

THE ORDINANCES  
AND CHARTER

— OF THE —

CITY OF MONTEREY

—  
1913

ENGINEER

9476

# Monterey Public Library

## ORDINANCES OF THE CITY OF MONTEREY.

Published by authority of The Council, pursuant to the provisions of the City Charter.

### PREFACE.

Pursuant to Section 74 of the Charter, The Council authorized the publication in book form of the Ordinances of The City of Monterey.

Many of the new Ordinances, particularly those collected under the head of Government and Administration, were adopted to carry out the provisions of the new Charter. The Ordinances have been classified and printed under appropriate heads.

In this compilation such Ordinances only as are now in force and are of more or less permanent interest, are published in full. Ordinances of a special or temporary character have been omitted, as, for example, Ordinances repealing other Ordinances, or Ordinances which have become non-operative by lapse of time.

There is, included, for the convenience of the public, the headings only of Ordinances granting franchises (The Ordinances granting the recent Street Railway Franchise is, however, published in full), changing of names of streets and the like. The adoption clause is omitted from all ordinances but the date of the final passage is given.

H. G. JORGENSEN,  
*City Attorney.*

*Verde - Calif. 33 "*  
*" Texas 33.33 "*



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## CORPORATE HISTORY OF THE CITY OF MONTEREY.

The City of Monterey was originally incorporated by the special act of the legislature of March 30th, 1850. (See Statutes 1850, page 131). This act declared that all lands heretofore known and acknowledged as the Pueblo of Monterey shall henceforth be known as the City of Monterey.

The act of 1850 was repealed by a special act of the legislature, and the City reincorporated with the same boundaries as before, by the act of 1851. (See Statutes 1851, pages 367 and 375).

The City was again disincorporated by a special act of the legislature, approved May 11, 1853, and reincorporated by the same act with the same boundaries. (See Statutes 1853, pages 159 and 161). This Charter of 1853 was amended by a special act of the legislature March 4, 1857. (See Statutes 1857, page 55). It was again amended by the legislature on April 18, 1862, by special act. (See Statutes 1862, page 274). It was again likewise amended by the act of April 2, 1866. (See Statutes 1865-66, page 834). This act of 1853 was finally repealed by the special act of the legislature March 16, 1889. (See Statutes 1889, page 227).

By a vote of the Board of Supervisors of Monterey County at a regular meeting held on the 10th day of June, 1889, the City of Monterey was duly declared to be a municipality of the sixth class under the provisions of the General Municipal Corporation Act of 1883. The boundaries of the City as thus incorporated were the same as those designated in the Freeholders' Charter of 1910. (See Charter herein).

The Freeholders' Charter of the City of Monterey was prepared by a board of fifteen freeholders and voted for and ratified by the qualified voters of the City of Monterey at a special election, held on the 12th day of December, 1910, and was adopted and approved by the legislature March 2, 1911. In force and effect for all purposes July 1st, 1911.

C. 1

## CLASSIFICATION OF ORDINANCES OF THE CITY OF MONTEREY NOW IN FORCE.

- I. Government and Administration.
  - A. Officers, Boards and Departments.
  - B. Elections.
- II. Revenue and Finance.
  - A. Assessment levy and collection of taxes.
  - B. License Taxes.
- III. Fire Ordinances.
- IV. Police Ordinances.
- V. Health Ordinances.
- VI. Building and Construction.
- VII. Public Service Corporations and their Regulation.
- VIII. Streets and Sewers.
- IX. Franchises.
- X. Miscellaneous.
- XI. Charter.

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Limits 219  
State Grant 80' depth



## HISTORY OF THE ORDINANCES OF THE CITY OF MONTEREY AS ORIGINALLY ENACTED.

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NON-OPERATIVE AT DATE OF COMPILATION HEREOF.

