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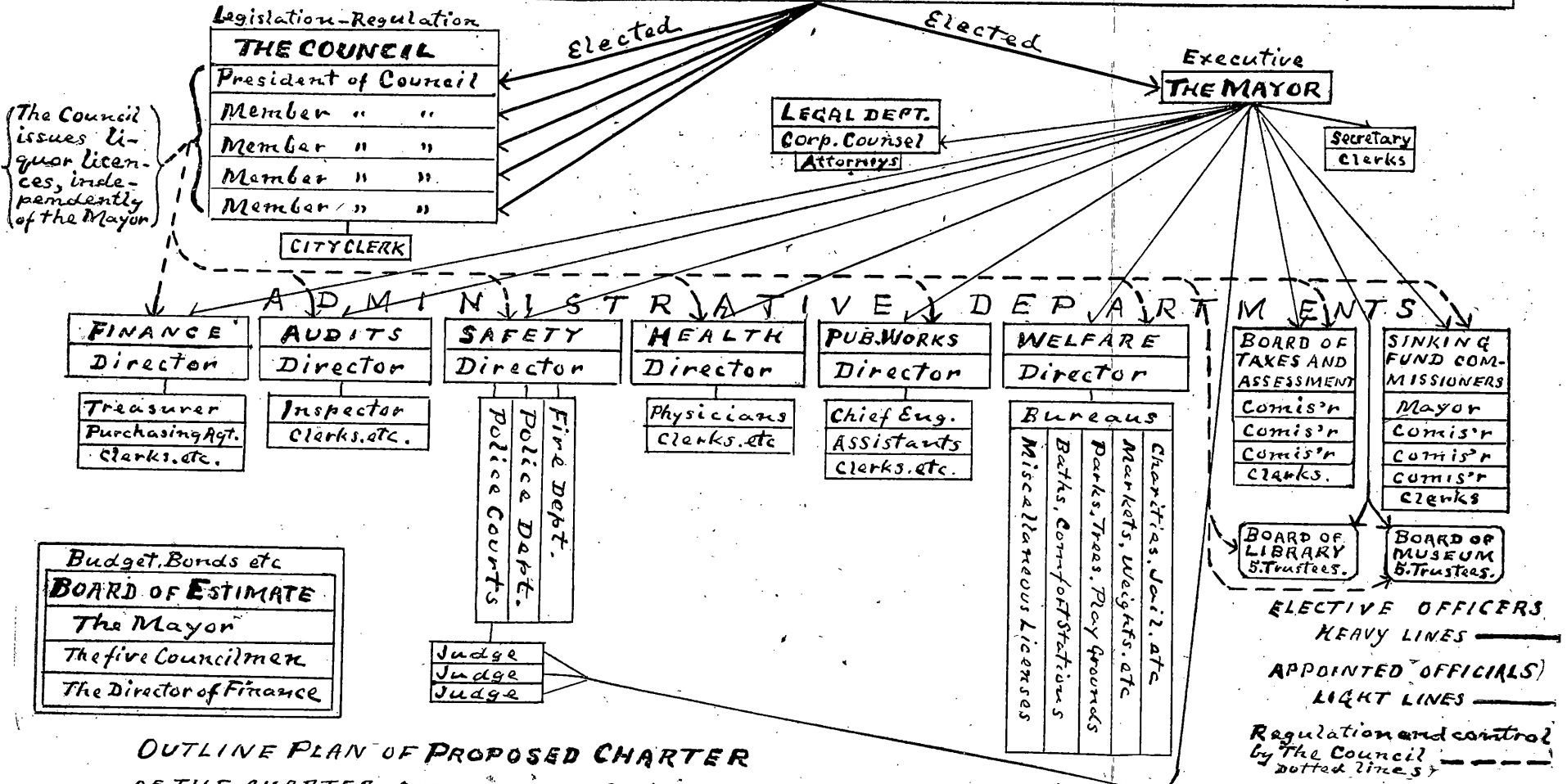
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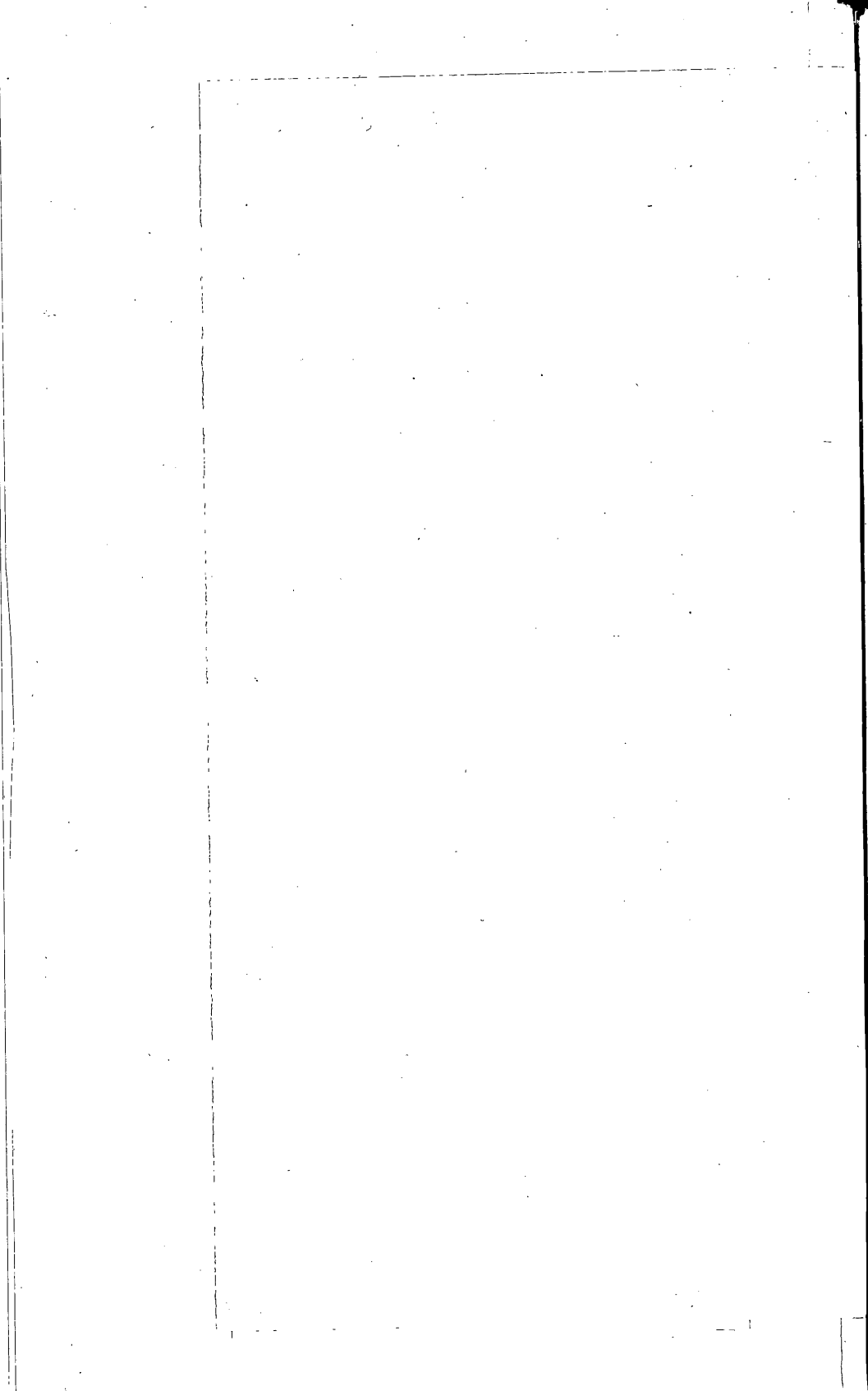
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CATALOGUED

# THE VOTERS OF THE CITY OF NEWARK N.J.



OUTLINE PLAN OF PROPOSED CHARTER OF THE CHARTER COMMISSION. Sept. 22, 1915. Drawn by J. McHoward, Member.



