement.

Sec. 240. FRONT-FOOT RULE.—The portion of the costs of such improvements which may be assessed against any such property or its owners shall be in proportion as the frontage of the property of each owner is to the whole frontage of property on the public highway or highways or section thereof so ordered to be improved, and such cost shall be apportioned in accordance with what is commonly known as the frontage or front-foot rule; provided that if the application of this rule would, in the opinion of the Governing Body, in particular cases, be unjust or unequal, it shall be the duty of the Governing Body to assess and apportion said costs in such proportion as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of such owners and the adjustment of such apportionment, so as to produce a substantial equality of the benefits received by and burdens imposed upon each owner.

Sec. 241. IMPROVEMENT ALONGSIDE PROPERTY.—The City Council may, if deemed just and equitable, provide that the cost of improvement along the side of any lot which abuts over one hundred (100) feet on the highway to be improved shall, to the extent of the excess over such one hundred (100) feet, or to such extent as may be deemed just and equitable, be borne and paid by the City.

Sec. 242. INTEREST RATE ON ASSESSMENTS.—The Governing Body shall also have power to provide that the portion of the said cost which may be assessed against the said owners and their property shall bear interest at a rate not to exceed seven per cent per annum when the payment thereof is deferred, and shall have the power to include in any assessment which may be made against such owners and their property reasonable costs of collecting the same, where such costs are incurred and reasonable attorney's fees where attorney's fees are incurred.

Sec. 243. ENGINEER'S STATEMENT.—The contract or contracts for such improvements and the bond or bonds (if any required) having been executed and approved by the Governing Body, if the cost, or any part thereof, of such improvement is to be assessed against abutting property or owners thereof, it shall be the duty of the City Engineer to prepare a written statement which shall contain the names of such persons, firms, corporations or estates as may own property abutting upon the section or sections of the public highway or highways named to be improved, the number of front feet owned by each, and describing the property owned by each either by lot or block number or otherwise so describing such property as may be sufficient to identify the same; and such statement shall also contain an estimate of the total cost of such improvement, the amount per front foot to be assessed against abutting property and its owners and the total estimated amount to be assessed against each owner. Such statement shall be submitted to the Governing Body, and it shall be the duty of the Governing Body to examine the same and correct any error which may appear therein, but no error, omission or mistake in said statement shall in any manner invalidate any assessment made or lien or claim of personal liability fixed thereunder.

Sec. 244. NOTICE OF HEARING.—When such statement has been examined and approved by the Governing Body, if said Governing Body shall have determined to assess any part of the costs of said improvement against such property owners and their property, it shall so declare by resolution directing notice thereof to be given to the owners aforesaid by publication for five successive days in a daily newspaper of general circulation in the City of Dallas.

The said notice shall contain a statement of the time and place of the hearing herein provided for, and of the highway and part thereof to be improved, with a general description of such improvements and a statement of the amount per front foot proposed to be assessed against abutting property, and a notice to all owners of such property or of railroads or street railroads occupying such highway and all persons interested to appear at such hearing; but it shall not be necessary to include in such notice a description of any property or the name of its owner, but such notice shall, nevertheless be binding and conclusive upon all owners of property or railroads or street railroads or persons interested in or having any lien or claim thereon. The Governing Body of the City may provide for other or additional notice, but the above notice shall be deemed sufficient and binding and any additional notices only cumulative.

Sec. 245. HEARING—OBJECTION IN WRITING.—On the day stated in the notice aforesaid, or any time thereafter, before closing the hearing, any person, firm or corporation interested in any property which may be claimed to be subject to assessment for the purpose of paying the cost of any improvement, in whole or in part, shall

be entitled to a hearing before the Governing Body of the City as to all matters affecting said property or the benefits thereto, by such improvements, or any claim of liability, or objection to the making of such improvement or any invalidity or irregularity in any of the proceedings with reference to making said improvements, or any other objections thereto. Such person, firm or corporation shall file their objections in writing, and thereafter the said Governing Body shall hear and determine the same, and full opportunity shall be given to the persons, firms or corporations filing said objections to produce evidence, subpoena witnesses and to appear in person or by attorney; and a full and fair hearing thereof shall be given by said Governing Body, which hearing may be adjourned from time to time without further notice. And the Governing Body of the City shall have power to inquire into and determine all facts necessary to the adjudication of such objections and the ascertainment of special benefits to such owners by means of such improvements; and shall render such judgment and order in each case as may be just and proper. Any objection to the regularity of the proceedings with reference to the making of such improvements as herein provided or to the validity of any assessment or adjudication of personal liability against such property or the owners thereof shall be deemed waived unless presented at the time and in the manner herein specified. The day set for such hearing shall be not less than ten days from date of the first publication of said notice.

Sec. 246. ASSESSMENT ORDINANCE.—When the hearing above mentioned has been concluded, the Governing Body shall, by ordinance, assess against the several owners of property and against their property abutting upon the public highway or highways, or part thereof, ordered to be improved, such proportionate part of the costs of such improvements as by said Governing Body may have been adjudged against said respective owners and their property. Said ordinance shall fix a lien upon such property and declare the respective owners thereof to be personally liable for the respective amounts to be assessed and shall state the time and manner of payment of such assessment; and said Governing Body may order that the said assessments shall be payable in installments, and prescribe the amount, time and manner of payment of such installments, which, however, except as hereinafter provided, shall not exceed six, and the last payment shall not be deferred beyond five years from the completion of such improvement and its acceptance by the City. The said ordinance shall also prescribe the rate of interest to be charged upon deferred payments, provided the same shall not exceed seven per cent per annum, and may provide for the maturity of all deferred payments and their collection upon default in the payment of any installment of principal or interest.

Sec. 247. JOINT ASSESSMENTS, ETC.—Each property owner shall have the privilege of discharging the whole amount assessed against him, or any installment thereof, at any time before maturity, upon payment thereof with accrued interest. Upon the payment by any property owner of his assessment in full, the city shall cause to be executed by the Mayor, or any officer designated by the Governing Body for such purpose, and duly acknowledged for record, a release of the lien of such assessment. The fact that more than one parcel or lot of land, the property of one owner or jointly owned by two or more persons, firms or corporations, have been assessed together in one assessment shall not invalidate the same or the lien thereon or any claim of personal liability thereunder. The cost of any such improvement assessed against any property or owner thereof, together with all costs and reasonable expense in collecting the same, including reasonable attorney's fees, when incurred, shall constitute a personal claim against such property owner, and shall be secured by a lien on such property superior to all other liens, claims or titles except city, county and State taxes, and such personal liability and lien may be enforced either by suit in any court of competent jurisdiction or by sale in the same manner, as far as applicable, as sales are authorized to be made by the City of Dallas for the non-payment of taxes; provided, that it shall not be necessary to sell at the same time as for delinquent ad valorem taxes; and the Governing Body may make such rules and regulations, not inconsistent with law, as may be deemed necessary to provide for the collection of such assessments. Any error or omission in describing property or designating the names of owners, or any other error or omission may be corrected at any time by the Governing Body or at the suit of any interested party. In any suit brought under the provisions of this section, it shall be proper to join as defendants two or more property owners who are interested in any single improvement or any single contract for such improvement. The person or persons who own property at the date of any ordinance providing for the assessment thereof shall be severally and personally liable for their respective portions of the said assessment.

Sec. 248. LIEN REVERTS BACK—TRUE OWNER LIABLE.—The lien of such assessments shall revert back and take effect as of the date of the original resolution ordering the improvement, and the passage of such resolution shall operate as notice of such lien to all persons. Any error or mistake in such ordinance in the name of

the owner of property assessed shall not invalidate the lien or personal liability thereby created, but the same shall nevertheless exist against the real and true owner of such property as if correctly described.

Sec. 249. APPEAL.—At any time within ten days after the hearing herein provided for has been concluded, any person or persons having an interest in any property which may be subject to assessment under this Charter Amendment, or otherwise having any financial interest in such improvement or improvements, or in the manner in which the cost thereof is to be paid, who may desire to contest on any ground the validity of any proceeding that may have been had with reference to the making of such improvements or the validity in whole or in part of any assessment or lien or personal liability fixed by said proceedings, may institute suit for that purpose in any court of competent jurisdiction. Any person who shall fail to institute such suit in said period of ten days, or who shall fail to diligently prosecute such suit in good faith to final judgment, shall be forever barred from making any such contest or defense in any other action, and this estoppel shall bind their heirs, successors, administrators and assigns. The City of Dallas and the person or persons to whom the contract has been awarded shall be made defendants in such suit, and any other proper parties may be joined therein.

Sec. 250. VERIFIED PLEADING—WORK MAY BE SUSPENDED PENDING APPEAL.—There shall be attached to plaintiff's petition an affidavit of the truth of the matters therein alleged, except such matters as are alleged on information and belief; that said suit is brought in good faith and not to injure or delay the City or the contractor or any owner of real estate abutting on the improvement. Unless the provisions of this section are complied with by plaintiff or plaintiffs, such suit shall be dismissed on motion of any defendant, and in that event plaintiff or plaintiffs shall be barred and estopped to the same extent as if suit had not been brought. In any case where a suit is brought as above provided in this section, then the performance of the work may be suspended at the election of either the City or contractor until such suit shall be finally determined in the court of original jurisdiction or any appellate court to which the same may be taken by appeal or writ of error; provided that any appeal or writ of error shall be perfected within thirty days from the adjournment of the term of court of original jurisdiction at which judgment was rendered in such suit, and provided that no appeal or writ of error to review the judgment of said court may thereafter be taken or sued out by either party.

Sec. 251. PROPERTY MAY BE LEFT OUT.—When the Governing Body shall have reason to believe that the owner or owners of any property may successfully claim the same as exempted from special assessment, said Governing Body may order that the improvement shall not be made in front of or abutting on said property unless the owner or owners shall first make satisfactory provision for or satisfactorily secure the payment of the amount of the costs which would be assessed against said property except for such exemption. In any case where the cost, or any part thereof, is to be paid by such property owners or assessed against their property and the contractor to whom their work is let is required to look primarily or wholly to such property or owners thereof for payment of the proportion of the cost for such improvement assessed against them, and the City is relieved from the payment of such proportion of the cost, such contractor shall not be obliged to make such improvement in front of any property which is exempt from the enforcement of a lien for such improvement, but may omit the construction thereof.

Sec. 252. MAY IMPROVE ONE SIDE OF HIGHWAY.—Subject to the provisions hereof, the Governing Body of the City may order improvements to be made on only one side of a public highway or highways, or section or portion thereof, and may assess the cost or a portion thereof against the property and owners of property abutting on said side of said highway or highways or section or portion thereof.

Sec. 253. REASSESSMENT—BARRED IN FIVE YEARS.—Whenever any error or mistake shall occur in any proceeding provided for by this Chapter, it shall be the duty of the Governing Body of the City to correct the same, and whenever it shall have been determined that any assessment against any property or its owner, or lien against such property, or claim of personal liability fixed or attempted to be fixed under the terms of this Charter Amendment, is, for any reason, invalid, unlawful or unenforceable, then it shall be the duty of the Governing Body to reassess against such property and the owners thereof such proportion of the costs of making such improvements as may be lawful and to fix a lien against said property and declare the personal liability of the owner thereof, and said Governing Body shall have power and it shall be its duty to adopt such rules and regulations and to make such orders as shall, in compliance with law, provide for correcting said mistakes and making a

valid reassessment against said property and fixing a valid lien thereon, and a valid personal liability against the owner thereof; and said Governing Body shall have power and it shall be its duty to give a hearing to owners of property to be assessed and all persons interested therein, after notice as herein provided, at which hearing any interested person may contest the said reassessment or the benefits thereof. No property shall be reassessed in an amount in excess of the benefits in enhanced value by means of the improvement. The ordinance making such reassessments shall fix the time and terms of payment thereof, and the rate of interest payable thereon, not exceeding seven per cent per annum, and such ordinance may contain all the provisions of the original ordinance of assessment as herein provided, and assignable certificates may be issued to evidence such reassessments as hereinafter provided. The right to reassess shall not be barred or lost to the City until five years from the date of the original assessment.

Sec. 254. **ASSESSMENT CERTIFICATES.**—The Governing Body may provide that for that part of the cost which may be assessed against abutting property and its owners, the contractor to whom the work may be let shall look only to such property owners and their property, and that the City shall be relieved of liability for such portion of the cost. The Governing Body may also authorize assignable certificates against abutting property or property owners, or against persons, firms or corporations occupying highways with their tracks, to be issued to the contractor, and shall prescribe the form and terms of such certificates. The recital in such certificates that the proceedings with reference to making such improvements have been regularly had in compliance with the terms hereof, and that all prerequisites to the fixing of the lien and the claim of personal liability evidenced by such certificate have been performed, shall be prima facie evidence of the fact so recited and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had or performed. Such certificates shall be executed by the Mayor and attested by the City Secretary with the corporate seal affixed thereto.

Sec. 255. **CITY EXEMPT FROM LIABILITY.**—The City of Dallas shall never be liable to any contractor or other person, firm or corporation doing work in connection with any street paving, or the opening and widening of streets, or the building of any drains or storm sewers, or the laying of sanitary sewers or any other character of public improvement, whereby a part or the whole of the cost thereof is to be paid for by special assessment, on account of the failure of any officer of the government or the members of the Council to pass suitable ordinances or resolutions or take necessary steps to fix liens, or to make said assessments, or to issue certificates therefor, or to provide for reassessment on account of the invalidity of any lien attempted to be fixed, or any failure or omission with respect thereto.

Sec. 256. **SIDEWALKS—ASSESSMENTS.**—The term "sidewalks" as embraced in this Chapter, shall also include curbs. The City of Dallas, acting by its Governing Body, is hereby empowered to construct or repair or cause to be constructed or repaired sidewalks upon or along any street, avenue or public place, square or alley, or any part or section thereof, within said City, and to assess the whole cost of such sidewalks or part of the same, as it shall determine, against the property which shall abut or front thereon, and the owners thereof, except the cost of excavation or grading, which shall be borne by the City; and in ordering and making such improvement and assessing the cost thereof against the abutting property owners and their property, the same method shall be followed as is set forth in this Chapter with reference to street paving and the assessing of the cost thereof against abutting property owners and their property.

Sec. 257. **SIDEWALKS—FAILURE TO PROVIDE.**—The City shall have power to require property owners to construct, at their own cost, sidewalks in front of their property along any street, and to prescribe by ordinance that the failure to construct such sidewalk, after notice as prescribed by the terms of the ordinance, shall constitute an offense punishable by fine not exceeding two hundred (\$200) dollars.

Sec. 258. **STATE LAW ADOPTED.**—All of the powers conferred by the act of the First called Session of the Fortieth Legislature, authorizing cities to improve streets and alleys and make assessments for same, known as Chapter 106, of said Session Laws, are adopted and embraced herein as an alternative method, the provisions of which, or any one of which, may be exercised by the City Council or other governing body of the City of Dallas whenever it is deemed advisable so to do.

Sec. 259. **STREET LIGHTING LAW ADOPTED.**—The City of Dallas shall have full power to make local public street improvements by installing and maintaining special lighting systems therefor, and to assess the cost of doing said work against

property specially benefited thereby, and for such purpose all of the provisions of Chapter 18, Title 28, Articles 1221, et sequitur, of the Revised Civil Statutes of the State of Texas (1925) are hereby adopted and made a part of this Charter amendment.

Sec. 260. **FORMER ACTIONS VALIDATED.**—The City of Dallas having heretofore entered into contracts for the pavement of streets or begun proceedings looking thereto, all provisions of the preceding Charter and ordinances of the City of Dallas providing for the construction of such improvements and the assessment of the cost thereof against owners of abutting property and their property, and the enforcement of all such assessments shall remain in full force for the purpose of effecting the construction of said improvements and assessing and collecting the cost thereof, and all such contracts heretofore entered into by the City of Dallas are hereby validated.

## CHAPTER XXVI

### Condemnation and Special Assessments

Sec. 261. **PURPOSES.**—The City of Dallas shall have the power, whenever deemed necessary by the Governing Body for public purposes, to appropriate private property including rights of way of steam railways and street railways, in order to open, widen narrow, straighten, change or extend any public street, avenue or alley within the City limits.

Sec. 262. **PROCEEDINGS STARTED BY ORDINANCE OR RESOLUTION.**—When the Governing Body shall determine to proceed hereunder, it shall so declare by resolution or ordinance, in which it shall state the nature and the extent of the improvement to be made and the limits thereof and describe the parcel or parcels of land proposed to be taken or condemned by any description substantially identifying the same, or by lot and block number or number of front feet, or by the name of the owner, or, if owned by an estate the name thereof. No mistake or omission of said resolution or ordinance shall invalidate it, and its passage shall be conclusive of the public use and necessity of the proposed improvement.

Sec. 263. **PETITION FILED—SPECIAL COMMISSIONERS APPOINTED.**—It shall thereafter be the duty of the Governing Body to cause to be stated, in writing, the real estate of property sought to be taken, the name of the owner thereof and his residence, if known, and the purpose for which said property is sought to be taken, and file such statement with a Judge of one of the County Courts of Dallas County at Law, or, if owned by an estate the name thereof. No mistake or omission of said resolution or ordinance shall invalidate it, and its passage shall be conclusive of the public use and necessity of the proposed improvement.

Sec. 264. **SPECIAL COMMISSIONERS CONTROLLED BY STATE CONDEMNATION LAW.**—The special commissioners so appointed shall, in their proceedings, be governed and controlled by the State law with reference to eminent domain. The provisions of Title 52 of the Revised Civil Statutes of the State of Texas, 1925, shall apply to said condemnation proceedings.

Sec. 265. **SPECIAL ASSESSMENTS FOR STREET WIDENING, ETC.**—The Governing Body may, in the original resolution or ordinance, provide that all or any part of the cost of said property so taken or damaged by said improvements, together with all costs of said proceeding, including reasonable attorneys' fees in connection therewith, where such attorneys' fees are incurred, shall be paid for by the owners of property in the immediate vicinity thereof and specially benefited thereby, and in that event the commissioners appointed for condemnation purposes shall act also as special commissioners in determining the special assessments to be levied under the provisions hereof.

Sec. 266. **ASSESSMENTS AGAINST CITY AND FUNDS FROM WHICH ASSESSMENTS MAY BE PAID.**—Where the Governing Body provides that the cost of property to be used for the purposes hereinabove mentioned shall be paid by the owners of property in the immediate vicinity and specially benefited, and where the special commissioners find that such property is not sufficiently benefited to provide the full cost, such special commissioners shall assess the excess of the costs over the benefits against the City of Dallas. If the Governing Body approve such report it may order such portion of such cost as may be assessed against the City of Dallas to be paid out of any street improvement funds that are available, whether the same have been derived from taxes or bond issue for street improvements, or such portion of said cost may be paid out of the general fund. The City Council shall have the power

to advance moneys out of any such funds, as well as out of the general fund, for the purpose of paying the cost, or part thereof, that has been assessed and not collected. In case of such advancement, such fund shall be reimbursed when such assessments have been collected; provided, further, that the Governing Body may approve the report of said special commissioners upon such terms as it may deem advisable.

Sec. 267. PLAT OF PROPOSED ASSESSMENT AREA.—It shall be the duty of the City Engineer, or such other engineer as the Governing Body may designate, under the direction of the special commissioners appointed, to make a plat of the property which, in the judgment of said special commissioners, will be specially benefited and enhanced in value by the making of such improvements.

Sec. 268. NOTICE TO PROPERTY OWNERS.—The Special commissioners shall issue notice to the owners of such property to appear before them at a time and place to be designated in such notice, to show cause, if any they may have, why such property should not be assessed to pay the cost of the property so condemned. Such notice may be served by any police officer in the City of Dallas or any other officer of the State of Texas or County of Dallas authorized by the laws of Texas to serve process of the courts of this State. In all cases where such owner or owners, or any of them, may be absent from the City and County, said notice may be served upon the agent of such absent owner in the City or County of Dallas. In case such absent owner has no such agent, or in case the owner of such property is unknown, then notice shall be published for two days consecutively in some newspaper published in the City of Dallas. Such notice shall be given five full days before the final determination by the special commissions of the amount of assessment against the owner of such property for such improvement.