- Ordinance No. 1, repealed by Ordinance No. 59.
- Ordinance No. 2, repealed by Charter.
- Ordinance No. 3, repealed by Ordinance No. 56.
- Ordinance No. 4, repealed by Ordinance No. 43.
- Ordinance No. 5, repealed by Ordinance No. 45.
- Ordinance No. 6, repealed by Ordinance No. 44.
- Ordinance No. 7, repealed by Ordinance No. 46.
- Ordinance No. 8, repealed by Ordinance No. 150.
- Ordinance No. 9, repealed by Ordinance No. 49.
- Ordinance No. 10, repealed by Charter.
- Ordinance No. 11, repealed by Ordinance No. 50.
- Ordinance No. 13, repealed by Ordinance No. 47.
- Ordinance No. 14, repealed by Ordinance No. 51.
- Ordinance No. 15, repealed by Ordinance No. 48.
- Ordinance No. 16, repealed by Ordinance No. 103.
- Ordinance No. 17, no record in files or books.
- Ordinance No. 18, no record in files or books.
- Ordinance No. 19, no record in files or books.
- Ordinance No. 20, no record in files or books.
- Ordinance No. 21, no record in files or books.
- Ordinance No. 22, no record in files or books.
- Ordinance No. 23, no record in files or books.
- Ordinance No. 24, an Ordinance granting gas franchise to Martin Sand and Thomas D. Poole. (Right forfeited by non-user so declared by Charter.)
- Ordinance No. 25, repealed by Ordinance No. 39 C. S.
- Ordinance No. 26, repealed by Ordinance No. 43.
- Ordinance No. 27, granting street railway franchise. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.
- Ordinance No. 28, creating Board of Health and defining its powers. Repealed by Ordinance No. 37 C. S.
- Ordinance No. 29, fixing tax rate for 1890 (non-operative).
- Ordinance No. 30, repealed by Ordinance No. 43.
- Ordinance No. 31, repealed by Ordinance No. 39 C. S.
- Ordinance No. 32, void. No power to enact.
- Ordinance No. 33, repealed by Ordinance No. 58.
- Ordinance No. 34, fixing electric light rates to April, 1892. (Non-operative.)
- Ordinance No. 36, repealed by Ordinance No. 103.

Ordinance No. 37, section 1 repealed by Ordinance No. 133. Sections 2 and 3 now in force.

Ordinance No. 38, repealed by Ordinance No. 43.

Ordinance No. 39, void. No power to enact.

Ordinance No. 40, to prevent discharge of sewerage into streets, etc. (Sections 1 and 2 now in force; section 3 repealed as to improved streets by Ordinance No. 159.)

Ordinance No. 41, fixing tax rate for 1891. (Non-operative.)

Ordinance No. 42, granting street railway franchise. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.

Ordinance No. 43, repealed by Ordinance No. 65.

Ordinance No. 44, repealed by Ordinance No. 138.

Ordinance No. 45, repealed by Ordinance No. 129.

Ordinance No. 48, section 2 repealed by Ordinance No. 5 C. S.

Ordinance No. 53, repealed by Ordinance No. 65.

Ordinance No. 54, repealed by Ordinance No. 65.

Ordinance No. 55, repealed by Ordinance No. 57.

Ordinance No. 56, repealed by Ordinance No. 67.

Ordinance No. 57, repealed by Ordinance No. 164.

Ordinance No. 58, repealing Ordinance No. 33 (non-operative).

Ordinance No. 59, repealed by Ordinance No. 43 C. S.

Ordinance No. 60, repealed by Ordinance No. 138.

Ordinance No. 61, repealed by Ordinance No. 65.

Ordinance No. 62, fixing tax rate for 1892 (non-operative).

Ordinance No. 64, granting franchise to Monterey & Fresno Ry. (Franchise forfeited by non-user and Ordinance repealed by Ordinance No. 87.)

Ordinance No. 65, repealed by Ordinance No. 92.

Ordinance No. 66, granting franchise to construct private sewer. Sewer purchased by City (non-operative).

Ordinance No. 67, repealed by Ordinance No. 80.

Ordinance No. 68, repealing section 7 of Ordinance No. 27, granting franchise to Malarin (non-operative).

Ordinance No. 69, granting street railway franchise. Practically repealed by Ordinance No. 36 C. S. and all rights expressly waived by grantee.

Ordinance No. 70, granting street railway franchise. Practically repealed by Ordinance No. 36 C. S. and all rights expressly waived by grantee.

Ordinance No. 71, granting franchise to Monterey & Fresno R. R. (forfeited by non-user and repealed by Ordinance No. 78).



Ordinance No. 73, adopting certain provisions of Political Code *in re* Public Health for one year, from Sept. 22, 1896. Expired.

Ordinance No. 74, no such Ordinance in book or files.

Ordinance No. 75, amending Ordinance No. 28 (repealed by Ordinance No. 37 C. S.).