# An Act for the Government of Cities of the First Class.

## I.

### GOVERNMENT AND OFFICERS.

1. Any city adopting the provisions of this act shall be a body corporate under the title of "The City of (specifying the name borne by such city)."

It shall be governed by a Mayor and a Council of five (of whom one shall be President and elected as such) elected by the qualified voters for a period of four years from the first Tuesday succeeding their election. Of the officers first elected under this act, however, the Mayor, the President of the Council and one Councilman shall hold office until the fourth Tuesday in May in the fourth year succeeding such election, and three Councilmen shall hold office until the fourth Tuesday in May in the second year succeeding such election. The Councilman receiving the greatest number of votes at such first election shall be elected for the longer term. All such officers shall continue to hold office until their successors are duly elected and qualified.

2. For the due administration of the city government the Mayor shall appoint the Directors of the six administrative departments, hereinafter provided for, and of such other administrative departments as the Council shall from time to time create; the members of the Board of Taxation and Assessments and of the Sinking Fund Commission, the Police Judges and the Corporation Counsel.

Such Directors and the Corporation Counsel shall hold office during the term of the Mayor appointing them and until their respective successors are appointed and qualified, unless they shall sooner be removed by the Mayor. They shall not be removed by the Mayor until a statement in writing of the reasons for such removal has been served upon them, in person, or by leaving at their residence or by mail, and not less than five nor more than ten days after such service, shall have been allowed within which to

appear in person, or by counsel, and to file an answer in writing to such reasons. Pending final action by the Mayor upon such removal any officer may be suspended by him for a period not exceeding thirty days, such suspension, in the event of ultimate removal, to be without salary.

The members of the Board of Taxation and Assessments and of the Sinking Fund Commission shall be appointed for a term of three years and until their successors are appointed and qualified, provided that the members originally appointed to such respective boards shall be so appointed that the term of one shall expire on the fourth Tuesday in May in the first, second, and third year succeeding such appointment, respectively.

The Director of Finance shall in the first instance and thereafter in the event of a vacancy, appoint some suitable person as City Treasurer, and some suitable person as City Purchasing Agent. The Council shall elect a City Clerk. Such treasurer, purchasing agent and clerk shall have no fixed terms and shall continue to hold office unless removed for cause in accordance with the provisions of the civil service act.

The City Clerk, in addition to the other laws of the State and the directions of the Council, shall be the clerk of the duties imposed upon him by this act, the Council, of its committees and of the Board of Estimate. He shall have charge of their books and records and of all other books, records and archives of the city, except as otherwise provided. He shall be the keeper of the city seal.

3. All officers mentioned in the following table shall before entering upon their respective offices take and subscribe oaths in substantially the following form:

I, ..... do sincerely profess and swear that I do and will bear true faith and allegiance to the government established in this State, under the authority of the people, so help me God.

Sworn to and subscribed before me this day of .....

I, ....., do solemnly and sincerely promise and swear that I will faithfully and impartially execute the trusts reposed in me as ..... of the city of Newark, in the county of Essex, according to the best of my ability and understanding, so help me God.

Sworn to and subscribed before me this day of .....

They shall receive salary at the rate and give bond with surety to be approved by the Council in the amounts in such table scheduled. The cost of such bonds shall be paid by the city. The Council may, by resolution, from time to time, change the salary of any other than elected officials, provided that such change shall not become effective in the case of officers appointed for a definite term, during such term, or in the case of officers appointed by the Mayor for an indefinite term, during the term of the Mayor appointing them.

Officer.	Salary per Annum.	Amount of Bond.
Mayor .....	\$10,000	.....
President of Council.....	4,000	.....
Councilman .....	3,500	.....
Director of Finance.....	7,500	\$100,000
Director of Audits and Accounts .....	5,000	50,000
Director of Public Safety .....	7,500	25,000
Director of Public Works .....	10,000	50,000
Director of Public Health .....	5,000	10,000
Director of Public Welfare .....	5,000	10,000
Corporation Counsel....	9,000	5,000
City Treasurer.....	4,000	25,000
City Purchasing Agent..	5,000	25,000
City Clerk.....	5,000	10,000
Member of Board of Taxation and Assessments .....	5,000	.....
Member of Sinking Fund Commission.....	.....	.....
Police Judge.....	4,500	.....

4. In the event of the absence or disability of the Mayor, the President of the Council shall act as Mayor, but shall remove no officer, nor make any appointment as Acting Mayor, unless and until such absence or disability shall have continued for a period of thirty days. In the event of vacancy in the office of Mayor, the President of the Council shall

become Mayor until the next election for city officers, and upon his assuming the office of Mayor a vacancy of a duration equal to the term for which he shall have assumed the office of Mayor shall be deemed to have occurred in the Presidency of the Council.

Any vacancy occurring in the Council shall be filled by a majority vote of the remaining members of the Council until the next election for city officers, at which time if the term of the officer originally elected thereto would not have expired in that year, had such vacancy not occurred, the vacancy shall be filled by the qualified voters of the city for the unexpired term. If a vacancy in the office of Councilman is to be filled at any city election the candidate for Councilman receiving the next highest number of votes after the Councilman elected for the full term shall be held to have been elected for the unexpired term.

## II.

### ELECTIONS.

1. All elections under this act, except as herein otherwise specifically provided, shall be held in accordance with the general election laws of the State, and any act committed in connection with any election under this act which, if committed in connection with a general election would have constituted a violation of the General Election Laws, shall constitute a misdemeanor and shall be subject to like penalty as in such election laws provided.

2. The registry book of voters used at the preceding general election shall be used as the registry of voters at any election under this act, and no resident of any election district duly registered therein shall be required to register for any election hereunder, provided, however, that the Board of Registry and Election in each election district shall hold a registration day on the Tuesday preceding any city election for the registration of qualified voters not registered at the preceding general election and for the transfer of the registration of voters who have changed their residence from one election district to another since the preceding general election.

3. Every petition for the submission of this act or initiating legislation, or requiring the reference or any ordinance adopted by the Council to the voters, shall plainly state the purpose thereof, shall be signed by the number of voters hereinafter respectively provided for such petitions, with a statement of their respective addresses, and shall be verified

by the affidavit of at least one of the voters signing it, stating that affiant knows the signatures to have been affixed to the petition respectively by the purported signers thereof, and that he believes such signers to be qualified voters living at the addresses stated in the petition. If more than one petition be submitted for the same purpose, all shall be in substantially the same form and shall be separately verified. They shall be filed with the City Clerk.

In order to place in nomination any person for an elective office under this act, or to initiate proceedings for the recall of any officer elected under this act, certificates for nomination or praying for the recall signed by but one qualified voter, to the number hereinafter required shall be filed with the City Clerk, and in the event of a petition for nomination, at least twenty days before the election; such certificates shall be substantially in the following form:

**CERTIFICATE FOR NOMINATION.**

I, the undersigned, certify that I am a qualified elector of the City of ....., residing at ....., that I do hereby join in a petition for the nomination of ....., whose residence is at ..... for the office of ....., to be voted for at the election to be held in such city on the ....., nineteen hundred and ..... That I know the candidate to be a qualified voter of the city, a man of good moral character and qualified in my judgment for the duties of such office, and that I have not signed more certificates for nomination at this election for the above office than there are officers to be elected to such office at this election.  
(Signed).....

**CERTIFICATE FOR RECALL.**

I, the undersigned, certify that I am a qualified elector of the city of..... residing at..... that I do hereby join in a petition for the recall by the qualified voters of the City of ..... from the office of..... This certificate shall expire on the..... day of..... 19....

Signed .....

Each of said certificates shall be verified as follows:

.....being duly sworn, says that he is the person that signed the foregoing certificate; that the statements contained therein are true.

Signed, subscribed and sworn to before me this        day  
of                                19

4. It shall be the duty of the City Clerk to examine all such petitions and certificates filed with him and to ascertain whether they comply with the law both as to form and as to the number of signers. All such petitions and all certificates for recall shall fix a date, not more than thirty days after the filing thereof with the City Clerk, before which all petitions and certificates for recall containing similar prayers must be filed, in order to be considered by the City Clerk in conjunction therewith in determining the number of signers thereto. All supplementary petitions and certificates filed within the period of limitation so fixed shall be deemed to expire upon the expiration of the time limited in the first petition or certificate filed, irrespective of the limitation provided in such supplemental certificates or petitions.