Sec. 269. HEARING TO PROPERTY OWNERS.—At the hearing provided in said notices, the owners, lien holders and all interested parties shall have the right to contest the assessment proposed to be levied or the amount thereof, together with any errors or invalidities in said proceedings, and shall be entitled to introduce evidence relative thereto.

Sec. 270. POWER TO ISSUE WRITS.—The special commissioners appointed hereunder shall have the same power to issue writs and subpoena and compel the attendance of witnesses and the production of books and documents as commissioners appointed in condemnation matters under the provisions of Title 52 of the Revised Civil Statutes of 1925, and shall be governed in all respects not herein otherwise provided by the general laws in all matters relating to eminent domain.

Sec. 271. REPORT OF SPECIAL COMMISSIONERS.—When the special commissioners shall have concluded said hearings, they shall determine the value of the property desired to be taken, together with all damages to be awarded to the owners thereof, and shall determine the assessments to be levied against the owners and their property located in the immediate vicinity of said improvement and specially benefited and enhanced in value by the making of such improvements; but no property shall be assessed more than it is specially benefited in enhanced value by reason of the making of the improvements. Said findings shall be reduced to writing and filed with the City Secretary for the consideration of the Governing Body of the City of Dallas.

Sec. 272. THE GOVERNING BODY OF THE CITY TO CONSIDER REPORT.—The Governing Body shall as soon as practicable after the filing of such report, consider the same and may correct any errors or invalidities therein or make such changes in the same as they may deem advisable and may approve the same by a majority vote of the members present at the meeting at which said report is considered.

Sec. 273. ASSESSMENT ORDINANCE.—If the Governing Body shall approve said report as originally made, or as corrected, it shall levy a special assessment or tax against the property determined to be specially benefited and enhanced in value by such improvement and such assessment shall constitute a lien on the property against which the same shall be assessed from the date of the institution of said proceeding, and said lien shall be superior to all liens except the lien for ad valorem taxes. Any person acquiring property after the institution of proceedings of condemnation or of assessment, or of condemnation and assessment, shall be boomed by the notice and action taken toward and with his predecessor in title. Said assessments shall also be a personal charge against the owners of the property assessed. No assessment shall be made against any property exempt from execution under the Constitution and laws of this State but the owners shall be personally liable and assessed therefor.

Sec. 274. CERTIFICATES.—In connection with any assessment heretofore made or hereafter made for the purpose of opening, widening, narrowing, straightening, changing or extending any public street, avenue or alley, as provided by the terms

of this Charter, the Governing Body may issue assignable certificates payable to the City of Dallas or to the purchaser thereof, and declare the liability of the owners and their property for the payment of the assessments, and may fix the terms, time or payment, the conditions of default and maturity thereof. If such certificates shall recite that the proceedings with reference to the improvements therein referred to have been regularly had in compliance with law and that all prerequisites to giving the assessment lien against the property therein referred to and the personal liability of its owner have been performed, said recitals shall be prima facie evidence of the facts so recited. The allegations of such recitals of such certificates in any suit brought for the enforcement thereof shall be sufficient allegation of all proceedings had by such Governing Body with reference to the making of said improvements and the assessment of the cost thereof and all prerequisites to the said assessment, and shall be deemed sufficient to permit proof of said proceedings and prerequisites without the necessity of alleging and setting forth the same in the pleadings.

Such certificates shall be executed by the Mayor and attested by the City Secretary with the corporate seal.

Each certificate shall be secured by the lien securing such assessment and by the owner's personal liability, and shall be assignable evidence thereof.

The Governing Body in making any assessment may prescribe when the same shall be due, and said Governing Body is expressly authorized to provide that such assessments may be payable in installments. Said certificates shall bear interest at a rate to be fixed by the Governing Body, not to exceed eight (8 per cent) per centum per annum. Any property owner may pay any assessment against him without interest if payment is made before the issuance of any such certificate. The Governing Body may fix the date from which interest shall accrue.

Said certificates may provide for reasonable attorneys' fees, if placed in the hands of an attorney for collection or if collected by suit.

Sec. 275. REASSESSMENT.—No error in any proceedings hereunder or in the description of property, or in the name of the owner shall invalidate an assessment, but said assessment shall nevertheless be in effect as against the real and true owner of said property. Whenever the Governing Body is advised of such error, it shall correct the same and shall, at the request of any interested party reassess any owner or property erroneously assessed after lawful notice and hearing and in accordance with benefits as herein provided as to the original assessments, and may fix the time and terms of payment of said sum so reassessed and issue assignable certificates evidencing the same as herein provided as to the original assessments. The right to make said reassessments shall continue until the expiration of six years from the date of the ordinance making the original assessment; but if the same shall have been resisted or brought in question in any action at law, the time consumed in said action shall be excluded in computing said term of six years. In making any such reassessment it shall not be necessary to do any act or take any step or again perform any prerequisite already legally done or performed with reference to the original assessment but the Governing Body may, in its discretion proceed without again taking steps already validly taken or performed; provided no reassessment shall be made until after notice and hearing and in accordance with benefits as herein provided.

If the original special commissioners are not available when it becomes necessary or advisable to make any such reassessment, such fact shall be called to the attention of the Judge of one of the County Courts of Dallas County at Law, and he shall fill any vacancy on the board.

Sec. 276. DEFICIENCY ASSESSMENT.—Where, due to appeals from the award for property taken, the cost of the improvement becomes larger, the Governing Body shall order, in the event the cost is increased, such increased cost to be apportioned among the persons assessed according to their benefits, after hearing and notice herein provided, and after complying with each provision hereof applicable to the original assessments, and assignable certificates evidencing such assessments may be issued by the City.

In the event there is a surplus by reason of an appeal from the award made for the property taken, the Governing Body may distribute such surplus among such persons assessed in proportion to the amounts theretofore assessed against them.

Sec. 277. ASSESSMENTS MAY BE COLLECTED BEFORE PAYMENT FOR PROPERTY.—After the cost of any improvement has been determined the assessment may be fixed and collected prior to the payment for property taken and prior to such actual taking; provided, however, that there shall not elapse between the institution of the condemnation proceedings and the actual payment or securing of payment for

such property more than three years. Such proceedings shall be considered to have been abandoned if not brought to the attention of the Judge and tender made for property condemned for a period of three years. Where contest of an award is made, the time same is in litigation shall be excluded in computing such three-year period.

Sec. 278. ASSESSMENTS WHERE LAND PURCHASED.—Whenever special commissioners have been appointed as aforesaid, to condemn the land or part of the land needed for such improvement they shall be empowered to assess the entire cost of the improvement even though a part may arise from purchase. In the event all of the land needed for the improvement has been acquired other than by condemnation and no special commissioners have been appointed, such facts may be called to the attention of the Judge of one of the County Courts of Dallas County at Law, and such Judge shall appoint a board to assess the costs, and the owners, appointment, qualifications and numbers of said commissioners shall be the same as though they were originally appointed to condemn land.

Sec. 279. APPEAL.—Any property owner against whom or whose property an assessment or reassessment has been made may, within ten days after the passage of the ordinance levying the assessment or reassessment bring suit to set aside or correct the same or any proceeding with reference thereto on account of any error or invalidity therein, in any court of competent jurisdiction, but thereafter such owner, his heirs, assigns and successors, shall be barred from such action or any defense of invalidity in such proceedings or assessment or reassessment in any action in which the same may be brought into question.

Sec. 280. COLLECTION OF ASSESSMENTS.—Said assessments may be enforced by suit brought by the City in its own name, or for the benefit of any holder and owner of such assessments or of the certificates issued thereon, or brought by such holder and owner by the sale of the property assessed in the same manner, as nearly as possible, as is provided for the sale of real estate for municipal taxes.

Sec. 281. VALIDATING ASSESSMENTS.—That the ordinance heretofore passed by the Board of Commissioners entitled "An Ordinance appropriating certain revenues out of the general fund for the purpose of providing a fund to defray the cost arising in opening public streets by condemnation and assessments proceedings as provided by Article XI of the City Charter providing for a method of paying the special assessments by property owners against whom assessments are made under the provisions of the said Article and providing for the issuance of assignable certificates therefor, and declaring an emergency," which said ordinance was passed by the Board of Commissioners of the City of Dallas on the 10th day of July, A. D. 1922, and is recorded in Volume 22, pages 827 et seq. of the Ordinance Records of the City of Dallas, and the assignable certificates issued thereunder, and particularly the assignable certificates issued in connection with the opening of St. Paul Street, are hereby validated and fully confirmed and all contracts and other proceedings with reference thereto are hereby validated and fully confirmed as fully as though the said contracts, certificates or other proceedings were issued and had under the provisions of this Charter Amendment or any provision of any State Law relative to the opening, widening and straightening of streets and the authorization of the issuance of assignable certificates.

Sec. 282. STATE LAW ON ASSESSMENTS ADOPTED.—The provisions of Chapter 17 of Title 28 of the Revised Civil Statutes of 1925, relative to condemnation for highways and the levying of special assessments to defray the cost thereof, are hereby adopted as an alternative method, and the method therein prescribed may be followed by the City in any proceeding, in lieu of the method set forth in this Chapter. If the City desires to proceed under the terms of said State statute, in lieu of the provisions of the Charter relative to condemnation and assessment for street purposes, it shall so state in the ordinance or resolution ordering the improvement.

Sec. 283. PROCEEDINGS BEGUN UNDER FORMER CHARTER CONTINUED UNDER TERMS THEREOF.—Where the City has instituted condemnation proceedings under the terms of the preceding Charter of the City of Dallas, said proceedings shall continue and be concluded in accordance with the terms of said Charter, and all assessments and assignable certificates may be collected under the terms and provisions of said former Charter; and for such purposes the provisions of said preceding Charter and the ordinances adopted thereunder shall remain in full force and effect. No such proceedings shall ever be held invalid on account of having been begun by resolution instead of by ordinance, or on account of having been begun by ordinance instead of by resolution.

Sec. 284. ORNAMENTAL STREET LIGHTING.—The City of Dallas shall have full power to make local public street improvements by installing and maintaining special lighting systems therefor and to assess the costs of doing said work against

property specially benefited thereby, and for such purposes all of the provisions of Chapter 18 Title 28, of the Revised Civil Statutes of the State of Texas (1925) as hereby adopted and made a part of this Charter amendment.

Sec. 285. BUILDING LINES.—All of the powers granted by Chapter 276 of the General and Special Laws of the Fortieth Legislature, relating to the establishment of building lines in cities and providing for an assessment therefor, are hereby adopted and made a part of this Charter Amendment.

In addition to the powers provided by said State law, the City shall have the further power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its Governing Body, under the police power, to provide by suitable ordinances building lines on any street or a block of any street, and to require their observance by suitable penalties.

Sec. 286. IMPROVEMENT DISTRICTS.—All of the powers conferred by Articles 1179 and 1180 of the Revised Civil Statutes of the State of Texas (1925) and by any other general law of the State relating to improvement districts, are hereby adopted and made a part of this Charter Amendment, and the power is conferred upon the City, in connection therewith, to issue assignable certificates and to appoint special commissioners for the making or levying of special assessments and the Governing Body may make such rules and regulations concerning the same as may be deemed advisable. Power is further conferred upon the City for the condemnation of lands to effectuate the law hereby adopted, which condemnation proceedings, as well as the assessment proceedings, shall be held as nearly as is practicable in accordance with the foregoing provisions of this Chapter governing the opening, widening, narrowing, straightening, changing or extending of public streets, avenues or alleys and the issuance of certificates therefor, or in accordance with any other law applicable thereto.

Sec. 287. ASSESSMENT PERIOD NOT TO EXCEED FIFTEEN YEARS.—In any proceedings providing for assessments against property and the owners thereof for special benefits received under the provisions of this Chapter, the Governing Body is hereby authorized to provide, wherever the same is practicable, or wherever the same may be done under the law, for the payment of said assessments in annual installments extending over a period not to exceed fifteen years.

## CHAPTER XXVII

### Issuance and Sale of Bonds

Sec. 288. BOND LIMIT.—The City of Dallas shall have the right and power to borrow money on the credit of the City for permanent public improvements or for any other legitimate municipal purpose, as may be determined by the Governing Body and to issue bonds of the City therefor, to bear interest not exceeding five (5 per centum per annum, payable semi-annually at such places as may be designated; provided that the total bonded indebtedness of the City shall never exceed the sum of Fifty Million (\$50,000,000.00) Dollars, and any issue of bonds in excess of said sum shall be void as to such excess.

No bonds or warrants shall be issued to fund any overdraft or indebtedness incurred for current expenses of the City Government or any subdivision thereof.

The City shall have the right to fund any maturing bonds by the issuance of new bonds in lieu thereof, at the same or a lower rate of interest, and may apply thereto the sinking fund belonging to any series of bonds so funded and may pay and retire a bond by using the sinking fund therefor.

Sec. 289. BOND ELECTION.—Any proposition to issue new or additional bonds as authorized herein, as well as the amounts of such issuance and the purpose of the same, shall be first submitted to a vote of the qualified voters of the City of Dallas who are property taxpayers of the City, at an election to be held for that purpose. The time, place and manner of such election and the making of returns and declaring the results thereof shall be prescribed by ordinance as nearly in accord with the law regulating city elections as may be practical, and unless a majority of the qualified taxpayer voters voting thereon in such election vote in favor of the issuance of such bonds, the same shall not be issued; provided that the purpose of the issuance of bonds, as submitted at such an election, may include more than one object.

After an issue of bonds has been ordered, the Governing Body shall have power to issue serial bonds or otherwise as in its opinion may seem best. All bonds shall specify on their face for what purpose they are issued, and shall not be invalid

sold for less than their par value, and when any bonds are issued by the City a fund shall be provided to pay the interest and create a sinking fund sufficient to pay the bonds at maturity, and said sinking fund shall be invested in bonds of the State of Texas or in bonds issued by counties of the State of Texas, or in bonds of the United States, or in bonds of the City of Dallas, which are not yet due; provided that in the event it shall be deemed expedient to issue serial bonds payable in annual installments it shall be sufficient to provide for the payment of interest thereon and the annual installments as they mature.

Sec. 290. BONDS HERETOFORE AUTHORIZED MAY BE ISSUED.—All bonds the issuance of which has been authorized at any election heretofore held are hereby validated.

All bonds authorized at the election held in the City of Dallas on the 15th day of December, 1927, and not issued at the time this Charter amendment takes effect, may thereafter be issued and sold at any time the Governing Body may deem expedient; provided, however, that the amount of such funds so issued and sold shall not exceed in the aggregate the sum of Four Million (\$4,000,000.00) Dollars during any one year, but this limitation shall not apply to the Waterworks Improvement bonds of Four Million (\$4,000,000.00) Dollars authorized at said election.

Sec. 291. PURPOSE FOR WHICH BONDS MAY BE ISSUED.—Among the purposes for which bonds may be issued and sold by the City of Dallas are the following: The erection and improvement of school buildings, the acquisition, establishment, enlargement, development and improvement of playgrounds, parks, pleasure grounds and boulevards, the building, enlargement and construction of sanitary sewers; the construction of sewage disposal plants; the laying, building and construction of storm sewers and the construction of a storm sewer or system of drainage, by open canals or closed conduits; street paving and other street improvements; the construction and improvement of fire stations, jails, police stations and municipal buildings of any character; the erection of comfort stations; the construction or improvement of incinerators; the construction of libraries and the maintenance and equipment of the library system of the City; the erection, establishment and building of any institute of fine arts; the erection of a public auditorium or auditoriums; the construction, enlargement and improvement of hospitals, including any hospitals jointly owned and controlled by the City and County of Dallas; waterworks improvements, including pumping facilities, purification plants, distribution mains, storage reservoirs and other facilities of the waterworks system; the establishment and maintenance of airports and landing fields in connection with the operation of the United States Mail Service and other aerial transportation; to pay the City's share, as may be determined by law, in the establishment of building lines, street opening and widening and the building of underpasses or overhead crossings; to provide a revolving street improvement fund; the construction of abattoirs; establish a reformatory or industrial or truant school for refractory or unprotected boys and girls, and for the acquisition of lands for any of the aforesaid purposes.

The enumeration in this section of purposes for which bonds may be issued shall never be construed as a limitation on the power and authority of the City to issue bonds for any permanent public improvement or any other legitimate municipal purpose, but the City of Dallas shall have authority to issue bonds, when authorized by the taxpaying voters, for any purpose for which a city may issue bonds under the Constitution and laws of this State.

Sec. 292. REVOLVING STREET IMPROVEMENT FUND.—By "revolving street improvement fund," as used in the foregoing section, is meant a fund to be used in paying for any character of street improvement or part thereof, the cost of which may be assessed against persons and property benefited, and such fund to be used merely to advance money for the payment of the cost of such improvements, until the special assessments shall have been collected and such revolving street improvement fund shall be recompensed from such special assessments, and such fund shall be and may be used over and over for various street improvements as may from time to time occur. Such bonds shall bear interest at a rate not to exceed five per cent per annum, payable in semi-annual installments, and the principal thereof shall be payable in not more than forty (40) years from their date; provided the City Council may exercise the option to cause an early retirement of said bonds, or may issue the same serially or otherwise, as provided by the City Charter; provided, further, that no such bonds shall be issued unless the proposition of such issuance shall be first submitted to the vote of the qualified voters who are taxpayers on property in the City of Dallas, and the same authorized as provided by the City Charter in such cases.

Whenever it is deemed advisable to impound certificates issued for any improvement provided by this Charter amendment, the City of Dallas shall have the first right

and claim to impound the same and advance out of the revolving street improvement fund the money to pay for the same, or the City of Dallas may impound the same and issue debenture bonds, certificates, warrants or other evidence of indebtedness, against the said certificates so impounded, or if it may be lawful to do so it may issue debenture bonds or warrants protected by the said certificates so impounded, and such debenture bonds or warrants shall have a first lien upon all certificates so impounded, and the City may arrange to protect the payment out of the general credit of the City in case sufficient funds can not be collected upon the certificates so impounded. In this connection the Governing Body is fully authorized to pass all ordinances or resolutions or do whatever may be necessary to carry out the authority herein conferred, as well as to provide for the revolving fund, and to that extent may adopt by ordinance, such other methods as may be deemed suitable to carry out the full power and authority to properly finance any public improvement done under the special assessment plan, including street improvements of every character, under the terms of this Charter Amendment.

Sec. 293. EXECUTION OF BONDS.—All bonds shall be signed by the Mayor, countersigned by the Auditor and sealed with the seal of the City, and shall be payable at such times as may be fixed, not more than forty years from their date.

Sec. 294. BONDS TRANSMITTED TO COMPTROLLER.—It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Comptroller of the State, whose duty it shall be to submit the same, together with all information he may have relating thereto, to the Attorney General, and if the Attorney General shall find that such bonds have been issued in accordance with the law he shall endorse his approval thereon and return the same to the Comptroller who shall register such bonds in a book kept for that purpose, and endorse on each bond so registered his certificate of registration, and at the Mayor's request he shall certify the amount of bonds so registered in his office up to date.

Sec. 295. STATEMENT FURNISHED TO COMPTROLLER.—It shall be the duty of the Mayor, at the time of forwarding such bonds for registration, to furnish the Comptroller with a statement of the amount of taxable property, real and personal, in the City, and with the amount of tax levied for the payment of interest and the creation of a sinking fund on such bonds.

Sec. 296. SINKING FUND.—It shall be the duty of the City Council or other Governing Body of the City each year to levy a tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all bonds outstanding, and if a deficiency appears at any time in such fund, then the Governing Body of the City shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

It shall be the duty of the State Comptroller to see that a tax is levied and collected by the City sufficient to pay the interest semi-annually on all bonds and create a sinking fund sufficient to pay such bonds at maturity, and to see also that the sinking fund is annually invested in good, interest-bearing securities or is applied to the redemption of bonds for which it was set aside.