Ordinance No. 77, repealed by Ordinance No. 81.

Ordinance No. 78, repealing Ordinance No. 71 (non-operative).

Ordinance No. 79, repealed by Ordinance No. 164.

Ordinance No. 80, repealed by Ordinance No. 90.

Ordinance No. 81, repealing Ordinance No. 77 (non-operative).

Ordinance No. 82, repealed by Ordinance No. 37 C. S.

Ordinance No. 83, amending Ordinance No. 28, repealed by Ordinance No. 37 C. S.

Ordinance No. 85, no such Ordinance in files or books.

Ordinance No. 86, no such Ordinance in files or books.

Ordinance No. 87, repealing Ordinance No. 64 *in re* Franchise to Monterey and Fresno R. R. Co., and declaring franchise forfeited (non-operative).

Ordinance No. 89, void. Attempting to amend Section 4 of Ordinance 5, which had been repealed. Ordinance No. 129 repeals this Ordinance.

Ordinance No. 90, repealed by Ordinance No. 2 C. S.

Ordinance No. 91, adopting certain sections of Political Code for one year. Non-operative by lapse of time.

Ordinance No. 92, *in re* license tax. Repealed by Ordinances No. 23 C. S. and No. 28 C. S.

Ordinance No. 93, repealing Section 14 of Ordinance No. 92. Repealed by Ordinances No. 23 C. S. and No. 28 C. S.

Ordinance No. 94, repealed by Ordinance No. 164.

Ordinance No. 96, repealed by Ordinance No. 99.

Ordinance No. 97, amending Section 36 of Ordinance No. 92. Repealed. (See Ordinance No. 92.)

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Ordinance No. 99, repealing Ordinance No. 96 in reopening of saloons. (Non-operative.)

Ordinance No. 100, amending Section 15 of Ordinance No. 92. Repealed. (See Ordinance No. 92.)

Ordinance No. 101, amending Section 7 of Ordinance No. 42 *in re* Franchise to Malarin. Practically repealed by Ordinance No. 36 C. S. and all rights expressly waived by grantee.

Ordinance No. 102, repealed by Ordinance No. 164.

Ordinance No. 103, *in re* assessment and collection of taxes. Repealed by Ordinance No. 15 C. S.

Ordinance No. 104, amending Sections 1, 5, 14, 21, 24 and 26 of Ordinance No. 103. Repealed by Ordinance No. 15 C. S.

Ordinance No. 105, to amend Section 3 of Ordinance No. 92. Repealed. (See Ordinance No. 92.)

Ordinance No. 106, repealed by Ordinance No. 37 C. S.

Ordinance No. 107, amending Sections 35 and 36 of Ordinance No. 92. Repealed. (See Ordinance No. 92.)

Ordinance No. 108, amending Section 6 of Ordinance No. 92. Repealed. (See Ordinance No. 92.)

Ordinance No. 109, granting street railway franchise to R. C. P. Smith. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.

Ordinance No. 113, granting street railway franchise to R. C. P. Smith. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.

Ordinance No. 114, granting street railway franchise to R. C. P. Smith. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.

Ordinance No. 115, to establish fire limits. (Repealed by Ordinance No. 143.)

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Ordinance No. 119, amending Ordinance No. 92 by adding Section 14. Repealed. (See Ordinance No. 92.)

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Ordinance No. 128, establishing public library (repealed by Charter).

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## HISTORY OF ORDINANCES

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## CHAPTER I.

## GOVERNMENT AND ADMINISTRATION.

## ORDINANCE NO. 1, C. S.

*An Ordinance Fixing the Salaries of Certain Appointive Officers of The City of Monterey. As amended by Ordinance No. 7 C. S. and Ordinance No. 16 C. S.*

The Council of The City of Monterey do ordain as follows:

Section 1. The City Clerk and Assessor (consolidated office) of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of ninety dollars (\$90) per month.

Sec. 2. The Auditor of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of twenty-five dollars (\$25) per month.

Sec. 3. The Treasurer of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of twenty-five dollars (\$25) per month.

Sec. 4. The Police Judge of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of twenty-five dollars (\$25) per month.

Sec. 5. The Chief of Police of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of ninety dollars (\$90) per month.

Sec. 5a. The Collector of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of fifty dollars (\$50) per month.

Sec. 6. The Attorney of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of one hundred dollars (\$100) per month.