The City Clerk shall ascertain whether such petitions and certificates comply with the law in form and number of signers within ten days of the expiration of the period of limitation and shall report his findings to the next regular meeting of the Council or other governing body. Upon certification to it by the City Clerk that petitions for the submission of this act or for the reference to the voters of any ordinance or certificates for the recall of any elected officer in proper form and with sufficient signers, have been filed with him, the Council or other governing body shall, except as hereinafter provided in IV.-3, within thirty days of the meeting to which such certification shall have been made, submit the prayer or prayers of such petitions, or certificates to the voters at a special election to be called for that purpose. If such certificates of the clerk shall relate to a petition for the initiation of legislation, the legislation set forth in the petition shall be adopted by the Council within twenty days, or the question of its adoption submitted to the voters within thirty days of the expiration of said twenty days at a special election for that purpose. Provided that if petitions sufficient in law for reference of any ordinance and for initiation of any ordinance by the voters be filed within any period of ten days, the Council shall hold but one election, in accordance with the time limited for holding an election for the initiation of legislation, and, provided further, that no special election for any of the foregoing purposes shall be held if a regular city election is to

occur within ninety days of the expiration of the time herein limited for the holding of such special election, but such questions shall be submitted to the voters at the city election. Not more than one election for the initiation of legislation by, or the reference of legislation to the voters shall be held within a period of six months.

Whenever the City Clerk shall determine that a sufficient number of certificates for nomination in due form shall have been filed with him, at least twenty days before any election for city officers, he shall cause the name of the candidates so nominated to be placed upon the ballot, provided such candidates shall file with him at least fifteen (15) days before such election an acceptance in writing of such nomination.

5. Elections for municipal officers shall be held on the third Tuesday in May biennially, except that the first election for officers under this act shall be held on the fifth Tuesday succeeding its adoption. Immediately after the time limited for the filing of acceptances of nominations the Clerk shall prepare and publish in all daily papers of the city for a period of three consecutive days, and in the city bulletin, if any, a list of the candidates for election as they will appear upon the ballot, and shall at the same time and in the same manner give notice of the holding of such election and of the registration day preceding it. He shall in like manner and for a like time give notice of the time and purposes of all special elections under this act, and where such elections involve the adoption of legislation by the voters he shall with such notice cause to be printed in full such proposed legislation.

6. At all elections the City Clerk shall prepare and distribute sample and official ballots in the same manner as is provided for the preparation and distribution of sample and official ballots at the general election. The form of ballot and the method of voting under this act shall be substantially as follows:

**For the Submission of This Act.**

For a New City Charter.	
Against a New City Charter.	

**Directions**

Mark an X in the square opposite your choice.

**For the Submission of Officers.**

For Mayor—(Vote for One).

	First Choice	Second Choice	Third Choice
A. B. ....			
C. D. ....			
E. F. ....			

For President of Council—(Vote for One).

A. B. ....			
C. D. ....			
E. F. ....			

For Councilmen—(Vote for Four).

A. B. ....				
C. D. ....				
E. F. ....				
G. H. ....				
I. J. ....				
K. L. ....				

**Directions.**

Mark an X in the first column opposite the names of your candidates.

Vote for as many officers as there are offices to be filled.

If you wish to express your second choice of candidates, mark an X after your second choices in the second column. If you wish to express a third choice, mark an X in the third column after your third choices.

In no event place an X in more than one column opposite a given name or the ballot will be void.

If you wrongly mark, tear or deface this ballot, return it and obtain another.

**For the Initiation and Reference of Ordinances.**

(State briefly the purport of the ordinance to be voted upon.)

Provide for the expression of the choice thereon as follows:

For the above ordinance	
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Against the above ordinance	
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Directions—Mark an X in the square opposite your choice.

**FOR RECALL.**

For the recall of.....as.....	
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Against the recall of.....as.....	
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Directions—Mark an X in the square opposite your choice.

On all ballots for the nomination of officers there shall be left beneath the groups of candidates for each office, blank spaces equal in number to the number of officers to be elected in the respective groups, for the insertion by the voters as candidates of names of persons for whom they may wish to vote other than those printed on the ballot. The names of the candidates for each office shall be printed in alphabetical order and no words indicating party or political affiliations or indicating the views of any candidate shall appear upon the ballot.

7. At all elections, other than for the election of officers, the question submitted to the voters shall be determined by the majority vote of the voters cast-

ing valid ballots on the question. To determine the election of officers, the first, second and third choices for the respective candidates shall be totalled in separate columns; candidates who as first choice shall receive a majority of the total valid ballots cast for their respective offices shall be deemed to be elected. If all offices are not filled upon the count of first choices, the second choices are to be added to the first choices of the respective candidates whose offices are not yet filled. Such candidates as upon the addition of the first and second choices shall obtain a majority of the valid ballots cast shall be deemed to be elected to the respective offices, provided that if more candidates than there are offices to be filled shall receive such majority, such candidates shall be deemed to be elected in the same order as the total of their respective first and second choices when arranged according to magnitude. If all offices are not filled on the counting of the first and second choices, the first, second and third choices of the candidates for such offices shall be added together and such candidates shall be deemed to be elected in the same order as the total of their respective first, second and third choices when arranged according to magnitude.

In the event of a tie between the candidates receiving a majority on first and second choice, the candidate receiving the greater number of first choices shall be deemed to be elected. In the case of a tie between candidates deemed to be elected by the addition of first, second and third choices, the candidate receiving the greater number of first choices shall be elected, and if the number of first choices is the same then the candidate receiving the larger number of second choices shall be elected.

8. The following number of signers shall be required to the several petitions and certificates above referred to as the basis of elections under this act:

- (a) For the submission of this act—  
one thousand.
- (b) For the nomination of officers—  
one thousand.
- (c) For the recall of any elected officer, the initiation of legislation by and the reference of legislation to the voters, a number equal to 10 per cent. of the vote cast in the city at the preceding general election.

**III.**

**MAYOR.**

- 1. The Mayor shall be the chief execu-

tive officer of the city. He shall have power to inquire into and examine completely the management of any department or board and of any officer or employee, and for that purpose to employ needful assistance and compel the attendance before him of any person and to examine such person under oath, and to compel the production before him of any books, papers, documents, records, letters or other writings. The cost of such examination, upon certification by the Mayor, the City Treasurer shall pay. He shall communicate to the Council such matters for consideration as he deems proper. He shall have within the city all the powers of a police judge, including the power to adjudge in contempt any person refusing to appear before him in accordance with process issued by him for such appearance. He may administer any oath required by this act. For the purpose of quelling an insurrection, riot or disorderly assemblage, he shall have control of the police force of the city and power to call upon the citizens for aid.

2. It shall be the duty of the Mayor to examine every ordinance and resolution passed by the Council, other than resolutions granting excise licenses and fixing fees therefor, and to that end every such ordinance and resolution shall be presented to him, certified by the President of the Council and the City Clerk. If he approves it, he shall sign it; if not, he shall return it with his written objections to the City Clerk within ten days after he receives it, and no such ordinance or resolution so returned shall become effective unless the Council at its first regular meeting thereafter proceed to reconsider the same and four of the Councilmen agree to pass it notwithstanding the Mayor's objections. Final action upon every such veto shall be taken within five days of such meeting. Any ordinance or resolution not returned within ten days by the Mayor shall be deemed to have been approved by him.

3. In addition to the powers of appointment and removal granted in the first section of this act, the Mayor may appoint and remove a secretary and clerk and such other assistants in his office as the Council permits. The compensation of such appointees shall be fixed by the Council, but when so fixed shall not be decreased during the time for which the Mayor is elected.