Sec. 297. BOND REGISTER.—The City Council or other Governing Body of the City shall keep or cause to be kept for and on behalf of the City a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of the Charter, and all other transactions of the City Council or other Governing Body having reference to the refunding of the indebtedness of said City. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said books so required shall be safely kept among the records of the City of Dallas.

Sec. 298. Any officer of the City of Dallas who shall wilfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the fund is created or are herein otherwise authorized shall be deemed guilty of a misapplication of public funds and subject to prosecution as provided under the laws of the State for the diversion and conversion of funds belonging to any of the municipalities of the State.



## CHAPTER XXVIII

### Miscellaneous Provisions

Section 299. DAY LABOR.—The City of Dallas, acting through the Governing Body of the City shall have power to do by day labor under municipal direction any work which may become advisable or necessary to be done.

Sec. 300. EIGHT-HOUR DAY FOR EMPLOYEES.—In all work done by or for the City, either by day work or by contract, eight hours shall constitute a day's work; and no employe of the City on work for the City, or employe of any contractor or subcontractor of such work, shall be required to work longer than eight hours in any one calendar day; provided that this section does not apply to the fire or police department or to employes engaged in clerical work for the City, but the platoon system of the Police Department in force at the time this Charter takes effect shall be maintained; provided that in case of emergency an employe may be required to work longer than eight hours, but when so required to work longer than eight hours such employe shall be paid for such overtime at the rate of one and one-half times the rate such employe is paid for his labor during the eight hours.

Sec. 301. MAY PROHIBIT CONVICT LABOR.—The Governing Body shall have the power to prohibit the working of State convicts within the corporate limits of this City.

Sec. 302. CITIZENS GIVEN PREFERENCES IN EMPLOYMENT AND LETTING OF CONTRACTS.—Except as herein otherwise provided, qualifications being equal, citizens of Dallas shall be given preference in employment by the City, as well as by any contractor doing work for the City under contract, and such contractors shall pay the prevailing rate of wage paid for the class of work done; and, qualifications, prices and quality of material being equal, citizens of Dallas shall be given preference in the awarding of all contracts over which the City has jurisdiction, direct or indirect, provided that this section shall not interfere with the system of purchasing supplies for the various departments by competitive bidding, as provided in other portions of this Charter, and shall in no instance be construed so as to conflict with any provision of the Charter requiring competitive bidding.

Sec. 303. NO OFFICER OR EMPLOYEE TO ACCEPT GIFT, ETC., FROM PUBLIC UTILITY.—No officer or employe of the City of Dallas shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from said City, during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any officer or employe of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

Sec. 304. OFFICERS OR EMPLOYEES OF THE CITY NOT TO HAVE FINANCIAL INTEREST IN ANY CONTRACTS OF THE CITY.—No officer or employe of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employe. Any willful violation of this section shall constitute malfeasance in office, and any officer or employe guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the Governing Body of the City shall render the contract involved voidable by the City Manager or the Governing Body.

Sec. 305. HOSPITALS—SALE OF AND CONTRACTS WITH REFERENCE THERETO.—The City of Dallas shall not have power to sell, lease or in any manner dispose of any City Hospital, unless by the consent of the majority of the qualified voters of the City of Dallas voting at an election held for that purpose; provided, that the City of Dallas shall have full authority to arrange for and provide with the County of Dallas for the joint operation of hospitals or for the joint ownership of hospitals to be operated and managed by the City of Dallas and Dallas County in the manner as may be agreed upon in writing by the governing authorities of the City and of the County; that in order to secure such arrangements the authority is conferred upon the Governing Body of the City to dispose of an interest in any hospital and grounds owned by the City of Dallas, and any agreement made between the County and the City shall provide for a reversion to the City of any such interest conveyed by it to the County upon the terms therein expressed upon the abandonment or discontinuance of any such joint use or control of any such hospitals. Any and all

funds, general or special, derived from any source including any bond issue, special tax or otherwise heretofore authorized or created or impounded or which may be created or set aside to build, erect and construct or maintain and operate a hospital in the City of Dallas shall hereafter be available and may be used by the governing authorities in connection with the building, construction, erection or improvement of any hospital of the City of Dallas, whether such hospital is within or without the City Limits or for any hospital jointly operated by the City of Dallas and the County of Dallas.

Sec. 306. CHURCH AND SCHOOL PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS.—No property of any kind, church, school or otherwise, in the City of Dallas shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements.

Sec. 307. NOTICE OF DAMAGE OR INJURY REQUIRED.—Before the City of Dallas shall be liable for damages of any kind involving property damages or personal injuries or otherwise, the person injured or claiming such damages, or someone in his behalf, shall give the City Manager or City Secretary notice in writing of such damage or injury within thirty days after the same has been received, stating specifically in such notice when, where and how the exact injury or damages occurred and the full extent thereof. The City of Dallas shall never be liable on account of any damage or injury to person or property arising from or occasioned by any defect in any public street, highway or grounds or any public work of the City, unless the specific defect causing the damage or injury shall have been actually known to the City Manager or City Engineer by personal inspection for a period of at least twenty-four hours prior to the occurrence of the injury or damages, unless the attention of the City Manager or City Engineer shall have been called thereto by notice thereof in writing at least twenty-four hours prior to the occurrence of the injury or damage and proper diligence has not been used to rectify the defect after actually known or called to the attention of the City Manager or City Engineer as aforesaid. The Notice herein required to be given to the City Manager or City Engineer of the specific defect causing the damage or injury shall apply whether the defect arose from any omission or from the act of the City itself through its agent, servant or employe or otherwise.

Sec. 308. CITY EXEMPT FROM APPEAL BONDS.—It shall not be necessary in any action, suit or proceeding in which the City of Dallas is a party, for any bond, undertaking or security to be executed in behalf of said City, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

Sec. 309. EXECUTION, GARNISHMENT AND ASSIGNMENT.—The property, real and personal, belonging to said City shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said City, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the City or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said City be liable to the assignee of any wages of any officer, agent or employe of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City and such assignment shall be absolutely void.

Sec. 310. NO LIEN ON PUBLIC PROPERTY—CONTRACTORS, ETC., TO NOTIFY CITY OF CLAIMS.—No lien of any kind can ever exist against the public school buildings, public halls, parks or public works of the City of Dallas. All subcontractors, materialmen, mechanics and laborers upon any public works of the City of Dallas are hereby required to notify the City of all claims, they may have on account of such work against the City, and when such notice has been given, the City shall retain an amount from any funds due the contractors, sufficient to satisfy all claims; provided that such notice may be given at any time after such indebtedness becomes due and before final settlement; and provided, further, that no contractor or subcontractor shall issue any time checks on or on account of any public works of said City.

Sec. 311. BONDS OF CONTRACTORS.—The Governing Body of the City shall require good and sufficient bonds of all contractors, with at least two good and sufficient sureties, who shall be residents of the State of Texas. No non-residents of the State shall ever be received as surety on any bond payable to the City of Dallas, except such guarantee companies as may be satisfactory to the Governing Body of the City, and in all cases at least one of the sureties must be a resident of Dallas County, Texas. When bondsmen are not residents of Dallas County, Texas, such proof of their solvency may be required as the Governing Body may deem necessary.

Sec. 312. CONDEMNATION OF DANGEROUS STRUCTURES.—Whenever, in the opinion of the Governing Body of the City, any buildings, fence, shed, awning or

structure or any kind or part thereof is liable to fall down and injure persons or property, the Governing Body may order the owner or agent of the same or occupant of the premises, to take down and remove the same within such time as it may deem direct, and may punish by fine all persons failing so to do. The Governing Body shall have the additional power to remove the same at the expense of the City on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this Charter Amendment, or by suit in any court of competent jurisdiction.

The Governing Body of the City shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefor by ordinance.

Sec. 313. QUALIFICATIONS OF VOTERS.—All qualified electors of the State who shall have resided for six months immediately preceding the election within the limits of said City shall have the right to vote for members of the Governing Body of the City and all other elective officers of said City; but in all elections to determine the expenditure of money, or assumption of debt or levy special taxes, only those shall be qualified to vote who pay taxes on property in said City, such qualifications to be ascertained by an inspection of the assessment rolls.

Sec. 314. CITY ELECTIONS.—All municipal elections shall be held under the provisions of the laws of this State applicable to City elections.

Sec. 315. POWER TO REMIT PENALTIES.—The Governing Body shall have the right to remit, in whole or in part, any fine or penalty belonging to the City, which may be imposed under any ordinance or resolution passed in pursuance of this amendment.

Sec. 316. MAY PROHIBIT MINORS IN PUBLIC PLACES.—The Governing Body of the City of Dallas shall have power to prohibit minors from going and being on the public streets and in public places in the City of Dallas between the hours of 9 o'clock p. m. and 4 o'clock a. m., at night, without the consent of their parents or guardians.

Sec. 317. CITY CONTRACTS—APPROPRIATIONS AND SPECIFICATIONS.—No contract shall be entered into by the Governing Body of the City until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts shall be made upon specifications, and no contract shall be binding upon the City unless it has been signed by the City Manager and countersigned by the Auditor, and the expense thereof charged to the proper appropriation; and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be countersigned by the Auditor.

All contracts, of whatever character, pertaining to public improvements, or the maintenance of public property of said city, involving an outlay of as much as five hundred (\$500) dollars shall be based upon plans and specifications to be prepared and submitted to and approved by the Governing Body, and said plans and specifications shall disclose clearly each item constituting a material element entering into the cost of the subject matter of the contract; and after approval by the Governing Body, advertisements for the proposed work, or matters embraced in said proposed contract, shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall be published in a daily newspaper not less than five times. All bids submitted shall be sealed, shall be opened by the Mayor or a member of the Governing Body of the City in the presence of a majority of the Governing Body and shall remain on file in the office of the City Secretary and be open to public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder.

The Governing Body shall determine the most advantageous bid for the City, and shall enter into contract with the party submitting the lowest secure bid; and if, in the opinion of the Governing Body none of said bids is satisfactory, then the Governing Body may have said work done by day labor, and a detailed statement of all such work done by day labor, showing the cost of same, shall be filed with the Governing Body. Pending the advertisement of the work or contract proposed, specifications therefor shall be on file in the office of the City Secretary, subject to the inspection of all parties desiring to bid.

Sec. 318. FIRE LIMITS.—The Governing Body may establish fire limits and prescribe the kind and character of materials to be used in buildings constructed within such limits.

Sec. 319. BUILDING PERMITS.—The City of Dallas shall have the power to prohibit the erection or construction of any building or structure of any kind within the City of Dallas without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the City of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said City or which shall hereafter be passed.

Sec. 320. ACQUISITION OF LAND FOR PARK PURPOSES.—The City of Dallas may acquire and appropriate land inside or outside of the City of Dallas for the purpose of establishing, laying out or enlarging any parks, parkways or pleasure grounds, and to provide that the cost of such land and improvements shall be paid for wholly or in part, to the extent not exceeding the special benefits received by the property owners owning property in the vicinity thereof and benefited thereby, and for such purpose all of the powers conferred by the act of the Fortieth Legislature, known as House Bill No. 401, Chapter 288, page 433, of the General Laws, passed by the Fortieth Legislature of the State of Texas, are hereby adopted and made a part of this Charter, and the same may be used by the City Council in the manner and for the purpose of the condemnation of said land and the appointment of commissioners therefor and the assessing of the costs. In making the assessments against property owners specifically benefited, as well as in condemnation proceedings, the same shall be governed as far as practicable by laws relating to the opening and widening of streets.

Sec. 321. SEGREGATION OF RACES.—The City of Dallas shall have the power by ordinance duly passed to provide for the use of separate blocks for residences, places of abode, places of public amusement, churches, schools and places of assembly by members of the white and colored races. The term "colored race", as used herein, shall include all persons of African descent, and the term "white race", as used herein, shall include all persons not of the colored race as colored race is defined herein.

The provisions of Chapter 103 of the General and Special Laws of the Fortieth Legislature of the State of Texas, relating to the segregation of races, is hereby adopted and made a part of this Charter.

All of the ordinances heretofore passed, providing for negroes and whites to enter into mutual covenants or agreements concerning their respective residences, and all ordinances where agreements have been made between whites, or agreements have been made between negroes, or agreements have been made between whites and negroes, for the observance of their respective residences are hereby fully ratified and confirmed as though passed under the terms of this Charter amendment. In addition thereto, the power is expressly conferred upon the City of Dallas to pass all suitable ordinances governing the restriction of property by agreement between the races or by any of the said races, respecting the segregation of each of the said races, which agreement when ratified and confirmed by the Governing Body of the City, or when entered into and filed of record in the Deed Records of Dallas County, Texas, shall in either or both cases be binding, according to its terms, upon the parties affected, their heirs and assigns. All such agreements, whether concerning special portions of the City or made under any general ordinance concerning the same, shall be deemed to be legal and valid agreements affecting the use of the property of the respective owners or signers thereof.

The general ordinance enacted on the 10th day of August, 1927, and of record in Volume 26, pages 78-79, of the Ordinance Records of the City of Dallas, is hereby fully ratified and confirmed.

Such agreements under said ordinances, when confirmed, shall be deemed to be notice to all persons affected thereby, and shall be constructive notice of the restrictions so placed thereon by the said agreements.

The Governing Body of the City may pass suitable ordinances and provide for their enforcement by suitable penalties, to carry into effect any such agreements which may be entered into and approved by the Governing Body as provided by such ordinance, and all restrictions of property heretofore made with reference to the segregation of races shall be fully enforced and suitable ordinances may be passed and penalties attached thereto for violation of any of their terms.

Sec. 322. PUBLIC LIBRARY AND TAX THEREFOR.—The City shall have authority to establish and maintain a free public library or libraries within the City and to co-operate with any person, firm or corporation under such terms as the Governing Body may prescribe, for the establishment of such free public library or libraries, and to that end the Governing Body shall appropriate annually out of the gen-

eral revenue of the City, as a fund for the support and maintenance of the public library, a sum equal to twenty-five one-hundredths of one mill (\$.00025) of the assessed taxable values of the City for the current year.

Sec. 323. MUNICIPAL RADIO STATION.—The City Council, or other governing authority, shall have full power or authority to acquire or own, within or without the City of Dallas, either by purchase, donation, bequest or otherwise, all property that may be necessary for the purpose of establishing a radio broadcasting station, to be used in connection with the Police and Fire system of the City of Dallas, and for the convenience and edification of the people of Dallas, and for such purpose the Governing Body may appoint a suitable commission to operate and conduct the same and to exercise all powers in connection therewith. That the exercise of the power to operate the same shall be deemed governmental in character and for municipal purpose.

Sec. 324. DESIGNATION OF OFFICIAL NEWSPAPER.—All ordinances and official notices required to be published shall be published in the official newspaper of the City, which newspaper shall be selected annually as such official newspaper, after competitive bidding, and the newspaper so selected shall have been published as a daily newspaper and have been in general circulation as such in the City of Dallas for not less than one year prior to its selection as the official newspaper.

Sec. 325. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$1,900,000 for the purpose of the acquisition of the necessary grounds and the erection of school buildings, the interest and sinking fund necessary to be created therefor to be charged against the 25c tax now provided by the Charter to be used by the Board of Education for general purposes.

That upon the adoption of this Charter amendment, such bonds shall be issued in accordance with the existing Charter of the City and bear a rate of interest not to exceed five per cent., and run for the period of time prescribed by the Charter, not to exceed forty years, and the adoption of this amendment shall fully authorize the issuance of said bonds without any further submission of the same at any election for such purpose.

Sec. 326. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$1,500,000, for the acquisition, establishment, enlargement and development of playgrounds, parks, parkways, pleasure grounds and boulevards. That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the periods for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose. That all expenditures hereunder from this bond issue, relating to the construction of parkways and boulevards, shall be made by the Mayor and Board of Commissioners, in their judgment, upon such plans as may be recommended by the Park Board and the City Plan Commission, and under such provisions of the City Charter specially governing the building and construction of streets and the making of special assessments therefor.

Sec. 327. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$5,700,000, for the purpose of paying the City's share, as may be determined by law, in the establishment of building lines, street opening and widening, and the building of underpass or overhead crossings.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 328. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$1,000,000 for the building, enlargement and construction of sanitary sewers and a sewage disposal plant.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 329. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$3,500,000, for the purpose of paying the City's share of laying and constructing storm sewers or the building and construction of a system of storm sewers or system of drainage by open canals or closed conduits.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 330. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$3,000,000 for the purpose of doing street paving. That the amount of the interest and sinking fund on said bonds shall be paid out of the 25c tax heretofore provided by the Charter, and the revenues derived from said bonds shall be used exclusively in the improvement of public streets by paving the same.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 331. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$350,000 for the acquisition of property and the construction of a new Central Fire Station, and the installation of a new signal system for the Police and Fire Departments of the City of Dallas.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 332. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$150,000, for the construction, improvement and enlargement of the incinerator system of the City of Dallas.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 333. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$500,000, to be expended for the purpose of the enlargement of the Public Library of the City of Dallas and the acquisition of the necessary ground therefor, as well as the establishment of branch libraries and the maintenance and equipment of the library system of the City of Dallas. That the necessary interest and sinking fund to care for said bonds, when issued, shall be provided by the Mayor and Board of Commissioners by the levy of a tax now used to create the general fund.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 334. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$500,000.00, for the purpose of the erection, establishment and building of an Institute of Fine Arts. That the construction of same shall be under the jurisdiction of the Park Board and the same may be located on park property, if desired.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 335. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$1,000,000, for the purchase of land and the building and erection of a Public Auditorium.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 336. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of the \$400,000, to pay the City's share, as provided by the City Charter, for the enlargement and improvement of hospitals jointly owned and controlled by the City and County of Dallas.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 337. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$4,000,000 for Waterworks Improvement, which said improvement shall include pumping facilities, purification plant and distribution mains of the Waterworks system.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

That the bonds herein authorized may be issued at once for the accomplishment of the improvement herein contemplated, and the same shall not be included in the limitation of \$4,000,000 of bonds to be issued in any one year, as otherwise provided by these amendments.

Sec. 338. The City of Dallas shall have authority to issue coupon bonds of the City of Dallas in the sum of \$400,000 for the immediate acquisition of land within or without the City of Dallas for the purpose of owning, establishing and operating an airport and providing a landing field in connection with the operation of the United States Air Mail Service and other aerial transportation.

That said bonds, if authorized, shall be issued in accordance with the provisions of the City Charter with reference to the rate of interest and the period for which said bonds shall run, and the adoption of this amendment shall fully authorize the issuance of the said bonds without any further submission of the same at any election for such purpose.

Sec. 339. That the full power and authority is hereby granted to the Board of Commissioners or other governing authority to extend the boundaries of the City of Dallas so as to annex or incorporate therein any city having a population of five thousand and over as well as any city having a population of five thousand and under, located adjoining or contiguous to the City of Dallas, in the manner provided by Title 28, Chapter 15, Articles 1188, et sequitur, of the Revised Civil Statutes of 1925, and to provide for the merger of said city or cities so adjoining or contiguous to the City of Dallas with the City of Dallas, according to said law, or according to any other applicable State law.

In this connection, the City of Dallas shall have full power and authority to merge the City of Highland Park with the City of Dallas, in accordance with the terms of said State statute or in accordance with the terms of any applicable State law, as well as shall have the full power and authority to merge the City of University Park with the City of Dallas, in accordance with the terms of any applicable State law, and to extend the territorial limits of the City of Dallas so as to embrace the said City of Highland Park or the said City of University Park, in accordance with the terms of any applicable State law. That the said merger contemplated herein may be agreed upon by an ordinance passed in relation thereto, and the said merger, when authorized under any applicable State law, may be made upon such terms and provisions and stipulations as may be agreed upon, and when such merger is finally effected the terms and provisions of any such agreement so evidenced by ordinance shall become a part of the merger and be binding upon the City of Dallas. That for the purpose of carrying out the terms of any agreement relative thereto, the power of the City of Dallas to add a member to the Board of Education or a member to the Park Board, or to do and perform any other power shall be fully carried out in the consolidation and merger of the two cities. That the City of Dallas shall have the power to pass suitable ordinances for the purpose of carrying out the said terms and provisions of any agreement made in relation to the merger of any such cities, as well as to other powers in connection therewith.