Sec. 7. The Engineer of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of ten dollars (\$10) per day for the number of days of actual work performed by

him in his office, and at the rate of sixteen dollars (\$16) per day for the number of days of actual work performed by him in the field, in which work he must furnish and pay all of his assistants. He shall further be allowed a salary for a draughtsman, hereby fixed at the rate of eight dollars (\$8) per day while said draughtsman is working for The City of Monterey.

Sec. 8. The Fire Chief of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of one hundred dollars (\$100) per year, payable in quarterly installments of twenty-five dollars (\$25) each.

Sec. 9. The Street Superintendent of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of ninety (\$90) dollars per month.

Sec. 10. The Building Inspector, Sewer Inspector and Health Officer shall receive as compensation for his services a salary which is hereby fixed at the rate of seventy-five dollars (\$75) per month.

Sec. 11. The Poundmaster of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of forty dollars (\$40) per month.

Sec. 12. The Steward of the Fire Department of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of fifty dollars (\$50) per month.

Sec. 13. Each of the regular Policemen of The City of Monterey shall receive as compensation for his services a salary which is hereby fixed at the rate of seventy-five dollars (\$75) per month.

Sec. 14. In the event that any of the officers above named should resign or be removed from office, or the office shall become vacant for any cause, he shall be entitled to compensation only for the time he has actually served as such officer and performed the duties of his office, fixed and determined by the rate in this ordinance specified.

Sec. 14a. In the event that any of the offices of The City of Monterey shall be consolidated by The Council the officer holding such consolidated office shall receive as compensation for his services the salaries of each of the offices so consolidated.



Sec. 15. It shall be lawful and it shall be the duty of the proper officials of The City of Monterey to approve, allow, audit, and pay all claims and demands for any and all officials of said City, to the amount of the rate herein specified, for such time as such official or officials shall actually serve as such from the time of the taking effect of the charter of said City and the taking effect of this Ordinance, and all claims so allowed are hereby ratified and confirmed.

Sec. 16. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Sec. 17. This Ordinance is hereby declared to be urgent and necessary to carry on the form of government provided by the Charter of the City of Monterey, and is passed in order to establish and maintain, without intermission, effective City government, and to immediately preserve the public peace, health and safety, and shall take effect and be in force from and after its final passage.

Passed and approved the 8th day of August, 1911.

#### ORDINANCE NO. 2, C. S.

*An Ordinance Fixing the Time and Place for Regular Meetings of The Council of The City of Monterey and Providing for the Manner of Calling Special Meetings and Repealing all Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. The regular meetings of The Council of The City of Monterey shall be held on the first Tuesday of each month, at the hour of 7:30 p. m. from November 1st to March 31st and at the hour of 8:00 p. m. from the first day of April to the 31st day of October of each year. The Council shall meet at the Council Chambers in Colton Hall in said City and shall not adjourn to nor meet at any other place than to or at its regular place of meeting, except in case of great necessity or emergency.

Sec. 2. Special meetings of The Council may be held at any time upon the call of the Mayor, or any two (2)

members of the Council, upon filing the same with the Clerk and upon notice given in the manner herein provided. The Clerk, upon receiving a call for such meeting, shall prepare and address to each member of the Council personally, three hours before the time set for the meeting, or, in lieu of such service, mail to each member, at least twelve (12) hours before the time set for the meeting, a copy of said call addressed to him at his last known place of residence. Said notice, if mailed, shall be deposited in the Postoffice in Monterey, California, or in any United States mail box in said City.

Special meetings may be held by the Council at any time, without notice, upon the unanimous consent of its members.

Sec. 3. All Ordinances or parts of Ordinances, including Ordinance No. 3 of said City, in conflict herewith are hereby repealed.

Sec. 4. This Ordinance shall take effect and be in force thirty (30) days after its final passage.

Passed and approved August 30th, 1911.

#### ORDINANCE NO. 38, C. S.

*An Ordinance Establishing a Police Department, Providing for Its Organization, Management and the Appointment of Its Officers and Members and Repealing Ordinance No. 150 and all Conflicting Ordinances.*

The Council of the City of Monterey do ordain as follows:

Section 1. The Police Department of The City of Monterey is hereby established.

Sec. 2. The Police Department shall consist of the Chief of Police and such members, officers and policemen as The Council shall from time to time deem necessary to preserve the peace, protect the lives and property of said City and enforce all laws and Ordinances within the City.