#### IV.

##### COUNCIL.

1. All the legislative functions of the

city, except those relating to the raising of moneys and the fixing of appropriations which are vested in the Board of Estimate, shall be vested in the Council. Regular meetings shall be held at least once a week and special meetings may be called by the Mayor, the President of the Council or any two Councilmen upon one day's notice. Three members shall form a quorum. All regular or special meetings of the Council and of its Committees shall be public and a complete journal of such meetings shall be kept by the City Clerk. The ayes and noes shall be taken on every matter voted upon by the Council and shall be recorded in the journal. The journal and all Council records shall be open to public inspection. The Council may adopt rules and by-laws for its own government.

2. The Council shall act upon matters relating to the initiation of public improvements, the adoption of rules and regulations permanent in character or affecting personal liberty or prescribing penalties, granting, amending or altering franchises or any consent or permission to any special use of the public highways, or entering into contracts with any public utility, by ordinance, provided that wherever an ordinance relating to any specific public matter shall have been adopted, all further steps for carrying into effect such ordinance may be taken by resolution. Except as hereinabove provided and as to matters affecting only the government of the Council itself, which may be acted upon by motion, the Council may act by resolution. No action shall be taken by the Council upon the concurrence of less than three members.

3. Every ordinance shall be read three times before final passage and shall be published in at least two of the official newspapers of the city, or in the city bulletin, if any, between the second and third reading, and shall be adopted upon third reading only at a regular meeting held not less than one week after its adoption upon second reading and not less than five days after such publication. After approval by the Mayor, or if it shall have been vetoed and passed over the Mayor's veto after such passage, every ordinance shall be filed with the City Clerk and shall by him be forthwith published in the same manner as between second and third reading, but shall not become effective until the expiration of twenty days from the date of the first publication. If within that time a peti-

tion or petitions signed by the requisite number of voters as hereinbefore provided shall be filed with the City Clerk, praying for the reference of such ordinance to the voters of the city, the Council shall at the meeting to which the City Clerk shall certify the filing of such petition either reconsider and rescind its action or refer the ordinance to the voters at a special election to be called as hereinbefore provided. Until such election shall have been held no such ordinance shall become effective.

4. Any ordinance may be presented to the Council for adoption by petition for the initiation of legislation as hereinbefore provided. No ordinance initiated by petition and adopted by the people shall be repealed within a period of five years from its adoption, except by an ordinance similarly initiated.

5. The Council shall have the following powers:

(1) As the members of the Board of Estimate to raise by taxation the moneys to carry on the city government.

(2) Subject to the approval of the Board of Estimate, where hereinafter required, to borrow money and to issue the city bonds or obligations therefor for such term, at such rate of interest not exceeding the legal rate fixed at any time by statute, and in such amount as it may deem advisable, for raising money for any legitimate municipal purpose under any power herein or which may hereafter be granted to it, including the right to borrow money in anticipation of taxes and of the collection of assessments for benefit for public improvements, and the renewal of any such bonds or obligations at maturity. No bonds of the city other than temporary loan bonds shall be issued unless provision be made therein for a sinking fund sufficient to pay the bonds at maturity, or unless payment of the bonds be provided for by the maturity of a portion thereof from year to year, in which event the moneys necessary to pay the bonds maturing in any one year under such an issue shall be raised through the tax levy of that year.

(3) To require all overhead wires and cables to be carried underground in suitable conduits; to require, whenever a municipally owned conduit exists the placing of all underground wires, cables, pipes, mains and other like highway sub-surface constructions therein, and to fix the rentals, terms and conditions of the use of municipally owned conduits.

To authorize the laying out, opening, constructing, repairing, enlarging, altering and extending of

(a) Streets and highways and parts thereof, including the paving, repaving, resurfacing and repairing of the same with such materials as it shall determine.

(b) Bridges.

(c) Sidewalks.

(d) Sewers and drains of all kinds.

(e) Conduits of all kinds.

(4) To accept when dedicated, to vacate and to establish and alter the grade of any street, highway or part thereof and to authorize the grading of any such street, highway or part thereof in accordance with the grade established.

(5) Where power so to assess may constitutionally be granted, to direct the cost of any public improvement to be assessed by the Board of Taxation and Assessment upon the owners of lands benefited by such improvement in proportion to and not to exceed the peculiar benefits to such lands, or in its discretion to cause the city to bear the whole cost of any such improvement, or any part thereof not less than the difference between the whole cost and the total of the benefits to the lands peculiarly benefited. To enter into contract with persons and corporations for sharing between them and the city the cost of any such improvement.

(6) To adopt general ordinances for the giving of notice to the owners of lands thereby benefited where the cost of any improvement or any part thereof is to be assessed against such owners. To provide by general ordinances for the procedure of the Board of Taxation and Assessment in making any such assessment and in fixing the damages to the owners for property taken for any such improvement.

(7) To acquire, by purchase or condemnation, construct, enlarge, alter and extend and to provide for the operation and maintenance of

(a) Water works, including lands convenient for obtaining and maintaining a supply of pure water; reservoirs, pipe lines, high and low pressure mains and all necessary or convenient plants and appurtenances for the distribution of water.

(b) Light, heat and power plants, with all necessary or proper distributing facilities.

(c) Street railways, subways and other transportation facilities.

(7A) To prescribe that the fees for service by any municipally owned public utility, when such service is supplied to

or upon any designated tract of land, shall constitute a lien on such tract and the structures thereon, and to fix the time and manner of foreclosure of any such lien by sale.

(8) To enter into contracts and agreements with other persons, corporations and boards, whether private, municipal or State, to supply them with water, light, heat, power and transportation facilities. To contract with any other person, corporation, board or municipality operating street railways, subways, or other transportation facilities, to effectuate traffic arrangements between them and the city respecting their several transportation facilities.

(9) To join with any other municipality or board, whether State or local, for the construction of sewers and drains of all kinds for the joint benefit of the city and other contracting municipalities and to contract with municipalities and boards for the joint disposal of sewage and refuse matter.

(10) To agree with other municipalities either within or without the State for joint action in matters of interest and to form in such municipalities organizations for considering matters of general municipal interest, or for the betterment of municipal conditions through concerted action.

(11) To provide for the removal and disposal of ashes, garbage, refuse and waste matter in the city, either through its own instrumentality, or by contract with any person or corporation for a period not exceeding five years.

(12) To provide a system for lighting streets, highways, parks, public buildings and places either through its own instrumentality or by contract with any person or corporations for a period not exceeding five years.

(13) Subject to the control of the United States and of the State over navigable waters, to acquire by purchase or condemnation and reclaim lands for docks, wharfage and shipping and railroad terminal facilities.

To authorize the erection thereon of such docks, wharves, railroads and other structures as may be necessary or proper for carrying out any plans of development on such lines, and the construction of one or more canals or waterways in connection with such docks, wharves and shipping and railroad terminal facilities, and in general the acquisition and development of any meadow, marsh, swamp or unclaimed land within the city.

To preserve, protect and regulate the

use of such lands, docks, wharves and shipping and railroad terminal facilities.

(14) To acquire by gift, devise, purchase or condemnation lands within and without the city as sites for municipal buildings, bridges and other municipal structures, for parks, playgrounds, recreation centers and markets, for streets and highways, sewers, drains, conduits, lighting, heating, power and railway systems, and in general to acquire either absolutely or in trust for any municipal purpose, lands whose acquisition is necessary or convenient for the full exercise of any powers vested in the city; and to dedicate the land so acquired to such purposes and to regulate the use thereof.

(15) To authorize the erection and provide for the maintenance of necessary or convenient buildings for the city government; to authorize the sale of real property of the city by ordinance and the sale of personal property and the lease of any city property, whether real or personal, by resolution; such sales or leases may be made irrespective of the purpose for which said property may have been acquired, except in cases where under any trust the city shall be bound to use any such property for the designated trust purposes.

(16) To regulate the use of streets, highways, bridges and other public places of the city, including the prevention and upon reasonable notice the removal of any and all encroachments and obstructions upon or within the line of any street, highway or public place by any person, the regulation of traffic, except as such regulation may be inconsistent with any State policy of traffic regulation, and of the use of streets by public utilities as defined by an act entitled:

"An Act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April 21, 1911.