## APPENDIX

### Proposition Thirty-nine

Shall the existing Charter of the City of Dallas be amended by changing the method of designating the several parts and divisions by Article numbers expressed in Roman Numerals and subdivisions thereof expressed in Arabic Numerals and lower case letters of the alphabet by substituting a system and scheme of chapters numbered in Roman Numerals and sections numbered in Arabic Numerals beginning with "Section 1" and numbering the divisions consecutively and that the following provisions of the existing Charter of the City of Dallas shall be known and designated as follows:

Article XV, Section 1, shall become Section 325.  
Article XV, Section 2, shall become Section 326.  
Article XV, Section 3, shall become Section 327.  
Article XV, Section 4, shall become Section 328.  
Article XV, Section 5, shall become Section 329.  
Article XV, Section 6, shall become Section 330.  
Article XV, Section 7, shall become Section 331.  
Article XV, Section 8, shall become Section 332.  
Article XV, Section 9, shall become Section 333.  
Article XV, Section 10, shall become Section 334.  
Article XV, Section 11, shall become Section 335.  
Article XV, Section 12, shall become Section 336.  
Article XV, Section 13, shall become Section 337.  
Article XV, Section 14, shall become Section 338.  
Article XV, Section 18, shall become Section 339.

And the said provisions of the Charter shall henceforth be designated by the section numbers; provided, however, that the foregoing Proposition Thirty-nine, upon being adopted shall become operative and effective on May 1, A. D. 1931, and not before.

[Proposition Thirty-nine was adopted October 10, 1930, and appears of record in Volume 2, page 233 of the Record of Charter Amendments of the City of Dallas in the office of the City Secretary.]

The fact that the people of Dallas have voted to request the Legislature to pass a bill creating a new Charter for said City under which it will have a Commission form of government, the near approach of the end of the session, and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring that the Constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended, that this act shall take effect and be in force from and after its passage, and it is so enacted.

A. B. DAVIDSON,  
President of Senate.  
THOS. B. LOVE,  
Speaker, House of Representatives

Approved April 13, 1907.  
T. M. CAMPBELL, Governor.

I hereby certify that the within S. B. No. 316 passed the Senate April 3, 1907, by two-thirds vote—ayes 27, nays 0. House amendments concurred in April 8, 1907, by two-thirds vote—ayes 25, nays 0.

CLYDE D. SMITH,  
Secretary of Senate.

I hereby certify that the within S. B. No. 316 passed the House of Representatives with amendments April 8, 1907, by the following vote ayes 105, nays 0.

BOB BARKER,  
Chief Clerk, House of Representatives.

Received in the Executive Office this 12th day of April, A. D. 1907, at 11 o'clock and — minutes, a. m.

A. M. BARTON,  
Private Secretary.

Received in Department of State, this 13th day of April, A. D. 1907, at 12 o'clock and 15 minutes p. m.

L. T. DASHIELL,  
Secretary of State.

THE STATE OF TEXAS

Department of State.

I, T. L. Dashiell, Secretary of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of S. B. No. 316, being an Act entitled "An Act to grant a new charter to the City of Dallas, Dallas County, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency," passed and enacted by the Thirtieth Legislature of the State of Texas, and now on file in this department.

In testimony whereof, I hereto sign my name officially and cause to be impressed hereon the seal of State at my office in the City of Austin, Texas, this, the 16th day of April, A. D. 1907.

(Seal)

L. T. DASHIELL,  
Secretary of State.

[NOTE: Sections 5 to 339 inclusive were adopted by a series of Charter Amendments on October 10, 1930, and excepting as provided in Proposition Three (see Section 108) the several Amendments became effective on May 1, A. D. 1931.]

INDEX

A	Section
Abate, dangerous structures .....	312
Abate, fire hazard .....	5
Abate, nuisance .....	5
Abate, offensive business .....	5
Abate, unwholesome place .....	5
Abattoirs, municipal .....	291
Abolish, place of employment and positions .....	125
Abolish, positions or function, not permitted .....	41, 42, 44, 125
Abridge, police powers, franchise not to .....	140
Absence of councilman .....	13
Absence of president of Board of Education .....	110
Abutting owner, use of street by .....	151
Abutting owner, use of, compensation .....	152
Abutting owner, track in street .....	153, 154
Accept from utility corporation .....	303
Acceptance of nomination, 20 days .....	19
Accounting, duties of city auditor .....	41, 42
Accounts, of appropriation, how audited .....	59
Accounts, schools, audit of .....	109
Acquire, actual physical assets, public utilities .....	165
Acquisition of land for park purposes .....	320
Acquisition of property beyond limits .....	100
Acquisition of property for all purposes .....	100
Acting Mayor, power and duties .....	14
Act of City, not to extend franchise .....	133
Action at law, City exempt from bonds .....	308
Action barred, assessment .....	279, 249
Action, see Suit	
Action, special assessment, joinder .....	247
Action, street car transfers .....	155
Actuarial report, of pension fund .....	77
Additional compensation, policemen and firemen .....	69, 78
Additional tax, vote .....	208
Additional territory, mode of annexation .....	4
Adjoining territory, may be annexed .....	4
Administer oaths, see Oaths	
Admit territory, by ordinance .....	4
Advantageous park purchases, long time payments .....	64
Advertisement for bids, on contracts .....	317, 237
Affidavit, city attorney .....	33
Affidavit, see Oaths	
African, separation .....	321
Agencies, charity and social service .....	96
Agent, no power to estop city .....	133
Agent of city, not subject to assignment of wages .....	309
Agent, service of notice of condemnation hearing .....	268
Agreements, between white and colored races .....	321
Airport bonds, \$400,000 .....	338
Airports, City to have full power over .....	7
Airports, power to acquire .....	7
Airports, power to charge for use of .....	7
Alienation, of public property or easements .....	133
Alleys, maintenance and control .....	83
Alleys, obstructions, encroachments .....	230, 231
Alleys, open, alter, improve, close, regulate .....	230, 231
Alleys, ownership in City .....	133
Alleys, power to acquire beyond City .....	8
Alphabetical list of taxpayers .....	193
Alterations, school buildings .....	109
Amend, initiative and referendum ordinance .....	174, 180

	Section
Amendment of pleading in tax suit .....	205
Amendment of recall petition .....	22
Amusement places, power to license .....	5
Amusement places, regulation of, by Welfare Department .....	94
Amusements, colored, separate block .....	321
Amusements, park board to provide .....	217
Animals, destruction public health .....	86
Animals, inspection, slaughter .....	86
Annexation of Highland Park schools .....	109
Annexation, power, generally .....	339
Annexation, power, Highland Park, et al .....	339
Annexation, written consent of majority legal voters .....	4
Annexation, written consent of owners required .....	4
Annexed territory, districted .....	19
Annexed, territory inhabitants to have equal rights .....	4
Announcement, candidate for council .....	19
Annual appropriation ordinance .....	55
Annual budget, procedure and estimate .....	53
Annual franchise holder, report .....	163
Annual report, civil service board .....	117
Annual report, school .....	109
Annual tax levy .....	55, 181, 214
Annual tax levy, school .....	109
Annual tax levy, park .....	223
Annulment of franchise .....	141
Anticipated revenues .....	62
Anticipated revenue, budget .....	53 (g)
Apparatus, school, acquirement .....	109
Appeal bonds, City exempt from .....	308
Appeal from assessments, time limit .....	279, 249
Appeal from trial court, assessment .....	250
Appeal to Board of Equalization .....	190, 191, 185
Appeal to civil service board by citizens .....	123
Appeal to trial board, civil service .....	122
Appeals, deficiency assessment due to .....	276
Appeals, from corporation court, procedure .....	36
Appointive offices, confirmation .....	31, 37, 41, 45
Appointments, by Manager, basis .....	26
Appointments, city plan commission, after removal .....	228
Appoints, police and fire .....	66, 72
Apportion taxes .....	190, 192, 209
Appropriate money, for all purposes .....	5
Appropriate property, power to buy public utility .....	165
Appropriation, made for all expenditures .....	58, 61
Appropriation, annual, interest and sinking fund .....	53 (f)
Appropriation, annual, ordinance, budget .....	55
Appropriation, for welfare department .....	96
Appropriation, maintenance of health department .....	92
Appropriation, not to be diverted .....	58, 61
Appropriation of excess revenue .....	57
Appropriation on City contracts .....	61, 317
Appropriations, transferable between departments .....	56
Approval, claims by auditor .....	60
Approval, contracts, etc., by city attorney .....	33
Approval of bonds, by attorney general .....	294
Approval, ordinances by city attorney .....	33
Approval, report of Commissioners by council .....	266
Arbitrary assessment, of taxes .....	187, 189
Arbitration, evaluation of franchise property .....	140
Arbitration, generally with public utilities .....	140
Arbitration, in case of building condemned .....	79
Arms, members of police force .....	70
Arrears, in taxes, candidate for council .....	17
Arrest, health, employees empowered to .....	89
Assembly place, colored, separate block .....	321
Assessment and collection of taxes .....	181-214
Assessment and collection, taxes, director, finance .....	47

## Assessment

	Section
banks .....	181
case, time for appeal .....	250
certificates .....	254
corporations .....	181
for previous years .....	185
hearing, objection written .....	245
joint and separate interests .....	212
lien, reverts to resolution .....	248
liens for improvements .....	239
not to exceed benefit .....	239
notice of increase .....	192
of costs of public improvement .....	239
ordinance .....	273, 246
property exempt deleted .....	251
rolls, description, correction .....	205
rolls, description by owner .....	206
rolls, evidence .....	204, 207
rolls, number and form .....	183
rolls, irregularities, validation .....	204, 207
rolls, misnomer .....	185
street improvement, liens for .....	232
suit barred, time limit .....	249, 279
suit, verification of pleading .....	250
supplemental tax rolls .....	185
unrendered properties .....	187
against city, funds paid from .....	266
appeal from, time limit .....	249, 279
area platted by city engineer .....	267
attorney's fees .....	242
city not liable to contractor .....	254
collectable before payments .....	277
for sanitary sewers .....	106
for sidewalks .....	256
for storm sewers .....	108
former, validated .....	260
interest rate on .....	242
notice of hearing .....	244
payment of .....	247
payment period, limited .....	287
power to levy and collect .....	5
to include condemnation cost .....	278
to pay for park property .....	320
validation of .....	281
Assessor and collector of taxes, duties, bond .....	52
Assessor of taxes, alphabetical list of taxpayers .....	193
Assessor of taxes, pro-rate taxes .....	212, 213
Assignable certificates, construction of storm sewers .....	108
Assignable certificates, construction of sewers .....	106
Assignable certificates, deficiency assessment .....	276
Assignment, not to extend franchise .....	135
Assignment of franchise prohibited .....	137
Assignment of wages, void .....	309
Assistant chief of police, duties, etc. ....	66
Assistant city attorney, duties .....	33
Assistant fire chief .....	72
Assistants, city attorney, generally .....	32
Assistants, to city secretary .....	16
Assumed debt, authorized by ordinance .....	135
Assumed debt, utility .....	135
Assumed debt, valid at creation .....	135
At large, dogs .....	5
Attendance of witnesses, compelled .....	15, 30, 35, 107
Attorney's fees, assessment certificates .....	274
Attorney's fees, collection of assessments .....	274
Attorney's fees, cost of street widening .....	265
Attorney general, to approve bonds .....	294
Attorney, see City Attorney	

	Section
Audit, independent, annual .....	65
Audit of Park department .....	221
Auditor, appointment and confirmation .....	41
Auditor, countersign contracts .....	317
Auditor, countersign warrants .....	41
Auditor, see City Auditor	
Auditor, to countersign bonds .....	293
Auditorium, public, bonds, authorized \$1,000,000 .....	335
Authority of policemen .....	69
Automobiles, power to regulate .....	5
Avocation, occupation tax .....	5
Awning, dangerous, condemnation of .....	312
<b>B</b>	
Back assessment .....	185
Badges, policemen .....	70
Baggage, charges, regulate .....	159
Bakeries, regulate .....	5
Ballot, draw for place .....	21
Ballot, for initiative ordinance .....	178
Ballot, runoff .....	20
Balls, see Dance Halls	
Bands to be provided for parks .....	217
Banks, taxation of .....	181
Baseball diamonds, park board to provide .....	217
Basketball, park board to provide .....	217
Bathing beaches, regulations of .....	94
Bathing, park board to provide .....	217
Benefits, resolution conclusive of .....	235
Bequest to city .....	7, 5, 100
Bids, contract day labor if bids too high .....	317
Bids, for office of city treasurer .....	49
Bids, on public improvement, contract .....	237
Bids, required on contracts over \$500.00 .....	317
Bills for water, charging .....	98
Births, registration .....	5
Blacks, separate blocks .....	321
Blocks and lots, mode of platting .....	3
Blocks, separate, white and colored .....	321
Board of appeals, zoning .....	229
Board of Commissioners, to issue bonds .....	326
Board of Education, election .....	109
Highland Park represented .....	339
meetings .....	110
money order, how executed .....	110
powers and duties .....	109, 112
transactions of \$1,000 or more, veto .....	112
warrants, how executed .....	49
Board of Equalization, appeal to .....	185
Board of Equalization, taxes .....	190, 192
Board, Park .....	215-224
Board, to assess cost where no land taken .....	278
Body politic, city to be .....	1, 5
Bond, director public works .....	81
election, prerequisites, powers resultant .....	289
health director .....	91
in suit, city not to give .....	308
limit .....	288
moneys, expenditure of, parks .....	224
of assessor and collector of taxes .....	52
of city auditor, faithful performance .....	43
of city auditor, liability .....	60
of city manager .....	27
of contractor .....	311
of contractor on public works .....	236
officers' improper approval of claims .....	60
of policemen .....	67

	Section
Bond (Cont'd)	
registry .....	297
welfare director .....	95
Bonds, abattoirs .....	291
airport, \$400,000 .....	338
appearance, in corporation court .....	37
comptroller to certify to Mayor .....	294
comptroller to register .....	294
countersigned by auditor .....	293
election .....	289
execution of by Mayor and Auditor .....	293
faithful performance, Park department .....	218
heretofore authorized, validated .....	290
interest, levy certified .....	296
interest, comptroller .....	296
interest, limited to 5% .....	288
interest, sinking fund .....	296
issuance of by public utilities .....	162
issuance to purchase franchise .....	140
levy, for interest and sinking fund .....	296
limit on annual issuance .....	290
\$1,000,000, auditorium bonds authorized .....	335
\$3,500,000, authorized storm sewers .....	329
\$5,700,000.00 improvement work .....	327
\$400,000, hospital .....	336
\$500,000, fine arts, authorized .....	334
\$350,000, fire stations, etc. ....	331
\$150,000, incinerator .....	332
\$500,000, Library, authorized .....	333
\$1,500,000, parks .....	326
\$3,000,000, paving .....	330
\$1,000,000, sewerage .....	328
\$4,000,000, waterworks .....	337
maturity, not over 40 years .....	293
Mayor, and auditor to sign .....	293
Mayor, statement to comptroller .....	295
municipal, approval by Attorney General .....	294
official .....	27, 49, 52, 43, 67, 81, 91, 95
park development spent by council .....	224
payment .....	293
public utility, not to affect rates .....	139
purposes for which issuable .....	291
purposes, specified in bond .....	289
reformatory .....	291
refunding .....	288
registered .....	297
revolving street improvement fund .....	292
sale below par .....	289
school, issuance authorized .....	325
seal of city .....	293
serial .....	289
sewerage .....	291
signed by Mayor .....	293
sinking fund .....	296
statement to comptroller .....	295
street improvement .....	291, 292
surety, city officer or employe not to be .....	304
time limit .....	293
transmitted to comptroller .....	294, 295
validated .....	290
waterworks, unlimited .....	337
Bondsmen, residents .....	311
Bonus, franchise lien .....	145
Bonus, interurban .....	145
Books and papers, production compelled .....	15
Books, franchise holder, examined .....	138
Books, school, contracts, for purchase .....	109
Borrow money, power to by sale of bonds .....	5

	Section
Boundaries, described	2
Boundaries, extension by ordinance	3, 339
Boys, reformatory	291
Breaches of peace and good order	5
Bread, power to regulate weight and price	5
Bribery, accept from franchise holder	303, 304
Bridges, railroads require	155
Bridges, street railroads, require	155
Budget, annual, procedure	53-65
Budget, city manager to prepare and submit	25(8)
Budget Commissioner, city manager	25(8)
Budget, estimate of anticipated needs	54
Budget, to include civil service, salaries	131
Building, construction, inspection	319
Building, construction, regulations	229, 319
Building, dangerous, condemn and abate	312, 317, 318
Building, fire limits established	318
Building, fire hazard	79, 318, 319
Building lines, general powers	285
Building lines, state law adopted	285
Building material in fire limits	318
Building, permits issued and fees	319
Building, public, power to acquire	8
Buildings, watersheds, control	100
Buildings, condemned in case of fire	79
Buildings, dangerous, condemnation of	312
Buildings, destruction, to prevent disease	86
Buildings, in fire limits, regulation	318
Buildings, inspection of	5, 86
Buildings, inspection of, wiring	83
Buildings, public, exempt from lien	310
Buildings, regulation of	5, 229, 319
Buildings, zoning and regulation of	229, 319
Burial grounds, power to acquire beyond city	8
Burial grounds, power to regulate or condemn	5
Burying, power to regulate	5
Business, dangerous offensive	5, 229
Business, in residence district	5, 229
Business, occupation tax	5
Butchers, regulate, license, prohibit	86
Buyer, see Purchasing Agent	

**C**

Cabarets, regulation of	94
Calling, license, tax, regulate	5
Cancellation of bonds, noted in registry	297
Candidacy, officers and employees prohibited	129
Candidates at large	19
Candidate for councilman, no arrears	17
Candidate, for public office, councilman may not be	129
Canvass vote	20, 22
Capital, invested, franchise holders, evaluation	138
Capital stock, taxation of	181
Caption of ordinances	170
Care of streets and grounds	83, 230
Carriage, of goods and passengers	134
Carriages, franchise, grant	134
Carriers, charges	139
Carriers, free service	139
Carriers, rates	139
Cast lots, tie vote at runoff	20
Cemeteries, power to regulate or condemn	5
Cemeteries, sanitary regulation of	86
Central fire station, bonds authorized	331
Certificate, assessment	254
Certificate, by Manager, money in treasury	61
Certificate, special assessments	274
Certified public accountants' independent audit	65

	Section
Certify, appointment of auditor, to Council	4
Certify bonds, comptroller to Mayor	29
Certify money in treasury to cover expenditures	6
Chairman, civil service board	11
Change of grade, tracks on street	160, 230, 23
Change of rates and regulations, utilities	13
Channel of street, improvement beyond city	
Charge of misconduct against employees	12
Charges for sewer service, authorized	10
Charges, public utilities, fixed	158, 15
Charity, welfare department	9
Chattels, liable for all taxes	19
Chief examiner, civil service	11
Chief examiner, civil service board	11
Chief of fire department	7
Chief of police, duties, etc.	6
Chief of police to prescribe uniform and arms	7
Child welfare board	9
Church not exempt, special assessments	30
Citizens may be heard in council meetings	1
Citizens of Dallas, preferred, contracts and employment	30
City and county hospital, bonds	33
City Attorney, approval of ordinances	3
compensation, not to be diminished	3
duties of	3
how appointed	3
not to be discharged without hearing	3
qualifications	3
term of office	3
to collect indebtedness of officer	4
to enforce public utilities franchise	25(4)
to have assistants	3
to pass on all instruments	3
to prosecute in corporation court	3
to report breach of franchise	3
to sue Interurban Company	15
City Auditor, appointment certified to council	4
countersign money orders, contracts, bonds	49, 317, 29
death, special audit	4
exempt, civil service	13
power to administer oath	4
salary	4
tenure, duties	4
to determine legality of claims	4
to examine claims, etc.	4
City Council, abolish officers and positions	13
absence of members	49, 1
accounts and claims, approval	20
approval, report of commissioners	55, 1
appropriations	1
appointments, not to dictate	24, 31, 37, 38, 1
appointments	1
compensation of	1
controls tax collector	48, 1
city treasurer controlled by	2
create departments and offices	1
defined	31, 37, 38, 1
discharge certain officers	3
disqualification of member	1
election, majority vote required	1
filling of vacancies	1
forfeiture of franchise	1
franchise, act not to extend	1
finance of purchase of public utility	53, 1
finance of city	24, 31, 37, 38, 43, 1
fix salaries	1
interim appropriation ordinance	1
manager responsible to	1