Sec. 3. The Police Department shall be subject to the control of The Council and under the general su-



pervision of the Commissioner of Public Health and Safety.

Sec. 4. The Chief of Police shall be the chief executive officer of the Department, and subject to the rules and regulations approved and adopted by The Council shall perform such duties as are prescribed by Ordinance.

Sec. 5. The Chief of Police and all regular policemen shall be appointed by The Council and shall hold office at the pleasure of said Council, and until their successors in office are appointed and may be dismissed without notice.

Sec. 6. The Council may appoint upon its own motion or upon the application of any person, firm or corporation, special officers to act with or without compensation, whenever in its judgment it may deem it necessary for the preservation of the public health, peace, or safety. All special officers shall be subject to the rules and regulations of the Department. The Chief of Police with the approval of the Commissioner of Public Health and Safety may appoint for one day only, special policemen when he may deem the same necessary for the preservation of the public peace or safety. The appointment shall be made in writing and filed with the City Clerk. The City Clerk shall make and affix his official seal to the certificate of appointment of police officers, special officers or special policemen and deliver the same to the appointee after their filing the oath of office with him.

Sec. 7. The Commissioner of Public Health and Safety shall prescribe rules and regulations, which shall be subject to the approval of The Council, for the government, discipline, equipment and uniforms of the officers and members of the Department, fixing their powers and duties, and which rules and regulations shall prescribe penalties for any violation of such rules and regulations and provide for their enforcement.

Sec. 8. The Chief of Police shall keep a "Book of Arrests" and a "Property Book." He shall cause to be entered in such "Book of Arrest" the full name, with alias, if any, of every person brought in, the time and place of arrest, criminal charge, the place where the offense was committed, the name of the officer or officers making the arrest, the court issuing the warrant, and the amount of bail taken, in cash or bonds,

if any. The "Book of Arrest" shall be always open during office hours to the inspection of the general public. The Chief of Police shall cause to be entered in the "Property Book," in detail, a description of all property and things of value which any prisoner may have on his person at the time of his arrest.

Sec. 9. Each Policeman shall have the powers that are now conferred by law upon Police Officers of this state pertaining to the enforcement of law, the Ordinances and the police regulations of the City, and shall be entitled to the same protection in all respects as are now afforded by law to police officers of this state. It shall be his duty to enforce the police regulations of said City, to prevent any breach of the peace, to suppress riots and disorderly assemblages, and to arrest any person found violating any law or Ordinance, or committing any acts injurious to the quiet and good order of the City, or to the person or property of any citizen of the City. He shall have such further powers or duties as may be prescribed by The Council, by Ordinance or Resolution.

Sec. 10. Any officer or member of the Police Department guilty of any legal offense or neglect of duty, violation of the rules or regulations of the Department, or neglect or disobedience of orders, or absence without leave, breach of discipline, or any conduct injurious to the public peace or welfare, or detrimental to the efficiency of the Department, or conduct unbecoming any officer, shall be liable to punishment by reprimand, forfeit of pay for a specified time, suspension or dismissal from the Department, but not more than one month's pay shall be forfeited for any one offense. It shall be the duty of the Chief of Police to suspend or remove any member in any such case, and he shall immediately file with the Mayor a written charge specifying the grounds upon which such suspension or removal is made, and The Council may take such action in regard thereto as they may deem expedient, and may declare the pay of such member forfeited for a specified time. Any member so removed or suspended by the Chief of Police may appeal to The Council by filing a written petition with the Clerk within five (5) days after such suspension, and The Council upon such hearing may revoke or confirm the action of the Chief



of Police, or take such further action thereon as it may see fit.

Sec. 11. In the absence of the Chief of Police, the Commissioner of Public Health and Safety, shall designate one of the regular policemen acting Chief of Police. This designation shall be made in writing and filed with the City Clerk. The acting Chief of Police during the absence of the Chief of Police shall perform all the duties and have all the powers prescribed for and given the Chief of Police.

Sec. 12. Every Police Officer shall keep a true and correct account of all things done by him in his official capacity, and shall make a full, true and correct report each day to the Chief of Police of all such matters.

Sec. 13. The Chief of Police shall make a full, true and correct report in writing to The Council of all matters pertaining to the Police Department on or before the first Tuesday in each month.