To grant franchises and to prescribe terms to such public utilities in relation to such user and the operation of such utilities within the city, subject to the provisions of said last mentioned act and any supplement thereto or amendment thereof now or hereafter to be adopted.

(17) To establish rules and regulations, including the fixing of a reasonable license fee, governing the erection and construction of buildings, fences, bill boards and other structures within the city, prescribing the material and character of construction and the height

and location thereof in reference to other structures. To regulate the use thereof and the character and manner of making of alterations thereto. To provide under what conditions any unsafe or insanitary structure which the owner, after reasonable notice, shall fail to make safe or sanitary or to remove, may be removed at the expense of the owner.

(18) To establish and provide for the maintenance of a department of police and of fire. To adopt rules for the prevention of fire and the decrease of fire hazards.

(19) To establish rules and regulations relating to public health, the prevention and care of disease and the keeping of vital statistics. To provide a general health code. To define nuisances and provide for the prevention and abatement thereof. To provide for the care and prevention of diseases among animals in the city and to define the conditions under which they may be permitted at large in the city and to establish one or more public pounds and to pass rules concerning the conduct thereof.

(20) To establish and provide for the maintenance of one or more hospitals, clinics, almshouses, reform schools for boys and girls, and other charitable, correctionable and penal institutions. To provide for indoor and outdoor relief to the poor in such form as it shall deem advisable.

(21) To regulate and to impose for revenue license fees upon any trades and businesses conducted within the city, upon any vehicle using the streets for or in connection with any trade or business, upon all theaters and places of amusement, concerts, lectures, dancing and exhibitions of every kind. Without the approval of the Mayor and in accordance with the State laws relating to the control and licensing of the liquor traffic, to regulate and license for revenue any inns, taverns or places for the sale of malt, spirituous, vinous or fermented liquors with full power to grant, renew and reject applications for such licenses, and upon due cause to revoke any license granted.

(22) To provide for the laying out and maintenance of parks, playgrounds, recreation centers and markets and for the erection thereon of suitable buildings, monuments and other structures. To provide for the setting out and caring for of shade and ornamental trees in the streets, highways and public places of the city and to direct the Board of Assessment and Taxation to

assess the cost of such setting out upon the owners of lands fronting upon the portions of streets and highways whereon such trees have been set out in accordance with general ordinances providing for the procedure of the Board of Taxation and Assessments in making such assessment.

(23) To provide for and regulate the giving of lectures, concerts, games and entertainments of every sort and any form of public celebration for the people of the city.

(24) To establish and provide for the maintenance of a public library to be managed by a board of five trustees appointed by the Mayor, for a term of five years, except that the terms of the members first appointed shall be so arranged that one term shall expire on the fourth Tuesday of May in each year succeeding such appointment, and that thereafter vacancies in the board shall be filled for the unexpired term.

(25) To provide through such library for the collection and exchange of data relating to municipal activities and for the establishment of a municipal reference library.

(26) To establish and maintain a Museum of Art, Science and Technology, to be governed by a board of five trustees appointed in the same manner as the Board of Library Trustees, or in its discretion to contribute to the maintenance of such a museum now or hereafter established by private means for the use of the people.

(27) To establish units of weights and measures for the sale of commodities and to regulate the sealing thereof in accordance with the provisions of an act entitled:

"An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures, and to provide penalties for the use of other than standard or legal weights and measures," approved April 24, 1911.

(28) To adopt regulations for the preservation of peace and good order and defining disorderly conduct and persons.

(29) To authorize the giving of rewards for the apprehension of criminals and fugitives from justice.

(30) To provide penalties not exceeding imprisonment for ninety days, or a fine of one hundred dollars, or both, for the violation of the provisions of any city ordinance, either in the body of such ordinance or by general ordinance.

(31) To establish and provide for the

maintenance of police courts, each to be presided over by a police judge with such clerks, officers and other assistants as such judge, with the approval of the Council, may appoint, and to increase and decrease the number of such courts.

(32) To designate two or more official newspapers published in the city in which city notices and advertisements shall be published. To provide for the publication of a city bulletin for the publication of such notices and advertisements, in addition to or in lieu of publication thereof in the official newspapers, except as herein otherwise provided, and to establish and provide for the maintenance of a municipal printing and binding plant. To adopt measures for the dissemination of information concerning the city and for the advertisement of the city as a residential, mercantile and manufacturing center.

(33) To fix the salaries of the officers and employees of the city; to require the giving of bonds for the faithful performance of their duties in amount and with surety to be approved by it and to change the amount of any bond fixed by this act. To define the powers and duties of such officers and employees, except as the same are fixed by this act, or hereafter by law. To create such offices and positions for carrying on the business of the city and to reassign from time to time, except in respect to the financial departments, the powers of the several city departments. Nothing in this section shall be deemed to authorize the requirement of bonds or the change in salary of any elected officer.

(34) To provide for the establishment and maintenance by the Sinking Fund Commission of a pension system for all permanent municipal officers and employees, provided that no officer or employee who is now the member of any municipal pension system shall be eligible for membership to the pension system herein authorized unless he shall surrender membership in such other pension system and release all interest in the funds thereof. To authorize the consolidation of any existing pension fund with the fund of the pension system herein authorized upon consent of all persons in interest in such existing fund.

(35) To have and exercise any power necessary for or in reasonable furtherance of the exercise of any power herein specifically granted, and generally and in addition to the powers specifically granted to have the power to adopt ordinances and resolutions not inconsistent with the laws of the State

on any matter deemed expedient for the good government of the city, the protection of its property, the preservation of peace and good order, the suppression of vice, the benefit of trade and commerce, the prevention and extinguishment of fires, the beautification of the city, the preserving or adding to the safety, intelligence, comfort or well-being of the city and its inhabitants, the exercise of its corporate powers and the performance of its corporate duties so far as such matters shall affect alone the internal affairs of the city, it being the intention of this act to grant to the city the power to initiate and adopt all legislation necessary or convenient for the due government of its people and the administration of its internal affairs without recourse to the Legislature of this State.

## V.

### ADMINISTRATIVE DEPARTMENTS.

1. There shall be six administrative departments and such others as the Council may from time to time establish, each under the supervision and control of a director thereof. Except as the Council shall from time to time reassign duties to the respective departments, each department shall be vested with full administrative authority over such branches of the city's business as are herein respectively assigned to it. In the event of any dispute between the respective departments involving a conflict of jurisdiction, the directors of such departments shall refer the matter to the Mayor, who shall determine such dispute.

I. (1.) DEPARTMENT OF FINANCE, charged with:

Receipt and disbursement of all city moneys, sale of all city bonds and obligations, purchase of all supplies for all departments, through a central purchasing bureau; insuring of the city against loss from fire or other causes and against loss by reason of injury to any of its employees.

(2) DEPARTMENT OF AUDITS AND ACCOUNTS—Charged with auditing of all claims and bills against the city presented for payment. Auditing of all requisitions of the several departments and offices upon the central purchasing bureau for supplies. The keeping of general city and all departmental and special accounts. Custody of all city contracts, involving receipt or disbursements of moneys.

(3) DEPARTMENT OF PUBLIC

**SAFETY**—Charged with administration of Police and Fire departments, of the police courts and of police stations and firehouses.

(4) **DEPARTMENT OF PUBLIC HEALTH**—Charged with enforcement of all sanitary and health ordinances and regulations of the city, including the right to apply in the name of the city to the Court of Chancery to enjoin the maintenance of any nuisance deleterious to the health of the community, which action the Court of Chancery is hereby empowered to entertain; administration of all municipal hospitals, sanitarium and clinics.