City Council (Cont'd)

	Section
may adjust assessment .....	207
may consolidate two departments .....	44
may discontinue certain departments .....	44
may require special audit .....	48
may summon witnesses .....	15
meetings of .....	13
members may not hold other office .....	129
mode of selection .....	9
not to transfer department function .....	44
not to interfere with Manager, or appointments .....	28
open to public .....	13
officers appointed, removed .....	24, 31, 37, 38, 41
offices, create and abolish .....	44
ordinance, passage of .....	13
prescribe duties of city treasurer .....	49
quorum .....	13
reassessment, widening, etc. ....	275
recommendations and reports of Manager .....	25
remit penalties or fines .....	315
removal of appointees .....	24, 37, 38
reports from auditor .....	42
rules of procedure .....	13
shall fix all salaries .....	44
tenure of members .....	9, 18
to consider condemnation report .....	272
to elect its Mayor .....	10
to establish rules for competition .....	51
to examine books, franchise holders .....	138
to keep bond registry .....	297
to prescribe regulations for departments .....	45
to regulate vehicles .....	139
to regulate salaries .....	24, 31, 37, 38, 43, 44
to spend park bond money .....	224
utilities, control, see Franchises	
Veto .....	112
City councilmen, method of selection .....	17-20
City councilmen, see Member of Council	
City councilmen, recall of .....	22
City councilmen, special meetings .....	13
City court, see Corporation Court	
City elections, State law applicable .....	314
City engineer, to plat assessed area .....	267
City engineer, to prepare statement of improvement .....	243
City exempt from assessment liability .....	255
City forester .....	218
City Halls, power to acquire beyond city .....	8
City hospital, see Hospitals	
City Judge, compensation .....	37
City Judge, exempt, civil service .....	132
City Judge, qualifications, tenure, powers .....	37
City Judge, pro tempore, appointment .....	37
City Manager .....	24-30, 81-84
actuarial report, pension fund .....	77
appoints officers and employees .....	25(2), 26
bond for faithful performance .....	27
chief administrative officer .....	24
compensation .....	24
controls seven departments .....	44
director of finance .....	45
enforces public utilities franchise .....	25(4)
ex officio, director of public works .....	81
form of treasurer's report .....	49
furnished departmental budgets .....	54
general duties .....	25(11)
has not vote in council .....	25
may call special meetings of council .....	13
may demand reports .....	46

City Manager (Cont'd)

	Section
not to be interfered with by council .....	28
not to be member of council .....	24
powers and duties .....	25
public hearing on removal .....	24
qualifications .....	24
special audit, death of auditor .....	48
suspension from office .....	24
tenure of office .....	24
to appoint directors of departments .....	45
to bid at tax sale .....	201
to cooperate in fixing salaries .....	44
to employ all policemen .....	66
to investigate departments or offices .....	30
to prepare interim budget .....	55
to sign contracts .....	317
to sign money orders .....	49
written charges against .....	24
City of Dallas, assessments against .....	266
City of Dallas, incorporation of .....	1
City Plan Commission, composition, tenure .....	225-229
City Plan Commission, consultation unnecessary .....	227
City Planning .....	225
City planning, state law adopted .....	226
City powers .....	5, 8
City prison, control of .....	69
City prosecutor, see City Attorney	
City purchasing agent, duties .....	50, 51
City Secretary, appointment by council .....	16
duties and compensation .....	16
duty to tax collector, resolution .....	235
tenure .....	16
to attest assessment certificates .....	274
to attest certificates .....	254
to call special meetings of council .....	13
to file bids .....	317
City treasurer .....	49, 61
City treasurer, cutodian of school fund .....	109
City treasury .....	62
Civil Service .....	114-132
Civil service board, composition, tenure .....	114
Civil service commission, employs firemen .....	72
Civil service commission, selects policemen .....	67
Civil service, departments exempt .....	132
Claim, fire condemned buildings .....	79
Claim for damage necessary .....	307
Claims against Board of Education, report .....	109
Claims, contractors to notify city of .....	310
Claims, payment of .....	49, 60
Claims, school affairs .....	109
Claims, subject to approval of city auditor .....	60
Claims, to be examined by auditor .....	41
Classified service, civil service board .....	116(2)
Clerical workers, hours, overtime .....	300
Clerk, corporation court, to issue writs .....	37
Clerk of court, salary, powers and duties, deputies .....	38
Close streets .....	5
Codes of rules and regulations, civil service .....	117
Codification of ordinances .....	171
Collection of assessment, mode .....	280
Collection of fine, execution, bonds .....	34
Collection of taxes .....	181-214
Collection of taxes, under director, finance .....	47
Collector of taxes, see Tax Collector	
Colored race, defined, segregation .....	321
Comfort, things dangerous to .....	5
Commission, city plan .....	225, 229
Commission on unemployment .....	96

	Section
Commission to operate radio	323
Committee meetings, of council, open to public	13
Common carrier, power of franchise	134
Companies, extension of utilities	139(6)
Compensation, for franchise	138, 140
Compensation of members of city council	11
Compensation of officers and employees, power to fix	5
Compensation, utilities, hearings	138, 140
Competition, in sales to city	51
Competitive bidding in purchasing	222
Competitive bidding, official newspaper	324
Competitive class, civil service	116(2)
Complaints, in corporation court, process	35
Comptroller, bonds to be transmitted to	294
Comptroller, investment of sinking fund	296
Comptroller, to enforce levy of tax, interest and sinking fund	296
Comptroller, to register bonds issued	294
Condemnation and Special Assessments	261-287
Condemnation	
assessment ordinance	273
for storm sewers	108
improvement, projects validated	281
of dangerous buildings	79
of dangerous structures	312
of land beyond city for public purposes	8
of public utilities	140
power to acquire property	5
of spoiled foods	86
ordinance or resolution	262
payment, time limit	277
procedure in exercising	101
proceedings, under prior charter	283
proceedings, writs	270
State law to be followed	8
Condition of franchises	135, 165
Conduct of councilmen, punishable	13
Conflict of jurisdiction, parks	219
Confirm, appointment, auditor	41
Confirm, bond issues	290
Conform, property platted, to existing streets	3
Consent, of property owners to tracks, switches	153, 154
Consolidation of two departments	44
Consolidation, of two franchise ownerships	135
Construct, public buildings	
school buildings	109
Construction of buildings, inspection	229, 319
Construction of business in residence district	229
Construction of sidewalk, lien	231
Construction work, inspection of	5
Construction work, regulation of	5
Contagious disease, quarantine	86
Contempt, council may punish for	15
Contempt, of city council	30
Contempt, punishment for	35
Contest, sidewalk assessment	249
Contest, street improvement, in ten days	249, 279
Continuous service, salary increase	78
Contract to be contracted with	5
Contract appropriation and specifications	317
Contract between whites and negroes	321
Contract bids, over \$500	317
Contract, competitive bidding, schools	109
Contract, competitive bids, required	317
Contract, countersigned, auditor	317
Contract, dependent on money in treasury	61
Contract, 8 hour day for employes	300
Contract, school auditor	109
Contract, school board	100

	Section
Contract, school veto by commission	112
Contract, not to exceed appropriation	317
Contract, officers not to have financial interest	304
Contractor, may leave space unpaved	251
Contractor, not to enforce certificates against city	254
Contractor, not to issue checks on public works	310
Contractor, retention of moneys due	310
Contractor, to notify city of claims	310
Contractor, bonds of	311
Contracts, for disposal of garbage	83
for improvements, validated	260
for office of city treasurer	49
for public improvement, requisites	238
citizens of Dallas preferred	302
park board, approval	217
park board to make	217
passed on by city attorney	33
preference to citizens	302
previous, validated	281
signed by manager	317
when void	63
with hospitals	305
Control of public property, alienable by ordinance only	133
Control, city property	5, 133
Control of city prison	69
Controversy, city attorney represent in	33
Conveyance by ordinance only	133
Conveyance of city manager	25(10)
Convict, forfeiture of license	34
Corporate boundaries	2
Corporate boundaries, extended by ordinance	4
Corporate existence	1
Corporate limits	2
Corporate limits, extended by ordinance	4
Corporate name	1
Corporate seal	5
Corporation assess property and shares	181
Corporation court, additional divisions	39
Corporation court, appeals	36
Corporation court, complaints	35
Corporation Court, creation and jurisdiction, fines	34-40
Corporation court, jurisdiction	35
Corporation court, prosecutor	33
Corporation court, subject to general law	40
Corporation utility, accept gift from	303
Cost bill, city property exempt	309
Cost of public improvements, payment	235
Council, defined	230
Council, see City Council	
Councilman, candidate for	17-23
Councilman, candidate, place on ballot	21
Councilman, may not be manager	24
Councilman, official misconduct	29
Councilman, public hearing before expulsion	29
Councilman, not to order employees or officers	28
Councilman, not to hold other office	129
Councilman not to accept gift	303
Councilman not to be interested in contracts, etc.	304
Councilman, subject to expulsion	29
Councilman, term	9
Councilmen, authority to administer oaths	15
Councilmen, cast lots, tie, runoff	20
Councilmen, official misconduct	29
Councilmen, primary election	18
Councilmen, punishable for misconduct	13
Councilmen, runoff, election	20
Councilmen, recall of	22, 23

	Section
Councilmen, salary	11
Councilmen, vacancies	13
countersign, auditor	41, 49, 293, 317
County, joint operation, hospitals	305
County judge, appointments for reassessment	275
County judge, appoints commissioners	263
County judge, to appoint special commissioners	278
Coupon bonds, see Bonds	
Court, see Corporation Court	
Cows, power to inspect	5, 86
Create offices	44
Crematories, power to regulate or condemn	5
Crematories, sanitary regulation of	86
Criminal laws, police to enforce	69
Crossings, of railways	155, 160
Culverts, maintenance by railway companies	155
Culverts, railroads, construct	155
Curfew, minors on streets	316
Current expenses, overdraft, no bond issue for	288
Custodian of maps, director of public works	82

### D

Dairies, inspection of	86
Dairies, power to regulate in or out of city	5
Dairy products, power to regulate, quality	5
Dallas County, joint operation, hospital	305
Damage, claim	307
Damage, notice of defect required	307
Dams	8
Dams, construction and acquirement of	100
Dance halls, regulation of	94
Dangerous buildings, to be condemned	79, 312
Dangerous business, locate, regulate, abate	5, 229
Dangerous structures, abate	312
Dangerous to health or comfort	5
Dangerous, wood buildings, fire limits	318
Day Labor, in competitive bid	317
Day Labor, use on municipal work	299
Dead bodies, power of disposition	86
Dealers, occupation tax, license	5
Death of officer, audit	48
Deaths, registration	5, 86
Debts, for utilities purchased, lien	140
Debts, see Indebtedness	
Debts, of consolidated utilities	135
Dedication of streets by platting	3
Deeds, execution by city manager	25 (10)
Deeds, tax, effect of	199
Defects, notice of, in streets, etc	307
Deficiency assessment	276
Delinquent taxes, penalties	209
Demand for taxes, no necessary	196
Demotion of employees	121
Departmental estimates, prepared by directors	46
Departmental estimates, public inspection	46
Department of Finance	47-52
Department of finance, audit park department	221
Department of finance, city treasurer	49
Department of finance, purchasing agent	50
Department of finance, under direction of city manager	45
Department of fire, regulation	72, 79
Department of Public Works	81-84
Department of public works, controlled by Manager	44
Department of police	66, 71
Departments, may be established by Council	44
Departments, recommendation of Manager to be heard	44
Departments, two may be consolidated	44
Deposit with treasurer	49, 52, 62

	Section
Deputy, assessor and collector	52
Deputy, clerk corporatiin court	38
Description, corporate boundaries	2
Description in tax rendition not to be denied	206
Description, of property required, taxation	213
Designation of official newspaper	324
Destroy, infected thing or building	86
Detention power, in case of disease	86
Determinate franchise, not for more than 20 years	137
Dilapidated building, abate	312
Director of Finance	47
Director of Finance, to control tax collector	52
Director of Fire Department	72
Director of Police Department	66
Director of Public Works, engineer	81
Director of Public Works, powers	83
Directors of departments, appointed	26
Directors of departments, duties	45
Directors of departments, public hearings	26
Directors of departments, supervision by Manager	45
Directors of departments, removable after 6 months	26
Directors, report to Manager	46
Directors, to be appointed	45
Disaster, relief of public	87
Disbursement, of city funds	47
Discharge of employees, after probation	121
Discharge of employees, not permitted	125
Discharge of officers, employees	24, 25, 31, 32, 37, 38, 71, 73
Discrimination, public utilities	139
Disease, preventing spread of	86
Disease, quarantine	86
Dismissal of employees, civil service	45, 117, 125, 128
Dismissal of officers	24, 26, 31, 32, 37, 38, 71, 73, 45
Dispose of city property	8, 133
Dispose of city hospital, vote	305
Dispose of school property	109
District, business in residence	229
District Judge, may order recall election	23
District, school	109
Districts, improvement	286
Districts, for nomination of councilmen	19
Divert, moneys or appropriations	58, 61, 298
Divert, interest or sinking fund, felony	298
Divide taxes, between owners	212
Divisions of court may be created	39
Divisions of tax payments	209
Dogs, power to tax and regulate	5
Donation to city	5
Drainage, bonds to provide, authorized	329
Drainage, power to regulate and control	107, 108
Drains and drainage	108
Drains, maintenance by railway company	155
Draw lots, tie at runoff	20
Driving fast	5
Drivers, vehicle, regulate	5
Duplicate receipts, required, tax collections	52
Duties, policemen	69

### E

Easement, annual report of holder, franchise	163
Easement, compensation, change	138
Easement, not by estoppel	133
Easement, interurban railway, right of way	143, 146
Easement, not extend another's	137
Easement, property owners in street	143, 146
Easement, public, alienation of	133
Easement, railway right of way	147, 150

	Section
Easement, temporary, revocable.....	164
Eight hour day, for employees.....	300
Election, Board of Education, date of.....	109
bonds, issuance.....	289
casting of lots.....	20, 21
city council, majority vote necessary.....	20
city council, runoff.....	20
conduct of, general.....	21
date of, general.....	18
districts.....	19
for issuance of bonds.....	289
general, initiative ordinance.....	177
granting of franchise.....	136
held in conformity with present law.....	21
initiative.....	22, 174, 180
interurban franchise.....	144
of councilmen.....	18
order of names on ballot.....	21
order of names on ballot.....	20
primary.....	18
public service, enterprise by city.....	165
purchase, utility.....	140
qualifications of voters.....	313
recall of councilmen and election of successors.....	22
referendum of ordinance.....	180
referendum, franchise.....	136
runoff.....	20
school board.....	109
special, initiative ordinance.....	176
tie between candidates.....	20
time of, general.....	18
utility, purchase of.....	140
written request for placing name on ballot.....	20
Elections, state law, applicable.....	314
Electors, qualified.....	313
Electric light, franchise not to go to railway company.....	135
Electric lighting, municipal ownership.....	165
Electric lighting, system, administration of.....	83
Emergency, additional firemen appointed.....	72
Emergency, appointment of policemen.....	67
Eminent Domain, see Condemnation.....	
Eminent Domain, to be exercised under state law.....	8
Eminent Domain, waterworks property.....	100
Employ, of franchise holder.....	303
Employe, assignment of wages, void.....	309
Employe, citizens preferred.....	302
Employe, 8 hour day.....	300
Employe, may not be candidate.....	129
Employees, not entitled to payment unless certified.....	126
Employees, not to accept gifts.....	303
Employees, not to have financial interest.....	304
Employees, retention of, classified.....	125
Employment bureau, free.....	93
Enact ordinances.....	13
Encroachment on street.....	133
Engineer, city, may of platted property.....	3
Engineer of waterworks.....	102
Engineers' statement.....	243
Enlarge, franchise not to, another.....	137
Enrollment, of ordinances required.....	167
Entry without warrant.....	86
Enumeration of powers.....	5
Epidemics, power to suppress.....	87
Equal and uniform service, utilities.....	139
Equal footing, added territory.....	4
Equalization, Board of.....	185
Equalization, Board of, taxes.....	190-192

	Section
Equalizing, population in election districts.....	19
Erroneous assessment.....	185, 207
Escape, fire.....	318
Establish rates, carrier.....	5
Estimate of budget.....	53
Estoppel, no, against city by officer, franchises.....	133
Estoppel, purchase of franchise.....	140
Estoppel, to attack description in tax rendition.....	206
Evaluation, of franchise holders', properties.....	138
Evaluation of franchise properties, purchase.....	140
Evidence, assessment certificates prima facie.....	254
Evidence, assessment rolls.....	204, 207
Evidence, books, production of.....	15
Evidence, papers, production of.....	15
Evidence, printed ordinances.....	169
Evidence, tax deed.....	199
Examine, witnesses, franchises.....	138
Examine, books and papers.....	138
Excess, bonds, void as to.....	288
Execution, city not subject to.....	309
Execution, for bond forfeited.....	34
Execution, garnishment and assignment.....	309
Execution of bonds.....	293
Execution of contract.....	317
Execution of Deeds.....	25(10)
Execution, utility bought.....	140
Exclusive franchise not to be granted.....	135
Exemption, from court bonds, etc.....	308
Exemption from execution, city property.....	309
Exemption from liability, city, assessments.....	255
Exemption, from taxes, franchises.....	138
Expenditures, civil service board.....	117
Expenditures, excessive, reported by auditor.....	41
Expenditures, only if money in treasury.....	61
Expenditures, only pursuant to appropriations.....	58
Expenditures, payment of claims.....	60
Expense of councilmen, to be paid by city.....	11
Expenses, see Budget.....	
Expulsion of council members.....	29
Extend franchise, expressly by ordinance.....	133
Extend franchise, term of.....	135, 137
Extension of public utilities, facilities.....	139

## F

Failure to name owner, assessment.....	185
Fair Park, Park Board to Control.....	217
Failure to report, Franchise Holder.....	163
Fares, of Franchise Holder, reduceable 4% or more.....	138
Fares, to be fixed by City.....	158-159
Fast riding.....	5
Favor from, utility.....	303
Fee, building permit.....	319
Fee from franchise holder, officer not to accept.....	303
Fees and charges of airport to be fixed by ordinance.....	7
Fee simple, city's power to acquire property.....	5
File, map of platted property.....	3
Fill to grade.....	230
Filtration plants, superintendent.....	102
Finance Department controlled by Manager.....	44
Financial conditions reported by auditor.....	42
Financial report, of franchise holders.....	163
Financial reports, quarterly, by auditor.....	42
Fine Arts, Institute of, bonds authorized.....	334
Fine, not exceed \$200.....	34
Fine, refusing to render for taxation.....	183
Fine, remit.....	315
Fines, collection and payment.....	35