Sec. 14. Ordinance No. 150, entitled "An Ordinance Establishing a Police Department in The City of Monterey and Repealing Ordinance No. 80," adopted on the 14th day of July, A. D. 1908, together with all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Sec. 15. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved January 28, 1913.

## ORDINANCE NO. 39, C. S.

*An Ordinance Relating to and Providing for a Fire Department in and for The City of Monterey and Repealing all Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. The Fire Department of The City of Monterey shall consist of such fire companies as are now organized and accepted by The Council of The City of Monterey and such other companies as may be hereafter organized and accepted by The Council of The City of Monterey.

Sec. 2. The members of the Fire Department and the Fire Department shall be under the immediate and direct control and charge of the Fire Chief. There is hereby created the office of First Assistant Fire Chief and the office of Second Assistant Fire Chief, who shall perform such duties as are now or may be hereafter laid down by the rules and regulations of the Fire Department.

Sec. 3. The Commissioner of Public Health and Safety may adopt rules and regulations for the government of the Fire Department not inconsistent herewith, which said rules and regulations, when approved by The Council, together with the Ordinances of said City, shall be the governing law of the Fire Department and the members thereof.

Sec. 4. The Fire Chief shall be appointed by The Council as provided by the Charter. The First Assistant Fire Chief and the Second Assistant Fire Chief shall be elected as follows: On or before the first Tuesday of December of each year there shall be elected by each Company of the Fire Department, an elective committee of five members of the Company, who shall be chosen by the majority vote of the members of the Company and by ballot; the several committees elected by each Company shall within fifteen (15) days after said first Tuesday in December, meet, together with the Fire Chief of The City of Monterey, and at such times as the Fire Chief may appoint and then and there elect a First Assistant Fire Chief and Second Assistant Fire Chief by a majority of the votes of the said elective



committee and by ballot, and in case of a tie, the Fire Chief shall have the casting ballot. The Fire Chief shall be the presiding officer of such elections, and shall declare the result thereof. When such election shall be approved by The Council of The City of Monterey, by resolution, such officers must qualify by taking the oath of office and the City Clerk shall thereupon issue to them a certificate of election. No person shall be eligible to either of said offices who is not a member of one of the Companies of the Fire Department. The First Assistant Fire Chief and the Second Assistant Fire Chief shall hold their office for one year from and after the first day of the year following their election and until their successors are elected and qualified, unless sooner removed by The Council of said City.

Sec. 5. The Fire Chief shall have full power to suspend temporarily for a period of not more than thirty (30) days any member of the Department; provided, however, that in all cases of suspension he shall immediately report the same to the Commissioner of Public Health and Safety, and The Council may grant a hearing upon petition of any member so suspended, filed with the Clerk within five (5) days after such suspension, and The Council upon such hearing may revoke or confirm the action of the Fire Chief, or take such other action thereon as it may see fit.

Sec. 6. All Ordinances and parts of Ordinances in conflict herewith, including Ordinance No. 25 and Ordinance No. 31, are hereby repealed.

Sec. 7. This Ordinance to take effect and be in force thirty days from and after its passage and approval.

Passed and approved February 4, 1913.

## ORDINANCE NO. 40, C. S.

### *An Ordinance Prescribing the Duties of Certain Appointive Officers.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be the duty of the Assessor, between the first Monday of March and the first Monday of August of each year, to assess all taxable property within The City of Monterey at the time and in the manner prescribed by the general laws of the State, except as may be now or hereafter provided by Ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the City, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by Ordinance. The Assessor shall verify said list by his oath and shall deposit the same with the Auditor on or before the first Monday of August of each year. The Assessor and his deputies shall each have power to administer all oaths and affirmations that may be necessary in the performance of their duties. He shall perform such other duties as may now or hereafter be required of him by law or by Ordinance of the City. With the consent of The Council he may appoint a Deputy Assessor; the Deputy Assessor shall have power to perform all duties of the Assessor during his absence or temporary disability.

Sec. 2. The City Attorney must be qualified to practice in all courts of the State and he must have been so qualified for at least three years next preceding his appointment. He must prosecute and defend for the City all actions at law or in equity and all special proceedings for or against the City. He shall commence all proceedings when directed to do so by the Mayor or The Council. He shall give legal advice (which must be in writing if requested) to the Mayor, The Council, to all commissioners, chief officials, subordinate officials, boards and commissions, when requested so to do by them or either of them, upon questions arising in their separate departments involving the rights or liabilities of the City. He shall not settle or dismiss any litigation for or against the City under his control or take



any appeal to the Supreme Court unless he is ordered to do so by The Council.