(5) **DEPARTMENT OF PUBLIC WORKS**—Charged with recommendation and upon adoption of such recommendation, construction, maintenance and repair of all municipal improvements, except those vested in the Department of Public Welfare, including streets, highways, sidewalks, sewers, land reclamation, bridges, docks, wharves, waterways, public utilities and public buildings of every kind. The preparation of all architectural and engineering plans required for any public improvement and of recommendations relating to the development of the city in accordance with a general plan or plans for its development, whether affecting the city alone or in conjunction with similar plans of neighboring municipalities; administration of all municipal public utilities and supervision in the interest of the city of the operation of, and of all matters relating to public utilities. The lighting of all streets, highways, public buildings and places. Collection and disposal of ashes, garbage and refuse materials. Making supervision and enforcing of contracts relating to public lighting and to the collection and disposal of ashes, garbage and refuse material. Administration of municipal plants for the construction or repair of streets, highways, sewers and other public improvements. Supervision of the construction, alteration and repair of buildings, including the issuance of licenses therefor and enforcement of regulations relating thereto; prevention and removal of encroachments and obstructions upon streets, highways, public places and property; condemnation and removal of unsafe and, upon recommendation of the Director of Public Health, insanitary buildings; enforcement of all regulations relating to the use of streets with the right for this purpose to call upon the Police Department for assistance.

(6) **DEPARTMENT OF PUBLIC WELFARE**—Charged with administration of all city, charitable, correctional and penal institutions other than police station houses; of city employment bureaus, alms, benefactions, entertainments and celebrations; of public markets, baths, parks, playgrounds and recreation centers; setting out, caring for and removal of shade trees in streets, highways and public places and enforcement of regulations relating to such trees; enforcement of regulations relating to the use and sealing of weights and measures. Issuance of all licenses whose issuance is not by law or ordinance specifically vested in some other officer or body.

2. All constructions of and repairs and alterations to structures under the jurisdiction of any department and generally all works involving engineering or architectural skill to be performed by any department, shall be performed only by the Department of Public Works and upon requisition by the department for which such work is performed, and the cost thereof shall be charged by the Department of Public Works to such other department; any dispute as to the fairness of charges therefor shall be determined by the Board of Estimate.

3. The Director of each of the several departments shall personally devote his time during usual business hours to the duties of his office and shall be vested with the following powers and such others as are reasonably necessary for the effective exercise of such powers to give the director full administrative authority in his department.

(1) To prepare and promulgate rules for the government of his department not inconsistent with the laws of the State or the regulations of the Council.

(2) Under like limitations to assign duties to the department officers and employees; to determine their titles and recommend the compensations to be paid them.

(3) To appoint, discipline, suspend, advance or reduce in rank or pay and remove officers and employees in accordance with the provisions of the Civil Service law.

(4) To appoint one or more deputies to act during his absence or disability and during his presence to exercise such of his powers as he may specifically delegate.

(5) To reorganize the departments, bureaus and offices of the preceding city government to the extent that their functions shall have been placed in his department, and to alter the organiza-

tion of his department as experience may dictate.

4. Until the new departments are organized the officers and employees of the city (other than heads of departments) performing duties similar to any vested in any of the new departments, shall remain in the city employ as members of such respective departments and upon reorganization thereof appointments therein shall be made as far as may be from the list of city employees under the preceding form of government. Nothing herein shall prevent the abolition of any position or office which the Director deems unnecessary or the combining under one employee of duties now performed by two or more.

5. Each director shall on or before the tenth day of every month submit in writing to the Mayor a report of his department for the preceding month and of all work theretofore reported upon and not yet completed, showing in reasonable detail the activities of his department, its appropriation, its total disbursements for the month, its outstanding obligations and the balance on hand, with such recommendations as will fully inform the Mayor of existing conditions and contemplated changes in policy or conduct.

The fiscal year shall be the calendar year, and within thirty days after the close thereof, each director shall submit to the Mayor a similar report of the activities of his department for the past year. Each director shall, upon the Mayor's request, submit to him, in writing or verbally, as the Mayor shall designate, further reports upon any matters appertaining to his department about which the Mayor may wish more detailed information.

Each director shall likewise report from time to time to the Council upon any matters relating to his department about which the Council may desire information.

## VI.

### RELATING TO THE DEPARTMENTS OF FINANCE AND OF AUDITS AND ACCOUNTS.

1. The Director of Finance shall countersign all warrants and checks for the disbursement of money; be charged with the negotiations of the sale of all city bonds and evidences of indebtedness; designate the several city depositories and determine the amount of city funds to be carried in each.

1A. He shall determine the amount of all kinds of insurance to be carried by the city and the apportionment thereof among the several departments, boards and offices of the same, the amount of premium to be paid therefor, which premium the said departments, boards and offices shall cause to be paid forthwith upon the presentation of a bill therefor, (provided that any of said departments, boards and offices may appeal from the decision of the director of finance as to the amount of such insurance or premiums to the Board of Estimate, within five days of the presentation of such bill, and the decision of the Board of Estimate shall be final in the premises). The director of finance shall not be entitled to vote in the board on any such appeal. He may cause such insurance to be carried either through any company authorized to do business therein or through a municipal insurance fund or through both, which, when established, shall be administered by the Board of Sinking Fund Commissioners, to which the director of finance shall pay all premiums received by him forthwith upon their receipt.

2. The City Treasurer shall be the chief clerk of the Department of Finance and have supervision of receipts and disbursements of all city moneys and shall draw all checks and sign or countersign the same in such manner as shall be for him prescribed.

The City Purchasing Agent shall organize and supervise the City Purchasing Bureau, and through it the purchase of all supplies for all city departments and offices.

Every city department and office shall submit monthly to the Purchasing Agent estimates of the amount and kind of supplies needed and the Purchasing Agent, after the standardization of the necessary qualities and specifications thereof, so far as possible, shall purchase such supplies of the lowest responsible bidder therefor, after due advertisement for at least five consecutive days, unless such advertisement be in the City Bulletin. He shall with the concurrence of the Director of Finance prepare forms, rules and regulations binding upon the several departments and officers of the city government relating to the preparation of estimates and the requisitioning of supplies by them and with like concurrence may alter, recall or repeal any or all of such forms, rules and regulations. No requisition for supplies shall be honored by the City Pur-

chasing Agent unless the same shall have been approved by the Director of Audits and Accounts. The Council may by resolution fix the conditions under which the City Purchasing Agent may, on account of an emergency or of the relatively small amount involved in any given purchase, purchase supplies without advertising.

3. The Director of Finance shall, with the assistance and concurrence of the Director of Audits and Accounts, prepare schemes for.

(1) The disbursement of city monies providing such checks upon and supervision of disbursements by the Department of Audits and Accounts as will effectively safeguard the interests of the city.

(2) Such reporting of all receipts and disbursements of city monies by the Department of Finance to the Department of Audits and Accounts as will enable the Department of Audits and Accounts accurately to keep the general accounts of the city and of its several departments and offices.

3. Such control by the Department of Audits and Accounts of estimates and requisitions for supplies made by city departments and offices to the Purchasing Bureau that no requisitions by any department or office will be honored by the City Purchasing Bureau should such requisitions involve the exceeding by any department or office of the appropriation standing to its credit.

The several schemes so prepared may be from time to time redrawn, amended or repealed in whole or in part. Until the preparation and adoption of these schemes, the system for checking disbursements and for reporting receipts and disbursements to the Accounting Department of the City in effect immediately prior to the adoption of this act shall be continued with such changes as the reorganization of the Financial Departments of the City involves. Where under any such system any warrants for the payment of money and certified lists of departmental expenses have been signed by the Mayor, the Director of Finance shall sign in his stead.

4. The Director of Audits and Accounts shall audit all claims and bills against the city for the payment of money, and if he shall satisfy himself that such claims or bills are justly owing shall countersign the warrants and checks for the payments thereof in accordance with the scheme provided for the checking of city disbursements. He may verify through an engineer employed by him the quan-

tity and quality of materials and supplies for which the Director is called upon to audit the payments. No payment for services rendered, other than by salaried officers or employees of the city, and no payment for goods sold and delivered, or for lands purchased, except when condemned shall be passed by the Director of Audits and Accounts or be made by any of the financial officers of the city, unless there shall have been on file in the office of the Director of Audits and Accounts for at least ten days prior to such payment an itemized statement setting forth in detail the character of the services rendered, the amount, character, price and time of delivery of such goods and the location and price of the land purchased. The Director of Audits and Accounts shall assist the Director of Finance in the preparation of the several schedules provided for in paragraph 3 of this section.