	Section
Fines, in corporation court, maximum	34
Fines, power to remit	315
Fire alarm operators, pension	76
Fire Department	72-80
Fire Department, controlled by manager	44
Fire limits	318
Firemen, free rides	139
Firemen, mode of employment	72
Firemen, pensions	76
Firemen, as policemen in case of fire	80
Firemen, removal or suspension of, hearing	73
Fires, adjacent buildings destroyed	79
Fires, power to prevent by ordinance	5
Fire station, bonds \$350,000, authorized	331
Fire stations, beyond city	8
Fiscal year, defined	53
Fiscal year, owner Jan. 1, taxes	194
Fix weights and measures	5
Fixtures, school buildings, power to provide	109
Floods, relief of distressed	87
Foods, inspection of	86
Foreclose tax lien	194-207
Forced sale, utility purchased	140
Forfeit franchise, discrimination	139
Forfeit franchise, extending	137
Forfeit franchise, hearing	141
Forfeit franchise, books and papers	138
Forfeit franchise, officer, refusal to testify	138
Forfeit license, conviction	34
Forfeit office, accept gift	303-304
Forfeiture of franchise	137
Forfeiture of franchise, annual report	163
Forfeiture of franchise, unequal service	139
Franchise, basis of purchase price	140
breach of, reported by attorney	33
cancellation of	141
city attorney to sue for forfeiture	33
city's power to terminate	140
condemnation of	140
forfeiture of	163
for interurban	145
for interurban, vote of people	144
quality of service	139
Franchises	133-165
Franchises, annual report	163
arbitration clause	140
bonds, issue of	162
bonds, value received	139
bonus, lien	145
charges fix	158-159
debts consolidated	135
changes and extensions	133-135-137
commence in six months	135-138-139
compensation charge	138-139
condemn, value of franchise	165
conditions, expenditures	139
conditions, options to purchase	149
conditions, breach of	33
discriminations, forfeit	139
election	136
equal service	139
exclusive, No	135
expeniture, condition for	139
extend another, not	137
extension	133-135-137
extension, forfeit by	137
express grant by ordinance	133

Franchises (Cont'd)	Section
favor from holder	303
forfeit, annual report	163
forfeit, discrimination	139
forfeit, extending	137
forfeit, produce books	138
forfeit, officers testify	138
for steam railway, price of	148
free service	139
grant by ordinance only	136
grant, express	133
grant, gross receipts tax	138
holders, to pay 4% receipts	138
implication, none by	133
indeterminate	140
not to be enlarged	137
not to be extended by estoppel	133
not to be more than 20 years	137
not to be transferred	137
not to exceed 20 years	140
option to purchase	140
ordinances, city attorney	33
ordinances, express, extending	137
ordinances, grant, drafted by attorney	33
ordinances granting	136-141
ordinances, readings	136
ordinances, referendum	136
owner to pay city 4% or more	138
penalty, expenditures	139
powers not limited	140
public service, grant powers	134
purchase, election	140
purchase option	140
rates	139
rate of payment regulated	138
reduced rates	139
report, annual	163
schedules	139
securities, expenditures	139
service, equal, uniform	139
service, free	139
service, kind, hearing	139-141
service, regulate	139
street railway, interurban	142
stock, issue of	162
stock, value received	139
street, occupation of	134-155-164
street repairs	155
successor, not extend	137
subsidiary, not to outlive franchise	137
supervision	139
surrender of	137
tax, gross receipts	138
terms not to be extended	135
tolls, fix	158-159
transfer of	135
transfer prohibited	135
uniform service	139
use another's plant	142, 161
value, condemnation	165
waterworks, none to be granted	134
annulled by refusal of investigation	138
consolidation	135
evaluation investigation, power of council	138
holders of, to extend	139
not to be granted by estoppel	163
procedure in granting	136
taxation of	186

	Section
Free employment bureau .....	93
Free legal aid bureau .....	93
Free library .....	322
Free rides, police and firemen .....	139
Freight, carriage of, franchise .....	134
Freight, charges, fix .....	159, 139
Freight, power of franchise .....	134
Front foot rule, basis of assessment .....	240
Fund, debts .....	288-291-292
Fund, purchase utility, lien .....	140
Fund, school, warrants .....	109
Fund, waterworks, sacred .....	99
Funds, misapplication of by officer .....	298
Funds, control, auditor .....	41
Funds, depository, treasurer .....	49
Funds, furniture, school .....	109
Further duties, police, of firemen .....	80
Fire stations beyond city .....	8

**G**

Garbage, contracts for disposal of .....	83
Garnishment, city exempt .....	309
Gas plants, franchise, extensions .....	139
Gas plants, power to acquire beyond city .....	8
Gas company, condemnation, purchase .....	140
Gas company, plant, municipal .....	140, 165
Gas company, rates fixed .....	139, 159
General election, bonds, voted at .....	289
General election, referendum of ordinance .....	180
General fund, special assessment against .....	266
General powers, adopted .....	5-6
Gift, from utility, prohibited .....	303
Gift, power to acquire property by .....	5
Girls, reformatory .....	291
Going concern value, utility, not considered .....	140
Golf courses, park board to provide .....	217
Good government, ordinances .....	5
Good will, purchase of utility .....	140
Goods, carriage of .....	134
Governing body, appropriation for civil service .....	131
Governing body, power to veto, over school board .....	112
Government, full powers of self .....	6
Grade, change of, railway on streets .....	160
Grade, crossing, abolish .....	160
Grade, railway to conform to .....	160
Grade, sidewalk .....	230
Grade, streets and grounds .....	230
Grade, streets, railroad to pay for .....	155, 160, 232
Grant, city property .....	25, 133
Gross receipts, of franchise holders .....	138
Gross receipts, tax .....	138
Grounds, notice of defect .....	307
Guardians, prohibit minors in public .....	316
Guards, for park properties .....	218
Gymnasium, outdoor, park board to provide .....	217

**H**

Handball, park board to provide .....	217
Head of City Government, mayor to be .....	10
Health Department .....	85-92
Health director, bond .....	91
Health, general powers in protection of .....	5
Health, power to close cemeteries .....	5
Hearing, assessment, objection in writing .....	245
assessment, notice of .....	244
before improvement assessments .....	244
change of rates, by supervisor .....	139

**Hearing (Cont'd)**

	Section
forfeiture franchise .....	141
given citizens in council meetings .....	13
of policemen after suspension .....	71
on special tax, to be held .....	234
public, for employees .....	121
rate change public utilities .....	139
rate, track rental .....	142
street improvement .....	234
to property owners in condemnation .....	269
Heat, power of enfranchisement .....	134
Height of buildings, power to regulate .....	5
Highland Park, annexation or merger .....	339
Highland Park, member park board .....	215
Highland Park, member school board .....	109
Highland Park, merger with Dallas, schools .....	109
Highway, defined .....	230
Highway, may improve one side of .....	252
Highway, notice of defect .....	307
Highways, cost of improving provided .....	232
Highways, improvement, assessments for .....	232
Highways, ownership in city .....	133
Hold land, corporate purposes .....	5
Home Rule, city to have power of .....	6
Homestead, street improvements .....	251
Hospital, city, sell, lease, vote .....	305
Hospital, construction, etc. .....	305
Hospital system, \$400,000 bonds authorized .....	336
Hospitals, correctional work .....	93
Hospitals, joint city and county, vote .....	305
Hospitals, power to acquire beyond city .....	8
Hours, minors on street .....	316
House, slaughter, regulate .....	86
Housing commission .....	96

**I**

Ice, power of franchise .....	134
Impeachment, councilmen .....	22, 29
Impeachment, mayor .....	10
Impersonation of an officer .....	70
Implead and be impleaded .....	5
Impound certificates, power to, procedure .....	292
Improve streets and grounds .....	230-231
Improve, borrow money .....	288-291
Improvement, city not liable for costs .....	254
Improvement, city to pay part of cost .....	241
Improvement, districts, generally .....	286
Improvement districts, state law adopted .....	286
Improvement, local, no exemption .....	306
Improvement, on one side of street .....	252
Improvement, property to be left out .....	251
Improvement, public, noted on tax statement .....	235
Improvements, former acts of city validated .....	260
Improvements, power to order .....	231
Incinerator, bonds, \$150,000 authorized .....	332
Incorporation and territory .....	1-2
Increase, debt, utilities .....	135
Increase of tax assessment, notice .....	192
Increase salary, police, fire .....	78
Incumbent, recall of, nomination unnecessary .....	22
Indebtedness, bonded limit \$50,000,000.00 .....	288
Indebtedness, holders of franchises .....	131
Indebtedness, of franchise property purchased .....	140
Indebtedness, pay, order for .....	60
Indebtedness, purchase of utility .....	140
Indebtedness, retirement by waterworks fund .....	91
Indebtedness, utility, increase .....	131
Independent annual audit .....	61

	Section
Indeterminate franchise .....	140
Indirection, no franchise by .....	133
Industrial school .....	291
Infant on street at night .....	316
Infant reformatory .....	291
Infected, destroy .....	86
Inhabitants, incorporated .....	1
Inhabitants, added territory .....	4
Initiative and Referendum of Ordinances .....	174-180
Injury, notice of required .....	307
Inspection, food and drink .....	86
Inspection, milk .....	86
Inspection of buildings .....	5, 86
Inspection of buildings, fees chargeable .....	319
Inspection of construction work .....	5
Inspection of cows producing milk for city .....	5, 86
Inspection, specifications for contract .....	317
Inspection, weights and measures .....	5
Installments, assessments, time limited .....	287
Installments, of assessments, fixed .....	246
Installments, special assessments certificates .....	274
Installments, taxes payable in .....	209
Institute of Fine Arts, bonds authorized .....	334
Interest and sinking fund, paving bonds .....	330
Interest and sinking fund, report .....	53(h)
Interest and sinking fund, school bonds .....	109
Interest, back assessed taxes .....	185
bonds, levy for .....	296
delinquent taxes .....	209
financial, in contract .....	304
on bonds limited to 5% .....	288
on school bonds .....	325
on special assessment certificates .....	274
park bonds .....	326
payable by tax collector .....	52
rate on assessment .....	242
sewer bonds .....	328
street improvement bonds .....	327
Interests, joint, assessable separately .....	212
Interference by council with appointments of Manager prohibited .....	28
Interim budget, May 1, 1931-October 1, 1931 .....	55
Intersection, city to improve .....	232, 239
Interurban, bridges .....	155
construction .....	155
culverts .....	155
defined .....	155
fares .....	155-159
grade .....	155, 160
light street .....	155
local service .....	156
railways, defined .....	142
railways, franchise exemptions .....	146
railways, franchise popular vote .....	144
railway, intra city service .....	156-157
railways, may lay tracks .....	143
stops .....	156
street improvement .....	155
use street railway .....	142
Investigation, within power of council and manager .....	30
Irregularity, taxes .....	185, 205, 207
Irregularity, assessment waived .....	245, 247, 254, 274, 279
Issuance and Sale of Bonds .....	288-298
Issue, stocks or bonds, franchise .....	162
Items, included in annual budget .....	53

	Section
Jails, correctional work in .....	93
Jails, power to acquire beyond city .....	8
Joinder, assessment suits .....	247
Joint assessments .....	247
Joint operation, street car and light prohibited .....	135
Judge, appoints special commissioners .....	263
Judge, condemnation proceedings, see County Judge .....	278
Judge, corporation court, election, qualifications .....	37
Judge, district court, to select arbitrator .....	140
Judge, exempt from civil service .....	132
Judge, to appoint special commissioners .....	275
Judicial sale, utility purchased .....	140
Jurisdiction of corporation court, fines .....	34
Jurisdiction of corporation court, three thousand feet .....	34
Juvenile, reformatory .....	291

	Section
K	
Kindergartens, establishment .....	111

	Section
L	
Labor, assignment of wages .....	309
Labor, contractor, notice, retain fund .....	310
Labor, day .....	299
Labor, bids too high .....	317
Labor, 8 hour day .....	300
Labor, state convicts .....	301
Land, convey by ordinance .....	133
Land, take, hold, purchase .....	5, 8
Laying out street and grounds .....	230-231
Lease, abattoirs .....	291
Lease, city hospital, vote .....	305
Lease, lots for school .....	109
Lease, of hospitals .....	305
Lease, power to acquire property by .....	5
Lease, power to, property .....	5
Legacy to city .....	5
Legal aid bureau, free .....	93
Legal adviser, city attorney .....	33
Legal Department, Creation and Constitution .....	31-33
Legal department, exempted, civil service .....	132
Legislature, city to have all powers granted by .....	6
Levies of taxes, previous, validated .....	204
Levy, annual .....	55, 208
Levy, annual park .....	223
Levy, delinquent taxes, collection .....	197
Levy, Occupation taxes .....	5
Levy, state law .....	210
Levy, special taxes .....	233-234, 312
Liabilities, candidate for council not to have .....	17
Liability, city exempt from, public improvement .....	255
Liability, notice of defect .....	307
Liability, notice of injury .....	307
Library bonds, \$500,000 authorized .....	333
Library department exempted, civil service .....	132
Library, public .....	322
License, amusements .....	5
License, business .....	5
License, fee, occupation, tax, where payable .....	52, 196
License, forfeiture .....	34
License, general power as to occupations .....	5
License, Motors .....	5
License, occupations .....	5
License, of vehicles for hire .....	5
License, revocation of, suspension .....	34
License, vehicle drivers .....	5
Licenses, issuance of, director, finance .....	47
Licenses, issued by tax collector .....	52

	Section
Lien, assessment, superiority of	247
Lien, bonus, franchise	145
Lien, for assessment for improvements	239
Lien for assessment, misnomer	248
Lien for taxes, priority of	194
Lien, not permitted on public property	310
Lien, reverts back, on assessments	248
Lien, street improvement, railway	232
Lien, taxes, foreclosure	194-197
Lien, utility purchased	140
Liens for improvement assessment	232
Life, protect	5
Light Company franchise, not to go to Railway Company	135
Light, power of enfranchisement	134
Light, price, regulate	159
Light, street, railway, pay	155
Lighting of vehicles, power to regulate	5
Lighting plants, municipal ownership	165
Lights, street by railway companies	155
Limits, city	2
Limits, fire	318
Limits on reassessment	253
List of taxpayers	193
Lists of eligibles, civil service	118
Lists, tax rolls	181, 183, 185
Litigation, city attorney	33
Local improvement, no exemption	306
Local improvement, power to assess for	5
Local service, interurban	156
Local transportation, interurbans	156
Locomotive, speed	155
Lots and blocks	3
Lots, casting of, tie vote in run-off	20
Lower street or alley	230
Lowest secure bid, city to accept	317

**M**

Mail planes, to use city airport	7
Maintain, public department	44
Maintain, streets and grounds	230
Maintain streets utility	155
Majority of voters, extend limits	4
Malfeasance, of officer	29, 303, 304
Manage property, public use	5, 133
Manager, certify money in treasury	61
Manager, see City Manager	
Mandamus, street railway, transfers	155
Map, of platted property, filed with city	3
Map of property platted	3
Maps, custodian of	82
Material, building, fire limits	318
Materialmen, notice of claims	310
Maximum rate of franchise holder	138
Mayor, duties of, election	10
Mayor, approval ordinances unnecessary	173
Mayor, has no power to veto	10
Mayor, may call special meetings of council	13
Mayor pro Tem, duties of	14
Mayor, shall appoint temporary judge	37
Mayor, signature unnecessary to ordinance	173
Mayor, subject to removal by six councilmen	10
Mayor to administer oaths	15
Mayor to be member of council	10
Mayor, to be selected by members of council	10
Mayor to execute assessment certificates	254
Mayor to execute bonds	293
Mayor, to give comptroller statement	295

	Section
Mayor, to have vote in council	10
Mayor to serve for two years	10
Mayor to sign all processes	15
Measures, inspect, standard, fees	5
Meat, inspection of	86
Mechanic's lien, not on city property	310
Mechanic's lien, notice of claim	310
Meetings, board, education	110
Meetings of council, compulsory attendance	13
Meetings of council, manager to attend	25
Meetings of council, minimum number	13
Meetings of council, place of	13
Meetings of council, quorum	13
Meetings of council to be open to public	13
Member of Board of Education, tenure	113
Members of Board of Education, duties	109
Members, civil service board, qualifications	114
Member of council, see Councilman	
Members of council, attendance compelled	13
Members of council, disqualification	304
Members of council, method of nominating	17-20
Members of city council, mode of selection	9, 19-20
Members of council, punishable for misconduct	13, 29
Members of council, qualifications	17
Members of council, to vote on all matters	13
Members of park board, removal	216
Members of park board, tenure, qualifications	215
Menagerie, provided	217
Merchandise, selling, occupation tax	5
Merchants, render for taxes	184
Merchants, tax regulate	5
Merger, Highland Park, provided	339
Merger, University Park authorized	339
Method of nominating and electing councilmen	17-20
Milk, inspection of	5, 86
Milk cows inspection of	5, 86
Minimum efficiency, standard, civil service	124
Minors, prohibited in public at night	316
Minors, reformatory	291
Minutes of council to record vote	13
Miscellaneous Provisions	299-339
Misapplication of funds, officer	298
Misconduct, of council members	29
Misconduct of employees, classified service	123
Misdemeanor, acceptance of gift	303
Misdemeanor, prevent	5
Misdemeanor, violation civil service	130
Misnomer, assessment	243, 247, 254
Misnomer of tax debtor, immaterial	185
Moneys, appropriate	55, 57
Money, borrow, improvements	288-291
Money certified in treasury	61
Money deemed in treasury	62
Monthly financial statement, auditor	42
Monthly report, by tax collector	211
Monthly statement, finances	41
Morgues, sanitary regulation of	86
Mortgage, in public utility purchase	140
Motorcycles, power to regulate	5
Motor vehicle, regulate	5
Moving picture shows, for parks	217
Moving picture shows, regulation of	94
Municipal buildings, power to acquire beyond city	8
Municipal ownership of public utilities	165
Municipal radio station, maintenance	323
Municipal services	7, 8, 165
Music to be provided for parks	217



N	Section
Name, City of Dallas .....	1
Name, corporate .....	1
Name, owner, assessment .....	185, 213
Negro, separate blocks .....	321
Nominations for councilman, petition .....	19
Nominations for councilman, acceptance, 20 days before election .....	19
Nominations of councilmen, districts defined .....	19
Nomination, primary .....	18
Nomination, unnecessary for incumbent, recall election .....	22
Nominees for councilmen, selection .....	18, 19
Non-competitive class, civil service .....	116(2)b
Non-residents not acceptable as sureties .....	311
Notes, utility purchased, lien .....	140
Notice, condemnation hearing, service .....	268
Notice, franchise, forfeiture .....	141
Notice, increase assessment .....	192
Notice, injury .....	307
Notice, laborer's claim .....	310
Notice, materialman's Claim .....	310
Notice of damage required .....	307
Notice of defect, damage claim .....	307
Notice of hearing, assessments .....	244
Notice of pending improvements, tax statements .....	235
Notice, of recall election .....	22
Notice of zoning amendment .....	229
Notice, reassessment .....	185, 253, 275
Notice, segregation ordinance restrictions .....	321
Notice, sub-contractor's claim .....	310
Notice, tax sale of real estate .....	198
Notice to render for taxes .....	184
Notification of dismissal of employees .....	122
Nuisance, by property owners, in street .....	151
Nuisance, dangerous buildings .....	79, 312
Nuisance, infection .....	86
Nuisances, outside city limits .....	5
Nuisances, power to abate .....	5
Nuisances, power to abate .....	88
Nuisances, power to define and prohibit .....	5
Nuisances, power to punish authors .....	5
Nuisances, power within three thousand feet .....	5
Nuisances, within three thousand feet of city .....	34
Nullify, purchase or sale, board of education .....	112

O	Section
Oath, administered for tax renditions .....	183
Oath, of policemen .....	67
Oath, on recall petition .....	22
Oaths, to be administered by City Attorney .....	33
Oaths, to be administered by City Auditor .....	60
Oaths, to be administered by City Judge .....	37
Oaths, administered by Manager or Council .....	30
Oaths, authority to administer .....	15
Oaths, power of City Judge .....	37
Oaths, power to administer, health department .....	89
Oaths, see Complaints .....	
Objections to ordinance, City Attorney .....	33
Obligations, when void .....	63
Occupancy of buildings, power to regulate .....	5
Occupation, license, tax, regulate .....	5
Occupation tax, power to levy under State law .....	5
Occupation taxes, of franchise holders .....	138
Offenses, committed outside city, punishment .....	34
Offensive business, regulate, locate, abate .....	229
Office, abolish .....	44, 125
Office create .....	44
Office establish by ordinance .....	44
Office, forfeit, favor from franchise holder .....	303, 304