He shall prosecute all criminal actions for violations of the provisions of the Charter or any Ordinances of the City.

He shall draw such Ordinances, Resolutions, Contracts and other instruments as shall be requested by The Council or any officer on behalf of the City and shall attend the meetings of The Council unless executed by The Council or the Mayor.

When from any cause he may not be able to attend the duties of his office, he may with the consent of the Mayor appoint some one to act in his place for the time being, and whenever in the opinion of The Council the interests of the City require it, assistant counsel may be employed at the expense of the City upon such terms as may be prescribed by The Council.

He shall have authority to draw requisitions upon the City for the payment of witness fees and other Court costs and incidental expenses which requisitions when allowed as provided by the Charter and the Ordinances of the City shall be paid by the Treasurer.

He shall file in the office of the City Clerk all written communications and opinions given by him to any officer, board or department, and a copy of all briefs. He shall keep on file in his office a copy of all briefs and papers used in cases wherein he appears for the City.

He shall deliver all books, records, papers, documents and property of every description belonging to the City to his successor in office.

He shall perform such other duties as may be required of him by the Charter or any Ordinance of the City now in force or which may hereafter be adopted.

Sec. 3. It shall be the duty of the Collector to collect all taxes levied by The Council. He shall at the expiration of every and any day pay to the Treasurer all taxes and other funds of said City collected by him during said day, or in his possession. He shall upon the first day of each and every month file with The Council an affidavit that he has paid to the Treasurer all the taxes and funds that he has received or collected during the preceding month, from day to day, as required by the Charter. He shall upon the receipt of any tax list give his receipt for the same to the Auditor, and shall upon

depositing with the Auditor the delinquent tax list take his receipt therefor. He shall be charged with all taxes levied upon real and personal property within the City, upon his receipt of the tax list from the Auditor. He shall also be charged with and be indebted to the City for the full amount of all taxes due upon delinquent lists delivered to him for collection, unless it appear to the satisfaction of The Council expressed by Resolution, that it is out of his power to collect the same by levy and sale of property liable to be assessed and sold therefor. He shall receive from the Auditor all licenses, receipt therefor and collect the same. He shall perform such other services as shall be required of him by law, the Charter and Ordinances of said City, now in force or which may hereafter be adopted. He may appoint subject to the approval of The Council one or more deputies for whose acts he and his bondsmen shall be responsible.

Sec. 4. The City Clerk shall be the Clerk of The Council and of the Board of Equalization, and it shall be his duty to keep a full, true and correct record of all of the proceedings of The Council and of the Board of Equalization, and to attend all of the sessions of The Council and of the Board of Equalization. The proceedings of The Council shall be kept in a book marked "Minutes of The Council," and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization."

He shall keep a book marked "City Ordinances," into which he shall copy all City Ordinances with his certificate annexed to each Ordinance, stating that the foregoing Ordinance is a true and correct copy of an Ordinance of said City and giving the number and title of said Ordinance and stating that the same has been passed by The Council with the date of its first reading and final passage, the date of the signing by the Mayor and that it has been published as provided by law. Said record copy of such Ordinance with said certificate shall be prima facie evidence of the contents of the Ordinance and the due passage and publication of the same and shall be admissible as such evidence in any court or proceeding; such record shall not be filed in any case, but shall be returnable to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of Ordinances in the usual way.

He shall also keep a book marked "Resolutions," into



which he shall record all Resolutions passed by The Council.

Both the Ordinance and Resolution book shall have a general index sufficiently comprehensive to enable a person readily to ascertain the matter contained therein. He shall also keep a register of street proceedings, which will show at any time the exact status of any street proceeding.

He shall reply promptly to all communications addressed or referred to him by the Mayor or Council and shall reply to said correspondence in a methodical and systematic manner.

He shall be the keeper of the corporate seal of the City and shall affix the same to all instruments, or writing needing authentication. He shall safely keep all published records, documents, ordinances, resolutions and orders of The Council, and such other paper and documents pertaining to the affairs of the City as may be delivered into his custody or required to be filed with him.