## VII.

### BOARD OF ESTIMATE.

1. The Board of Estimate shall consist of the Mayor with three votes, the Director of Finance and the President of the Council with two votes each and the four Councilmen with one vote each therein. It shall determine the amount of the appropriations to the several departments and officers of the city, the amount of revenue needed in each year for all city purposes and the amount thereof to be raised annually by taxation; on or before the first day of July in each year it shall adopt a budget showing the amount of the respective appropriations to the various departments and offices, the total amount of revenue needed, the estimated amounts to be received from sources other than taxation and the amount to be raised by taxation and shall forthwith upon its adoption serve a certified copy thereof upon the County Board of Taxation in accordance with the provisions of the general laws of the State relating to taxation. The budget shall constitute the tax legislation of the city. It shall be adopted by the concurrence of not less than six votes of the Board and if in any year it shall be impossible to obtain the concurrence of six votes thereon, the budget or tax ordinance as the case may be, of the preceding year shall be certified to the County Board of Taxation as the tax budget for the current year.

2. The directors of the respective administrative departments and the heads of

other offices, boards and departments shall respectively submit to each member of the Board of Estimate on or before the fifteenth day of January in each year a statement in writing showing in detail in parallel columns the amount of appropriation for the preceding fiscal year and the amount desired for the current year, together with a full explanation of increases in appropriation asked for.

3. After the submission of such statements each department, board or office submitting one shall during the next thirty days be given opportunity to be heard thereon before the Board of Estimate and thereafter and on or before the first day of March the Board of Estimate shall prepare and print a tentative budget and shall advertise in at least two of the official newspapers of the city and in the city bulletin, if any, for at least two weeks, once in each week, prior to the first day of March, that copies of the tentative budget may be obtained of the city clerk by any person interested therein and fixing the date of at least two public hearings at which any citizen interested in the budget may appear before the board to express his views upon the budget or any items thereof. Such public hearings may be adjourned from time to time, and shall be completed by the fifteenth day of March in each year.

4. The issuance of all city bonds and evidences of indebtedness other than for temporary loans issued in anticipation of taxes and of the collection of assessments for local improvements shall be concurred in by the Board of Estimate by a vote of not less than six before the same shall become a binding obligation of the city.

5. No department, board, body or officers to whom any appropriations shall be made in the tax budget shall exceed such appropriation except upon due cause shown and with the concurrence of the Board of Estimate by two-thirds of the votes of such board. Any member of a department, board or body (unless he shall have protested against it and have been so recorded) violating this prohibition, or any officer violating it, shall be guilty of a misdemeanor.

6. Prior to the adoption of the tax budget every such department, body, board or officer shall be limited in expenditure in any one month to one-twelfth of the amounts respectively appropriated in the preceding tax budget, provided that by the concurrence of the Board of Estimate by at least six votes therein permission to exceed the limitation and expenditure herein fixed may be granted.

7. If in the year of the adoption of this act the tax ordinance shall have been

adopted prior thereto, the Board of Estimate shall apportion the moneys to be raised by taxation and the contingent funds of the city among the several departments, boards, bodies and offices. If this act shall be adopted prior to the adoption of the tax ordinance, the Board of Estimate shall by resolution determine the amount of monthly expenditure to which each department, board, body and office shall be limited until the adoption of the budget.

8. The Board of Estimate shall be charged with the administration of the city pension fund, when such fund is established, and shall from time to time determine the persons entitled to pensions therefrom, in accordance with the ordinance establishing it. The Director of Finance shall deposit and invest the monies of the pension fund in accordance with the directions of the board. Disbursements therefrom shall be made upon resolution of the board in the same manner as other city disbursements are made.

## VIII.

### SINKING FUND COMMISSION.

1. The Sinking Fund Commission shall consist of the Mayor, the Director of Finance and the three appointed commissioners. It shall be vested with the following powers:

(1) The administration of the funds created to pay the several bond issues of the city at maturity. If at any time it shall appear that the funds available for the purpose of paying bonds at their respective maturities shall exceed the amount reasonably necessary to make such payments when due, the Commission may, by resolution, determine and pay into the general treasury of the city the amount of such excess.

(2) To administer the municipal insurance fund, whether already established at the time of the adoption of this act or whenever established hereunder, and the commissioners of any such fund in existence prior to the adoption of this act shall forthwith, upon its adoption, account for said fund to the Sinking Fund Commissioners and turn over to them all securities, monies, books, papers and records relating thereto.

2. The Sinking Fund Commission shall keep separate and distinct accounts and records of the various funds under its control. It may invest its funds in any securities in which savings banks may invest.

## IX.

### BOARD OF TAXATION AND ASSESSMENT.

1. The Board of Taxation and Assessment shall consist of three members and shall be charged with the duty of making all assessments of real and personal property within the city for the purpose of taxation in accordance with the general laws of the State relating to taxation. It shall make all awards of damages for the taking of property for and all assessments against the owners of land peculiarly benefitted by any local public improvement, including the setting out of shade and ornamental trees, where such assessments may constitutionally be made, as the same shall from time to time be referred to them by the Council or by any department having supervision of such improvement. Such assessments shall be made in accordance with general ordinances adopted by the Council in relation thereto and until the adoption of such ordinances the statutes of the State in effect in the city at the time of the adoption of this act in relation to such assessments shall be deemed to be the ordinances of the Council in relation thereto. All awards of damages and assessments of benefits shall before they become effective be confirmed by the Circuit Court of the county wherein the city is located upon at least five days' notice published for at least five consecutive insertions in at least two of the official newspapers of the city, or by publication in the city bulletin, if any, at least five days prior to such confirmation.

Every such assessment shall constitute a lien prior to all liens other than tax liens, upon the lands benefitted, from the date of the confirmation of the assessment. If not paid within thirty days they shall bear interest at the rate of eight per cent. per annum and shall be subject to such penalties as the Council may by ordinance impose. If any such assessment be not paid within one year from its confirmation, the Director of Finance may sell the same at public auction to the highest bidder, after such advertisement as the Council shall prescribe. Until the Council shall have so prescribed, such advertisement shall be in at least two official papers, once a week, for a period of four weeks, or in four consecutive numbers of the city bulletin, if any.

## X.

### LAW DEPARTMENT.

1. The Law Department shall consist

of the Corporation Counsel and as many assistant Corporation Counsels, clerks and assistants as the Corporation Counsel, with the consent of the Council, shall appoint. Such assistant corporation counsels, clerks and assistants shall be removable at the pleasure of the Corporation Counsel.

2. The Corporation Counsel shall be the chief law officer of the city and the attorney or solicitor of record in all court proceedings wherein the city or any of its officers by reason of any suits growing out of their official position shall be a party. He shall advise all city officers and bodies on any matters relating to the city government when requested to do so and shall supervise the preparation of all contracts, deeds and other documents and all statutes, ordinances and resolutions referred to the law department for preparation. The other members of the law department shall perform such duties therein as may from time to time be assigned to them by the corporation counsel.

## XI.

### POLICE COURTS.

1. There shall be established in the city such police courts as the Council shall determine, providing that until the establishment thereof the police courts as constituted at the time of the adoption of this act shall continue to act as the police courts hereunder. Such courts shall be courts of record, shall have an official seal and shall each be presided over by a judge, to be appointed by the Mayor, for a term co-extensive with his and until their successors are appointed and qualified.

Such courts shall have the power to issue process, either in the nature of a summons or a warrant, for the appearance before the court of any person charged with any offense over which such court has jurisdiction, and to issue process of subpoena to compel the attendance before it of any witnesses which may be deemed necessary in any proceeding before it. It shall further have the power, through the judge thereof, to adjudge in contempt and punish any person to the same extent as other courts of this State having power to punish for contempt of court.