Section	Section
Office, term of .....	9
Office, vacancy .....	12
Officer, accept from utility .....	303
additional duties .....	44, 45
appointment .....	31, 37, 38, 45
assignment of wages, void .....	309
bond .....	27, 43, 49
confirmation .....	41
defined .....	69
diversion of funds .....	298
diverting sinking fund .....	298
dismissal of .....	24, 26, 31, 32, 37, 38, 45, 71, 73
duties .....	44, 45
easement not grant or extend .....	133
employ of utility .....	303, 304
favor from utility .....	303
franchise not grant or extend .....	133
liable for negligent approval .....	60
liability to city on indebtedness .....	48
no power to estop city .....	133
not to accept gift .....	303
not to be candidate .....	129
not to have financial interest .....	304
oath .....	67
powers, fix by ordinance .....	69
provide for merger .....	44
qualification ceasing .....	129, 303, 304
salary .....	5, 11, 44, 131
sinking fund, diverting .....	298
term of office .....	9
Officers, members park board .....	215
Officers of civil service board .....	115
Officers, removal of .....	24, 26, 31, 32, 37, 38, 45, 71, 78
Official ballot .....	19-20-21
Official ballot, general election .....	21
Official bond .....	27, 43, 49
Official duties of councilmen, city pays expense .....	11
Official newspaper, designation of .....	324
One side of highway may improve .....	252
Open, streets and alleys .....	230, 231
Open, streets, purchase utility .....	140
Option, to terminate franchise .....	140
Order for money, unauthorized .....	49
Order on treasurer .....	49
Order, preserve .....	5
Ordinance, accepting annexation .....	4
alienating public rights .....	133
annexation, authorized .....	339
condemnation proceedings .....	262
conveying land .....	133
granting interurban franchise .....	145
granting interurban right of way .....	144
initiative, repeal .....	178
validating assessments .....	281
levying assessments .....	246
levying special assessments .....	273
on segregation, ratified .....	321
Ordinances .....	166-173
approval of, City Attorney .....	33
approval of, by Mayor unnecessary .....	173
codification .....	171
compared and enrolled .....	167
effect, take .....	180
emergency .....	180
for segregation, provided for .....	321
granting franchises .....	136, 141
how plead .....	172

Ordinances (Cont'd)	Section
initiative and referendum .....	174-180
initiative petition .....	174-175
majority vote required to pass .....	13
mayor's approval unnecessary .....	173
objections, City Attorney .....	33
powers of council .....	5, 6
pre existing, perpetrated .....	166
printed, admitted in courts .....	169
proof of, in courts .....	168
publication of .....	168
referendum .....	174-180
style of .....	170
signature of Mayor unnecessary .....	173
take effect .....	180
to be codified .....	171
votes on .....	13, 178
Ornamental street lighting, State law .....	284
Other duties, police and firemen .....	69, 80
Outdoor gyms, Park Board to provide .....	217
Outside city, power of city .....	8
Overdraft, bonds not to be issued for .....	288
Overtime pay for employees .....	300
Owner, assessment, fail to name .....	185
Owner, assessment, misnomer .....	243, 247, 254
Owner, assessment, unknown .....	187, 192
Owner, taxes, Jan. 1, liable .....	184, 194
Owners, defined .....	230

**P**

Papers, books and, production .....	15
Papers, franchise holder, examine .....	138
Parents, prohibit minors in public .....	316
<b>Park Board</b> .....	<b>215-224</b>
additional members .....	215
confirmation of purchase .....	217
conflict with other departments .....	219
council to appoint for vacancies .....	216
Fair Park .....	217
jurisdiction .....	217
may exceed appropriation .....	64
power to employ personnel .....	218
president .....	215
qualification .....	215
quarterly report .....	220
report, quarterly .....	220
rules, regulations .....	218
warrants .....	223
Park bonds, \$1,500,000 .....	326
Park Department, control of school grounds .....	94
Park Department, purchase of additional park, notes .....	64
Park Department, to be audited annually .....	221
Park Board, Highland Park represented .....	339
Park fund, tax for .....	223
Park property, acquisition, State law .....	320
Park property, assessments to pay for .....	320
Parks, acquirement of, bond money .....	224
Parks, acquisition of land for .....	320
Parks, additional acquirement of .....	94, 223
Parks and playgrounds, power to acquire beyond city .....	8
Parks, establish, regulate .....	217
Parks, guards and policemen .....	218
Parks, ownership in city .....	133
Parks, purchase of, special authorization .....	64
Participation in politics prohibited .....	128, 129
Particular powers, not exclusive .....	6
Passenger carriage, franchise .....	134
Passenger fares .....	159, 156

	Section
Pave streets and alleys .....	230-231
Pave streets, railroads .....	155
Paving, by railway companies .....	155
Payers, tax, alphabetical list .....	193
Payment, debts and expenses, order .....	60
Payment, bonds, order for .....	49
Payment for franchise, valuation .....	138
Payment of assessments .....	247
Payment of claims .....	60
Payment of water charges .....	98
Payments, of franchise holders, due date .....	138
Pay roll not to carry uncertified employees .....	126
Passengers, carriage, franchise .....	134
Paving bonds, \$3,000,000, authorized .....	330
Pay, of councilmen .....	11
Payment of taxes, description required .....	213
Peace, preserve, promote .....	5
Peddlers, occupation tax .....	5
Penalties, delinquent taxes .....	209
Penalties for violation, civil service .....	130
Penalties, power to remit .....	315
Penalty, forfeiture of license .....	138-139
Penalty, not exceed \$200.00 .....	34
Penalty, remit .....	315
Penalty, utility expenditures required .....	138-139
Pension fund, fire alarm operators .....	76
Pension fund, policemen, firemen, etc. ....	76
Per Diem pay for councilmen .....	11
Permanent improvement, borrow money for .....	288
Permit, building .....	319
Permits, for buildings, issuance, fees .....	319
Permits, to use public places .....	164
Perpetual succession, city to have .....	5
Persunal liability, street improvement .....	239
Personal property, liable for all taxes .....	194-197
Personal property, seizure for taxes .....	195-197
Petition, in condemnation, filing .....	263
Petition referendum, franchise .....	136
Petition, submitting ordinance, initiative, referendum .....	174-175
Petition for election for franchise .....	136
Petition, for name on ballot, councilman .....	19
Petition, nominating councilmen .....	19
Petition, second recall election, must allege new grounds .....	22
Petition, to recall councilmen .....	22
Physician, health director .....	86
Pictures, moving, for parks .....	217
Pictures, moving, regulate .....	94
Place of abode, colored, separate blocks .....	321
Place of amusement, separate blocks .....	321
Place of assembly, segregation .....	321
Plan commission, city .....	225-229
Plans and specifications, contract .....	317
Plans, public improvement, city planning .....	227
Platting of Property .....	3
Plat, of proposed assessment area .....	267
Platoon system to continue in force .....	75
Playgrounds, park board to provide .....	217
Playgrounds, public, regulation of .....	94
Pleading, in assessment suit, verified .....	250
Pleading, of ordinances .....	172
Pledge, water revenue .....	99
Pledging, property of public utility purchased .....	140
Poles, power to regulate, locate and prohibit .....	5
Poles, use by another utility .....	161
Police and firemen, salary raise .....	78
Police and fire system, radio station .....	323
<b>Police Department</b> .....	<b>66-71</b>

	Section
Police Department, controlled by manager .....	44
Police Department, eight hour day .....	300
Police Department, free transportation .....	139
Police Department, pension .....	76
Police Department, removals .....	71
Police Department, salary increase .....	78
Police Department under civil service .....	67
Police power .....	5, 6
Police, power conferred on firemen .....	80
Police powers, franchise not abridge .....	140
Police stations, outside city .....	8
Policemen, removal .....	71
Policemen, parks .....	218
Policemen, serve process .....	15
Policemen, authority of .....	69
Policemen, badges .....	70
Policemen, duties of .....	69
Policemen, employment, qualifications .....	67
Policemen, free rides .....	139
Policemen, pensions .....	76
Policemen, suspension of .....	71
Political activity by employes prohibited .....	128
Political affiliation not basis of discrimination against employes .....	128
Pools, beyond city .....	8
Parks, acquisition sale .....	5, 8
Position, abolition of .....	125
Postponement of council meetings .....	13
Power, of franchise .....	134
Power of condemnation .....	261
Power of sale, for taxes .....	194
Power to acquire property outside of city .....	8
Powers, general, adopted .....	5-6
Powers general, city to have .....	5
Powers granted by general law .....	5
Powers of City .....	5-8
Powers of City Manager .....	25
Powers, specific, enumerated .....	5
Practice and procedure, corporation court .....	36
Precincts, see Election Districts .....	19
Preference, for citizens in employment and contracts .....	302
Premises, inspection, sanitation .....	86
Premises, removal dangerous building .....	312
Preserve, order, security .....	5
President, Board of Education, to sign money orders .....	49
President of Board of Education .....	109-112
President of Park Board .....	215
Presiding officer, Mayor to be .....	10
Prevent fires .....	79, 318
Prevent nuisances .....	5, 88
Price of gas, light, water .....	159
Price of bread .....	5
Primary elections, eliminated, except under State law .....	18
Primary laws of State .....	18
Printed ordinances, admitted in courts .....	169
Prison, establish .....	291
Prison farms, power to acquire beyond city .....	8
Prisoners, State, not to labor in city .....	301
Privileges, commence within 6 months, franchises .....	135
Privileges, compensation, change franchise .....	138
Privileges, enlarge another, not to .....	137
Privileges, exclusive none, utilities .....	135
Privileges, extend another, not to .....	137
Privileges, extension conform to charter .....	139
Privileges, forfeiture by enlarging .....	137
Privileges, utility, accept from .....	303
Probable revenue, appropriation .....	53f, 53g
Process, service of, condemnation hearing .....	268

	Section
Process, in corporation court .....	37
Process, issuance by council .....	15
Process, issuance by judge and clerk .....	37
Processes, attested by City Secretary .....	15
Processes, signed by Mayor .....	15
Produce books and papers, franchise .....	138
Products, dairy .....	5, 86
Profession, license, tax regulate .....	5
Profits, speculative, purchase of utility .....	140
Prohibit amusements .....	5
Prohibit dogs at large .....	5
Promotions in classified service .....	119
Promulgation, of initiative ordinance .....	179
Property, acquire .....	100, 8, 291
Property beyond limits, acquirement .....	100
Property, evaluation, of franchise holders .....	138
Property, not liable for improvement .....	251
Property, ordinance to protect .....	5
Property outside city, power to acquire .....	8, 100
Property owner, defined .....	230
Property owners, consent to tracks .....	153
Property owners, extension of railways .....	139
Property owners, notice to appear in condemnation .....	268
Property owners, to pay cost of widening .....	265
Property, public, exempt from liens .....	310
Property, public, alienation of .....	133
Property, platting .....	3
Property, real, grant by ordinance only .....	133
Property, restrictions, segregation .....	321
Property, school, sale or purchase .....	109
Property, seizure and sale for taxes .....	194
Property, sell, dispose of .....	5
Property subject to taxation .....	181
Property, useless, to be sold by purchasing agent .....	50
Prosecutor, see City Attorney .....	33
Protect, life, health, property, ordinance .....	5
Pro-Tem, City Attorney .....	33
Pro-Tem, Judge .....	37
Pro-Tem, Mayor .....	14
Providing for assessments, validated .....	281
Public amusements .....	5
Public assembly, colored, segregation .....	321
Public carriers, charges .....	158-159
Publication, of appropriation ordinance .....	55
Publication, of initiative ordinance .....	179
Publication, of ordinances .....	168
Public Amusement, regulation of .....	94
Public buildings, inspection .....	86
Public disaster, authorizing emergency expenditure .....	63
<b>Public Health Department</b> .....	85-92
Public Health Department, controlled by Manager .....	44
Public health, director of, qualifications, etc. ....	85-92
Public hearing, appropriation ordinance .....	55
Public hearing, for directors of departments .....	26
Public improvements, borrow money .....	288
Public improvements, City Plan Commission .....	227
Public improvement, competitive bidding .....	317
Public improvement, engineer's report .....	243
Public improvement, resolution conclusive .....	235
Public library bonds, \$500,000 .....	333
Public library, establishment and maintenance .....	322
Public places, establish, vacate .....	230-231
Public property, no liens on .....	310
Public property, alienation .....	5, 133
Public purchases beyond city limits, defined .....	8
<b>Public Schools</b> .....	109-113
Public Schools, see Schools; Board of Education .....	109
Public schools, control and construction of .....	109

	Section
Public schools, no civil service .....	132
Public service .....	165
Public service, equal and uniform .....	139
Public service, power to confer franchise .....	134
Public sessions .....	13
Public utilities, condemnation of .....	140
Public utilities, discrimination .....	139
Public utilities, municipal ownership .....	165
Public utilities, see Franchises .....	
Public utilities, no transfer of appropriations permitted .....	56
Public utilities, see Supervisor of .....	139
Public utilities, to rent properties .....	161
Public utility, gift from, to officer .....	303
Public utility, power to acquire lease on, etc. ....	5
Public utility, purchase of .....	140
Public utility, to be extended .....	139
Public utility, transfer of .....	137
Public works, department controlled by Manager .....	44
Public works, director of .....	81
Public works, power to construct and create .....	5
Publishers, contract, books, supplies .....	109
Punish, for contempt of council .....	13, 30
Punish, for contempt of city court .....	34-35
Punish, members of council .....	13
Purchase, Board of Education, veto .....	112
Purchase, municipal purposes .....	8, 291
Purchase of franchise .....	140
Purchase of land, for parks, approval .....	217
Purchase of parks, advantageous, authorized .....	64
Purchase of property, powers .....	5
Purchase of supplies, competitive bidding .....	222
Purchase of utility, election, etc. ....	140
Purchase of waterworks properties .....	98
Purchase, power to property beyond boundaries .....	5, 100
Purchase utility, option .....	140
Purchases over \$1,000, Board of Education .....	112
Purchasing agent, powers and duties .....	50-51

### Q

Qualification, city officers .....	9, 17
Qualifications of voters .....	313
Qualification, successful candidate, recall election .....	22
Qualified voters, councilmen must be .....	17
Quality, bread .....	5
Quality, dairy products .....	5, 86
Quarantine, power of .....	86
Quorum, of council .....	13

### R

Races, segregation of .....	321
Radio commission .....	323
Radio entertainments, Park Board .....	217
Radio station, municipal, maintenance .....	323
Railroad, abolish grade crossing .....	160
abutters, consent .....	153
assessment, street improvement .....	232, 239
bridges .....	155
consent of city .....	153
consent of abutters .....	153
construction .....	155
crossing, grade .....	155, 160
crossing, provide .....	155, 160
culverts .....	155
drains .....	155
grade, conform to new .....	155-106
light street .....	155
location .....	147
notice of assessment hearings .....	244

Railroad (Cont'd)	Section
speed .....	155
street, use of, consent of abutters .....	153
street, improvement .....	155, 232
switch .....	139, 147, 155
track above or below street .....	160
Railway extensions, control by council .....	139
Railway extensions, consent abutters unnecessary .....	139
Railway, steam, forfeiture of easement .....	147-150
Railway tracks, consent, property owners .....	153
Railway tracks, graded to street .....	160
Railways, city may locate .....	147
Railways, to maintain crossings .....	155, 160
Railway's duty to maintain streets .....	155
Railways, improvement between rails .....	232-234
Railways, regulation of speed .....	155
Raise streets and alleys .....	230
Rate of wages, in contracts with city .....	302
Rates change of, public utilities .....	139
Rates, charged by franchise holders .....	139
Rates, for water furnished by city .....	98
Rates, of franchise holder reduceable 4% .....	138
Rates, of public utilities, fixed .....	158-159
Rates, power supervisor public utilities .....	139
Rates, to regulate all vehicles for hire .....	5
Rates, to utilities, equal .....	139
Rates, utilities, schedule .....	139
Ratified, bond issues .....	290
Readings, franchise ordinance .....	136
Readvertisement, bids for contract .....	317
Real estate, grant by ordinance .....	133
Real property, value not rendered .....	189
Reassessment, barred in five years .....	253
Reassessment, of property improperly assessed, taxes .....	185
Reassessment, procedure, street improvement .....	253
Reassessment proceedings, condemnation .....	275
Recall election, candidate to succeed himself .....	22
Recall election, District Judge may order .....	23
Recall election, publication of notice .....	22
Recall election, res judicata where incumbent successful .....	22
Recall of councilmen, procedure .....	22
Recall petition, amendment .....	22
Recall petition, grounds .....	22
Recall petition, requisites .....	22
Receipts and disbursement, examined by auditor .....	41
Receipts, gross, tax, utility .....	138
Records, utility, examine .....	138
Recreation, Park Board to provide .....	217
Recreation, regulation of .....	94
Redem property, tax debtor may .....	202
Redistricting, election district .....	19
Reduction of employees, officers .....	121
Reduction of rates, franchise holder .....	138
Referendary, vote, on indeterminate franchise .....	140
Referendum, franchise or easement .....	150
Referendum of ordinances .....	180
Reformatory .....	291
Refunding, maturing bonds by new issue .....	288
Refrigeration, power of franchise .....	134
Registration, births and deaths .....	5, 86
Registration, bonds .....	297
Regular meetings, council .....	13
Regulate, amusements .....	5
Regulate, animals at large .....	5
Regulate, bakers .....	5, 86
Regulate, building .....	229, 319
Regulate, business .....	5
Regulate, drivers .....	5
Regulate, occupations .....	5

	Section
Regulate, peddlers	5
Regulate, speed railways	155
Regulations, Board of Education	109, 110
Regulations, buildings	229, 319
Regulations, departments	45
Regulations, fires	5
Regulations, franchise, hearing	139
Regulations, park	215
Regulations, tax sales	198
Regulations, utility, hearing	139
Regulations, waterworks	98
Religious opinions, not basis of discrimination against employees	128
Remit, fine, penalty	315
Remit penalties or fines, power to	315
Removal of City Plan Commission	228
Removal of Mayor by six councilmen	10
Removal of officer by impeachment	22, 29
Removal, officers, employees	45, 117, 125, 123
Removal, officers, recall	22, 23, 123
Removal, park guards	218
Removal, personal tax due on	195
Removal, police, firemen, hearing	71, 73
Removal, trash	86
Remove, dilapidated building	312
Remove, filth	86, 88
Remove, fire hazard	5
Remove, infected	86
Remove, nuisance	88
Render all public services	165
Rendition, description binding on tax debtor	206
Rendition, for taxation	189
Rendition of taxable property	183
Repair, school buildings	109
Repair, sidewalks, lien	230, 257
Repair, street, franchise, penalty	138, 155
Repair, street, railroad	155
Repeal, initiative ordinance	178
Report, by tax collector, monthly	211
Report, in condemnation to council	272
Report of Civil Service Board, annual	117
Report of engineers, prior to improvement	243
Report of independent auditor, public, recorded	65
Report of special commissioners, condemnation	266
Report of special commissioners, requisites	271
Report, school	109
Reports, of health director to council	90
Reports, on finances, auditor	42
Reports, quarterly of park department	220
Request, place on ballot	19, 21
Reservoirs, construction and acquirement of	8, 100, 291
Residence, race segregation	321
Residence, section, business in	229
Residence, ground of preference in employment and contracts	302
Resignation, councilmen sought to be recalled	22
Resolution, condemnation proceedings	262
Resolution, improvement, conclusive	235
Resolutions, majority vote required	13
Restriction, race, of property, agreement	321
Retire bonds, sinking fund	289, 296
Returns, election	20
Revenue, appropriation not exceed	61
Revenue, excess, appropriation of	57
Revenues and expenses, statement auditor	42
Revocation, consent of abutter	153
Revocation license, use street	151
Revocation of licenses	34
Revolving street improvement fund	292
Right, alienable by ordinance only	133

	Section
Right, none by estoppel or omission	133
Right of way, power to acquire beyond city	8
Riot, additional policemen	67
Riot or emergency, additional firemen	72
Riparian rights	8
Riparian rights, within and without city	100
Rolls, tax	181, 183, 185
Rules and regulations, civil service board	117
Rules and regulations, police department	66
Rules, Board of Education	109, 110
Rules, department	45
Rules, forfeit franchise, hearing	139
Rules of fire department	74
Rules of procedure for council	13
Rules, park	215
Rules, tax sales	198
Rules, waterworks	98
Running at large, dogs	5
Runoff election	20

**S**

Salaries, classified service, certificate	126
Salaries, classified service, uniform	44
Salaries, of Civil Service Board	131
Salaries of officers, power to fix	5
Salary of councilmen	11
Salary raise, policemen and firemen	78
Sale, for taxes, city may purchase	201
Sale, franchise, consent of city	140
Sale, franchise, not to extend	140
Sale, of hospitals	305
Sale, personal property, taxes, title	200
Sale, or pledge, of public utility purchased	140
Sale of property, for taxes	194
Sale of property, power generally	5
Sale, of real estate for taxes, notice	198
Sale, school property	109
Sale, tax, powers of collector	194-198
Sale, tax, regulations	198
Sale, to enforce assessment	247
Sanitation	85-88
Sanitary conditions, dairy	5, 86
Sanitary Sewers	98-108
Schedules, public service corporations	139
School bonds, issuance authorized	325
School books, purchase of	109
School buildings, provision for	109
School, colored, separate block	321
School funds, custody reports, etc.	109
School funds, president of board to sign money orders	49
School grounds, control of	94, 109
School and church not exempt, special assessments	306
School property costing more than \$1,000	112
School property, purchase or sale	109
School tax	109
School taxes	208
Schools, contracts, board of education	109, 112
Schools, exempted from civil service	132
Schools, Public	109-113
Seal, bonds of city	293
Seal, corporate	5
Search warrants, issuance by judge or clerk	37
Secretary, Board of Education, attest money orders	49
Secretary, city	16
Secretary, city, ballot, official	21
Secretary, city, to Board of Equalization	192
Secretary, city, election officers	19-22
Secretary, city, initiative	175-179

	Section
Secretary, city, process	15
Secretary, city, recall	22
Secretary, city, referendum	175-179
Secretary, see City Secretary	
Secretary, city (see also, City Secretary)	15-16
Section, business, residence	229
Security, city not to give, courts	308
Security, franchise, expenditures	139
Security of city, ordinances to preserve	5
Security, property of public utility purchased	140
Segregation of races	321
Segregation ordinances, power to pass	321
Segregation ordinance, ratified	321
Second election	20
Seizure, of property for taxes	194
Selection of Mayor, time of	10
Selection of nominees for City Council	18
Self government, full powers of	6
Sell city property	5
Sell city hospital, vote	305
Sell property, power to	5
Selling goods, occupation tax	5
Sentence, forfeit license	34
Separate blocks, races	321
Serial bonds	289
Service, municipal	165
Service, public, city may render any	165
Service, salary increase, police, fire	78
Service, utility, hearing	139
Service, regulate	139
Session, open to public	13
Sewerage bonds, \$1,000,000, authorized	328
Sewerage plants	8
Sewers, municipal ownership	165
Sewers, Sanitary and Storm	98-104
Sewers, special tax	105-108
Sewers, use of waterworks fund for	99
Shares, assessment for taxes	181
Sidewalks, assessments	256
Sidewalks, failure to provide, penalty	257
Sidewalks, Improvements	230-260
Sidewalks, owner, penalty	257
Sidewalks, penalty, fail to construct	257
Sidewalks, power of construction	231
Sidewalks, regulate	5
Sidewalks, special assessment	239, 256
Sign bonds, Mayor	293
Sign contracts, Manager	317
Signal system bonds for, authorized	331
Signing of processes by Mayor	15
Signing of certificates, Mayor	274
Sinking fund, budget	53
Sinking fund, comptroller, levy, investment	296
Sinking fund, diversion	296, 298
Sinking fund, investment	296
Sinking fund, levy	296
Sinking fund, provide	289
Sinking fund, street improvements	292
Sinking fund, use to retire bonds	289
Sinking fund, on bonds outstanding	296
Slaughter house, clean, repair, abate	86
Social service, provision for	96
Solicitation of political assistance among officers and employees prohibited	128
Special assessment	233-234
Special assessment, Mayor executes certificates	274
Special assessments, for storm sewers	108
Special assessments, no exemption, church or school	306

	Section
Special assessments, notice of hearing	244
Special assessments, state law adopted	282
Special audits	48
Special commissioners, condemnation	263
Special commissioners, controlled by state law	264
Special commissioners, report	271
Special assessments, street widening, etc.	265
Special commissioners to assess city	266
Special detectives, appointed by Manager	68
Special election, initiative, referendum	174-180
Special election, recall	22-23
Special election, sewerage disposal, bonds, etc.	289
Special election to fill vacancies in City Council	12
Special meetings, board of education	110
Special meetings of council, how called	13
Special meetings of council, subjects considered	13
Special police, appointed by Manager	68
Special tax, abate dangerous structure	312
Special tax, condemnation	265
Special tax, condemnation of structure	312
Special tax, elections	289
Special tax enforcement	234
Special tax exemption, none	306
Special tax levy, interest and sinking fund	296
Special tax, reassessment	253, 275
Special tax, sidewalk	230, 260
Special tax, street improvements	230, 233, 260
Special tax, street improvements, railroad	232
Special tax, sewer	105, 108
Specific powers, enumerated	5
Specifications, city contracts	327
Specifications, improvement bonds	236
Specifications, of public improvements	236
Specifications, work \$500 bids	317
Speculative profit, purchase of utility	140
Sped, immoderate on street	5
Speed, motors	5
Speed of railway cars, regulation	155
Speed of vehicles, power to regulate	5
Speed, railways	155
Speed, street cars	155
Sports, regulation of	94
Squares, open, alter, improve	230
Standard of efficiency, civil service	124
Standards, dairy	5, 86
Standards, weights and measures, power to fix	5
Standpipes	8
State comptroller, see Comptroller	
State convicts, not to work in city	301
State Fair Grounds, Park Board control	217
State law, adopted, city planning	226
State law adopted, in special assessments	282
State law adopted, street improvements	258
State law adopted street lighting	259
State law, controls special commissioners	264
State law, invoked for taxation	210
State law, on zoning adopted	229
State law, tax powers assumed	214
Stationery, school, purchase	109
Statistics, vital	5, 86
Steam railway, franchise forfeiture	149
Steam, power of franchise	134
Steam railway right of way, forfeiture	147-149-150
Steam railway, right of way, price of	148-149
Stocks, issuance by public utilities	182
Stocks, not evaluated, public utilities	139
Stops, street and interurban cars	156

	Section
Stores account	51
Storm sewers	98-108
Storm sewers, bonds authorized, \$3,500,000	329
Straightening channel of stream	8
Street and Sidewalk Improvements	230-260
Street cars, municipal ownership	165
Street, abutting owner, use by	151
abutting owner, consent, railway	153
change and grade	230
close	5, 230
defect, notice of	307
control and use	133
franchise, repair, penalty	155
grade, change	230
improve	230
improvements, defined	230
improvements, fund revolving	292
lighting, state law adopted	284
maintenance by railway company	155
notice of defect	307
occupy without franchise	133
open	230
platted, conform	3
platted property of city	3
Street Railroad, abutters, consent of	153
assessment street improvements	232
bridges	155
changes	139
construction	155
crossing	155
culverts	155
drains	155
extensions	139
franchise	134
franchise required	133
free transportation	139
grade, conform to	155, 160
grade, street	155
Street, railroad interurban use of track	142
Street, railway companies to drain	155
Street, railway franchise not to go with light	135
Street, railway in, consent abutters	153
Street, railway in, repair	155
Street, railway, interurban company to use	142
Street railways extension by Council	139
Street railways, improvements between rails	155, 232-234
Street railway, notice, assessment hearing	244
Street, regulate	5
Street, use of, forfeiture	152
Street, use of rental	152
Street widening, special assessments for	265
Streets, improvement, 100 foot limit	241
improvement of, state law	258
maintenance, control	5, 83, 133, 230
may be cared for by city when platted	3
minors prohibited on at night	316
not to be paid for by city	3
opening and widening	226
opening and widening bonds	327
opening of by platting	3
ownership in city	133
permits to use	164
power to acquire beyond city	8
power to control	5, 83, 133, 230
rental to property owners	151
use by railway companies	155
use of, by property owners	151
use of franchise	134

	Section
Streets, use of, supervisor to regulate	139
Structures, dangerous, abate	312
Structures, dangerous, condemnation of	312
	1
Style corporate	170
Style, of ordinances	300
Subcontractor, eight hour day	310
Subcontractor, notice of claim	3
Subdivision, plat	127
Subpoena, power of Civil Service Board to	37
Subpoena, city court	15, 30, 138, 245
Subpoena, City Council	128
Subscription to political parties by employees prohibited	137
Subsidiary franchise, not to outlive franchise	137
Subsidiary franchise, not to extend	1, 5
Sue and be sued	249, 279
Suit barred, assessment	308
Suit bond, city not give	308
Suit, city exempt from appeal bonds	247
Suit, for assessments, joinder defendants	205
Suit, for taxes, amendment of pleading	247
Suit, street improvement, joinder	249, 279
Suit street improvement, contest	205
Suit, tax, correcting description	207
Suit, tax, irregularities	207
Suits, for taxes, authorized	204
Suits, for taxes, tax made valid	102-104
Superintendent of waterworks, qualifications	139
Supervisor of public utilities, rates	185
Supplemental assessment roll	222
Supplies, purchase of over \$50, competitive bidding	51
Supplies, purchasing and furnishing of	109
Supplies, school	236, 311
Sureties, bonds of contractors	37
Sureties, on corporation court appearance bonds	137
Surrender of franchise	236, 311
Surety, contractor's bond public work	276
Surplus funds, reduced awards	24
Suspension of City Manager	73
Suspension of firemen	34
Suspension of license	71
Suspension of police	139
Supervisor of public utilities	217
Swimming pools, Park Board to provide	94
Swimming polls, regulation of	154
Switch, laying of, consent, property owners	312
<b>T</b>	
Take down dangerous structure	261
Take for public use	187
Tax Assessment, arbitrary	181
bank	181
company	181
corporation	192
increase notice	185, 188, 205, 208
irregularity	207
may be cured by Council	185
omitted property	182
ordinances	181, 182
powers	185, 190
rolls, correction	185, 192, 205
rolls, description, owner's	185
rolls, fail to name owner	185, 193
rolls, form	188
rolls, irregularity	185
rolls, misnomer	185
rolls, supplemental	181
shares	181

	Section
<b>Tax Assessment (Cont'd)</b>	
state law .....	189, 208
unrendered property .....	187
value .....	187, 189
Taxation, power conferred by statute .....	214
Taxation, to follow state law .....	210
Tax, bank, assessment .....	181
Tax, business, occupation .....	5
<b>Tax Collection</b> .....	181-214
Tax, collection, ordinances .....	182
dogs at large .....	5
for park fund .....	223
for public library .....	322
forfeit franchise, fail to pay .....	138, 186
franchise, gross receipts .....	138
gross receipts, utility .....	138
increase, notice .....	192
interest .....	209
irregularity .....	188
laws of State .....	189, 208
levy, fixed after budget report .....	55
liable, personal property for all .....	194
lien .....	194, 197
local improvement, no exemption .....	306
notice, increase .....	192
notice, render .....	184
notice, sale .....	195, 197, 198
occupation .....	5
ordinances .....	182
payers only, qualified, certain elections .....	289, 313
payers, vote, assessment .....	313
payers, vote, bond election .....	289, 313
penalties .....	209
pro-rate .....	209, 212
receipts, gross, utility .....	138
rendition .....	181, 184
redemption .....	202
rolls, irregularities .....	188
rolls, preparation of .....	52
rolls, prima facie evidence in suit .....	207
for school fund .....	109, 208
sale, city may purchase .....	201, 202
sale, personal property, title absolute .....	200
sale, redemption in two years .....	202
sewer .....	105, 208
shares, assessment .....	181
sinking fund .....	296
special, condemnation of structure .....	312
special election .....	289
special, for street improvement .....	233
special, local improvement .....	230, 260
special, sewer .....	105, 108
State law .....	189, 208
statements, notice of improvement .....	235
suit, for absolute title .....	203
suits, correcting description .....	205
suits, evidence, rolls .....	205
suits, for absolute title .....	203
<b>Taxes, assessment and collection of</b> .....	181, 214
board of equalization .....	190, 192
candidate for Council, must pay .....	17
collector, duties of, annual report .....	181
collector's copy, improvements resolution .....	235
collector to seize personally .....	195, 197
company, assessment .....	181
corporation, assessment .....	181
correct errors, equalization .....	190
deed suit to clear title .....	203

	Section
<b>Taxes (Cont'd)</b>	
deeds, effect of .....	199
deeds, evidence .....	199
delinquent, penalties .....	209
in department of finance .....	52
lien created on all property .....	194
notice to render for .....	184
of franchise holders .....	138
payable in installments .....	209
payment of, description required .....	213
power of sale for .....	182, 195, 197
power of seizure and sale .....	194, 195, 197
power to levy, assess and collect .....	5, 181, 182
previous levies validated .....	204
reduction for franchise holder .....	138
rolls, preparation .....	181, 183, 185
school .....	109, 208
suit for, amendment of pleading .....	205
suit for, authorized .....	207
to be levied on all property in city .....	181, 208
total income report by Manager .....	53(f)
where payable .....	196
Teachers, employment of .....	109
Telegraph, franchise, changes, extensions .....	139
Telephone service, power of franchise .....	134
Telephones, municipal ownership .....	165
Tennis courts, park board to provide .....	217
Terminate use of street .....	151
Term of councilmen, time of taking office .....	13
Term of franchise .....	135, 137
Term, of franchise, not to be more than 20 years .....	137
Term of Mayor .....	10
Term of office of councilmen .....	18
Territory .....	1
Territory, admission by ordinance .....	4
Theaters, regulation of .....	94
Tie vote, casting of lots .....	20
Time limit on franchise .....	140
Time, over, eight hour day .....	300
Tolls of public utilities fixed .....	158, 159
Town of Highland Park, represented on School Board .....	109
Track, joint use .....	142
Train, speed .....	155
Transfer, franchise, consent of city .....	135, 137
Transfer, franchise, not to extend .....	135, 137
Transfer of appropriations .....	56
Transfer of franchise, prohibited .....	135, 137
Transfer, street railway .....	155
Transfers, issue by street railway .....	155
Transportation, free, policemen and firemen .....	139
Transportation, rates .....	158, 159
Treasurer, city .....	49
Trees, Park Board to control .....	217
Trial Board, civil service, composition .....	212
Truant school .....	291
Turn outs, street railway .....	155
<b>U</b>	
Unappropriated moneys, certified in Treasury .....	61
Unclassified Service, Civil Service Board .....	116(1)
Underpasses, bonds for, issued .....	327
Undertaking, burial, vital statistics .....	5, 86
Undertaking, in suit, city not to give .....	302
Unemployment, relief of .....	96
Uniform service, utilities .....	132
Uniforms and arms of policemen .....	7C
Uniform Text Book Act .....	102
United Utilities, no increase of debt .....	135, 137



	Section
United Utilities, railway and light, not to be .....	135, 137
University Park, annexation authorized .....	339
Unjust assessment, correction of .....	190
Unknown owner, assessment .....	187
Unrendered, assessment .....	185, 187
Use of street, rental .....	152
Use of sinking fund, other purpose .....	296, 298
Use of street or property, grant by ordinance only .....	133
Utilities, accept from .....	303
Utilities, municipal .....	165

V

Vacancies in City Council, majority vote of remainder .....	12
Vacancies in City Council, when filled .....	12
Vacancies in Council, how filled .....	12
Validation, of bonds heretofore issued .....	290
Valuation, of franchise, rate .....	138
Value, franchise, no allowance for speculative .....	140
Value, utility, arbitration .....	140
Vehicles, drivers, regulate .....	5
Vehicles for hire, license and rates .....	5
Vehicles, supervisor to regulate .....	139
Verified pleading, assessment suit .....	250
Veto, City Council over Board of Education .....	112
Veto, Mayor has no powers of .....	10
Veto, of Council over Park Board .....	217
Veto, president Board of Education .....	110
Vice chairman, Civil Service Board .....	115
Vice President, Board of Education, tenure .....	110
Vital statistics .....	86
Vital statistics, power to provide system of .....	5
Void contracts, irregular expenditures .....	63
Vote, disposal of hospital lease .....	305
Vote, initiative .....	174-180
Vote of councilmen, mode of .....	13
Vote of Mayor in council .....	10
Vote, referendum, franchise .....	136
Vote, tie .....	20
Voter, qualifications of .....	313
Voters, taxpayers, assessment rolls .....	313
Voting, at election .....	314
Voting, councilmen not to be excused from .....	13
Voucher, must accompany claims paid .....	60

W

Wading pools, Park Board to provide .....	217
Wages, assignment of, void .....	309
Wages, from franchise holder or seeker, accept .....	303
Wages, not payable, certificate .....	126
Wages paid by contractors with city .....	302
Waive, not object, street improvement .....	279
Wards, see Election Districts .....	19
Wares, selling, occupation tax .....	5
Warrants, issued by Board of Education .....	109
Warrants, issued for park maintenance .....	223
Warrants, must be countersigned by auditor .....	41
Warrants, not payable to employees not certified .....	126
Warrants, of arrest, executed by police .....	69
Warrants, to show fund drawn from .....	59
Water franchise, none to be granted .....	134
Water improvement districts .....	100
Water mains, acquirement .....	100
Water preservation districts .....	100
Water price .....	159
Watershed, protection, corporation court .....	34
Watersheds, acquirement of .....	8, 291, 100
Water supplies, inspection of .....	86
Water supply, powers and provisions .....	100

	Section
Water system, power to operate beyond city .....	8, 100
Waterworks, acquirement of property for .....	8, 100
Waterworks, bonds \$4,000,000 .....	337
Waterworks, bonds unlimited .....	337
Waterworks Department .....	98-108
Waterworks Department, controlled by Manager .....	44
Waterworks Department, creation of .....	97
Waterworks Department head, powers and duties .....	97
Waterworks Department, superintendent .....	102, 104
Waterworks exclusive .....	98
Waterworks, franchise not to be granted .....	134
Waterworks fund .....	98
Waterworks franchise, none to be granted .....	134
Waterworks, municipal ownership .....	134, 165
Waterworks, not to be sold .....	98
Waterworks pledge revenue .....	99
Waterworks rates, regulation .....	98
Weights and measures, power to provide inspection .....	5
Weights inspect .....	86
Weights of bread, power of regulation .....	5
Weights, standard .....	5
Welfare Department .....	93-97
Welfare Department, controlled by Manager .....	44
Welfare Department, director of, duties, etc. ....	93-94
Welfare director .....	93-97
White race, defined .....	321
White, separate blocks .....	321
Wires and poles .....	155, 161
Wires, joint use .....	161
Withdraw, permit to use street .....	161
Witness, attendance, franchise .....	138
Witness fee, not to be received by policeman .....	69
Witnesses, compelling attendance .....	35
Witnesses, council may summon .....	15
Witnesses, may be subpoenaed .....	30
Witnesses, power of Civil Service Board to compel attendance .....	127
Work by day labor .....	317
Writ of error, assessment, time limit .....	250
Writs, city property exempt .....	309
Writs, power of City Judge .....	37
Writs, power of special commissioners .....	270
Written objection to assessment .....	245

Y

Year, fiscal .....	53
Year, fiscal, owner January 1, liable for tax .....	181, 184, 194

Z

Zoning .....	225-229
Zoning, Board of Appeals .....	229
Zoning, general powers .....	229
Zoning, ordinances, power to pass .....	229
Zoning, railway tracks .....	147
Zoo, Park Board to provide .....	217

Ord #2223 (50 mills)  
Passed: Sept 2, 1930 (In e  
May

٨٢١  
١٠٠٠

٢٤

١٠٠٠

١٠٠٠

Bond Transcript }  
History of Bonds }

?

Handwritten notes in Arabic script, including the number 24 and various symbols.

Handwritten text: "d Transcript" and "y of Bonds" with a large closing bracket.

Ord #2223 (50 million)  
Passed: Sept 2, 1930 (In effect May 1, 1931)