2. The judges of the court shall have the power to appoint a clerk and deputy clerk, and further to appoint one

or more interpreters, and such other officers and assistants to the extent that he shall deem needful, as shall be consented to by the Council. The Council shall fix the salary of all of such appointees, which shall not be decreased during the incumbency of any of such appointees. Said appointee shall be deemed within the purview of the Civil Service Act, and shall not be removed except for cause, in accordance with such act. The clerk and the deputy clerk shall be empowered to take complaints, affidavits or to administer oaths required to be administered in any proceeding before said court; to receive in the judge's absence the verdict of any jury and to take bail in all cases, where the bail has been fixed by the judge. They shall be required to keep a brief record of all matters which shall come before the court, including the name of the defendant, the number of the section and the title of the statute or ordinance under which the conviction is had, the date or dates of hearings and adjournments, the names of the witnesses sworn and the list of exhibits produced at the trial and a statement of the judgment of the court, with the date thereof; to receive all fees and penalties imposed in court, and to account for and pay the same over to the proper officers or authorities monthly; to attend all sessions of the court to which he may be appointed or assigned, except as he may be excused therefrom by the judge holding the same. In the absence of the judge they may adjourn court from day to day. They shall perform such other services as the court or judge may require.

3. The judges of the several courts shall have authority to sit in any of the courts and to exercise generally throughout the city the following powers:

(1) To take and hear complaints of the violation of the criminal laws of this State.

(2) To take complaints, hear and determine the following matters:

(a) Assault, simple assault and battery, malicious mischief and petty larceny, embezzlement, obtaining money under false pretenses, receiving stolen property, where a price, amount or value of the article, property or thing alleged to have been taken, obtained or received is under twenty dollars, and all other criminal offenses the penalty for which does not exceed a fine of one hundred dollars or imprisonment for a term not exceeding six months, or both, provided that no

such crimes or offenses shall be tried unless they shall be committed within the corporate limits of the city and the person thereon accused shall waive, in writing indictment and trial by jury.

(b) All cases of alleged violation of city ordinances and regulations.

(c) All violations over which police judges or justices of the peace are given jurisdiction in the acts relating to motor vehicles, traffic, cruelty to, neglect or abandonment of children, cruelty to animals, bastardy, the prevention of vice and immorality or disorderly conduct and disorderly persons, vagrancy or breach of the peace, and generally of all penal offenses not now constituted crimes or misdemeanors and of suits to enforce penalties, jurisdiction over which by any of the acts constituting such offenses or providing for such suits, is now vested or may hereafter be vested in the police judges or justices of the peace of the several cities.

3. To hold to bail any person charged with any crime or with any violation as above set forth, except in case of treason, murder or manslaughter, either for appearance before him or pending action by the Grand Jury, or pending the determination of said matter, upon appeal, in such reasonable amount as he shall fix, and to declare any such bail forfeited. Such bail may, in the discretion of the court, be either in the form of cash or in the form of bond, with surety of one or more freeholders, who shall qualify in an amount equal to double the amount of the bond. Such bail shall be taken in cases of violation of city ordinances and regulations in the name of and for the benefit of the city and in all State cases, in the name of and for the benefit of the State of New Jersey, except as otherwise provided in any statute providing for the taking of such bail.

4. To refer to the Grand Jury any criminal complaints heard by him or wherein a hearing shall have been waived by the person charged. To impose such fines, penalties or sentence of imprisonment, or to place on probation for a term to be fixed by him, upon conviction in any of the matters wherein he is given power to hear and determine as shall be provided for in the respective statutes, ordinances and regulations relating thereto; and in default of payment of such fines, penalties or costs of suit, to commit the person convicted to the county jail or penitentiary in the manner and to the extent provided for by law, or to issue

an execution directed to any police officer of the city, commanding him to make such fine or penalty and costs of prosecution of the goods and chattels of the defendant; to release and discharge any prisoner sentenced to imprisonment by him and to remit any fine or penalty imposed by him in whole or in part; to grant a new trial or rehearsing in any matter which has come before him wherein in his opinion sufficient grounds exist for such new trial or rehearing.

4. All proceedings before such police court shall be summary in nature, except proceedings brought under section 13 of an act concerning disorderly persons, and an act for the maintenance of bastard children, and in cases where the penalty is imprisonment or exceeds the sum of twenty dollars, where the accused shall have demanded a jury. In such case a jury of twelve shall be drawn by the clerk and such jurymen shall be entitled to compensation at the rate of fifty cents a day. All process, writs and commitments issued out of said court may be signed by the judge, or by the clerk in the name of the judge and tested by the judge, and shall bear date on the date of the issuance thereof. They may be served by any police officer of the city. The wardens and keepers of the several jails and penitentiaries in the court shall receive and safely keep all prisoners committed to their respective institutions by any writ of commitment. In any complaint for the violation of any city ordinance or regulation or for the violation of any statute, wherein such violation does not constitute a crime or misdemeanor, it shall be sufficient in such complaint and in any summons or warrant issued in pursuance thereof, to state the title of the ordinance, regulation or statute and the number of the section thereof alleged to have been violated. Any such ordinance or regulation may be proven before the court by the production of a copy thereof, duly certified by the City Clerk, or of any printed compilation of ordinances containing the same, duly authorized and recognized as such compilation.

5. Any decision of such police court imposing any fine, penalty or imprisonment may be appealed to the Court of Common Pleas in the county by filing with such court, within three months of the rendition of such decision, a notice of appeal, provided that in the event of such judgment imposing a money fine or penalty such fine shall first be paid, together with all costs of court, and in the

event of imprisonment that bail be given in such sum as such police judge shall fix, not to exceed the amount, if any, theretofore given in such case. It shall be the duty of such court to forward to the Court of Common Pleas, upon its order, the record of the conviction. Any such appeal which shall be taken and shall not be prosecuted at the next term of the Common Pleas succeeding the taking thereof shall be deemed to have been abandoned and the judgment of the police court shall forthwith, upon the expiration of such term, become in full force and effect as though such appeal had not been taken, unless the Court of Common Pleas shall grant a further time for the prosecution thereof and shall certify such extension to the police court.

## **XII.**

### **GENERAL PROVISIONS.**

1. The city shall be vested with the same rights and subject to the same liabilities in reference to any property, contracts and obligations theretofore acquired or entered into, as if this act had not been adopted.

2. No officer or employee elected or appointed shall be interested directly or indirectly in any contract for work or materials, or the profits thereof, or in any services to be furnished or performed for the city. Any person violating the foregoing prohibition shall be guilty of a misdemeanor.

3. Until the adoption of ordinances and regulations inconsistent therewith, or until the specific repeal thereof, all ordinances and regulations of the city adopted under the preceding form of government shall remain in full force and effect.

4. When any act is herein declared to be unlawful, but no specific penalty is fixed, such act shall constitute a misdemeanor and shall be punishable as such.

4 (a.) All contracts authorized to be entered into shall be made in the name of the city, executed by the mayor and attested by the city clerk, who shall affix the city seal.

5. All acts and parts of acts which at the time of the adoption of this act shall have affected the internal affairs and government of the city, except as hereinafter excepted from this repealer, and all acts and parts of acts inconsistent herewith, so far as they shall affect any city adopting the provisions of this act are hereby repealed. Nothing herein contained shall be held to affect within the city the operation of the following laws

or any amendments thereof or supplements thereto:

Acts relating to elections.  
Liquor acts.  
Cruelty to animals.  
Public utilities.  
Weights and measures.  
Motor vehicle.  
Traffic act.  
General tax act.  
Summary trials of petty misdemeanors.  
Harbor act.  
Passaic valley and joint sewer acts.  
Riparian Commission.  
State water supply.  
Vital statistics.  
Marriage.  
Tenement house.  
District courts.

Education.

Roads.

Police, fire, health and works provisions.

Other acts to be added. These are merely suggestions of the type.

6. If any proviso, clause or section of this act shall be attacked in any court and shall be declared invalid or unconstitutional, the rest of this act shall stand and the proviso, clause or section declared invalid or unconstitutional shall be excluded from this act.

7. This act shall take effect immediately but shall not become operative in any city until it shall have been adopted at a special election call pursuant to petition by qualified voters of the city as hereinbefore provided.