He shall take charge of all nomination certificates as provided by the Charter and shall have immediate supervision over all verification deputies appointed by him. He shall examine the petitions for nomination, index and file the same among the records of his office. He shall attend to the printing and preparation of ballots and he shall attend to the mailing of the same to registered voters.

He shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding of the City, and to certify the same. He shall keep records of the appointments of the officers of the City.

He shall furnish to any City officer a copy of any record, paper, or public document made or filed in his office when the same may be necessary to said officer in the discharge of his official duties, and he shall also furnish a like copy to any person by request, but in the latter case he shall be entitled to receive 12½ cents per 100 words of said copy to be prepaid. For certifying to any such copy, he shall be entitled to receive the sum of fifty cents. In case the Clerk does not consider the request for such work reasonable, the question shall be referred to the Commissioner of Finance and Revenue for a decision in the matter.

He shall pay into the City Treasury immediately all moneys and funds received by him from any sources whatsoever and shall secure from the Treasurer receipts in duplicate. He shall file one receipt in his office and the other shall be filed with the Auditor.

He shall prepare a statement on the last of each month and present the same to The Council at its regular meeting after the first of the succeeding month showing the amount of money received by him and the number of the Treasurer's receipt thereof.

He shall keep a book marked "Demands and Warrants," into which he shall note any demands against the City and file the same. He shall state therein the official disposition made of the same and if the same is allowed and warrants drawn, he shall also state the number of the warrants drawn with sufficient dates.

He shall keep and maintain office hours at the City Clerk's Office in the City Hall, in the said City of Monterey, from 9 o'clock a. m. to 12 o'clock m., and from 1 o'clock p. m. to 4:30 o'clock p. m. daily, except holidays, and also except Saturdays. On Saturdays he shall keep office hours from 9 a. m. to 12 m.

He shall perform such other duties as may be required of him by the Charter, Law or Ordinance or any Resolution of The Council not in conflict with the Charter, Law or Ordinance.

Sec. 5. It shall be the duty of the Street Superintendent to superintend the condition of streets and he shall have general care and frequently inspect all streets, alleys, avenues, lanes, places and courts now open or which may hereafter be opened. He shall have general supervision over and be responsible for the cleaning and sprinkling of streets, and shall have general charge of the collection and disposal of street refuse. He shall receive, consider and investigate all complaints as to the condition of all streets, alleys, avenues, lanes, places and courts. He shall have general charge of the tearing up of streets for public utilities whether done by the City or any other person, and shall see that all streets that have been torn up are properly repaired and restored to their proper conditions. He shall have immediate charge of all employees of public streets, lanes, places, ways and boulevards. As such Street Superintendent, he shall be required to do all the acts and perform all the duties required to be done by the Street



Superintendent under the general street laws of the State of California, or by any Ordinance.

Sec. 6. The Fire Chief shall have direct control and charge of all members of the Fire Department under the lawful exercise of his functions with full power to detail any of them to such public service as he may direct.

It shall be the duty of the Fire Chief to superintend the extinguishment of fire, to assign and fix the duties of every member of the Department and to maintain and enforce law and strict discipline so as to secure complete efficiency of the Department, to see that the rules and regulations adopted by the Commissioner of Public Health and Safety and approved by The Council and that the laws and Ordinances concerning the Fire Department and fire limits are enforced, to frequently inspect all fire houses, apparatus and equipment, and to inspect or cause to be inspected all fire hydrants and stand pipes, and the sources and mains of water supply, and to frequently inspect all premises within the fire limits of said City.

He shall have charge of the enforcement of all laws, and Ordinances relating to the establishment of fire limits, to the storage, sale and uses of oils, combustible materials and explosives; together with investigation of the causes of all fires, and in all cases where there is any reason to believe that any fire is the result of crime or that crime has been committed in connection therewith, the Fire Chief is to report the same to the Chief of Police. The Fire Chief may call upon any police officer during the time of any fire for the purpose of protecting the property or enforcing any law or ordinance.

It shall be his duty to notify the First Assistant Fire Chief before temporarily absenting himself from his duties and said First Assistant Fire Chief shall be Acting Chief during such absence, with all the power of the Fire Chief.

Sec. 7. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as such Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the Auditor. Before any money is accepted or received by him on account of any indebtedness due the City, he shall require a certificate from the Auditor specifying the amount thereof to be paid. He shall pay out all

moneys except the principal and interest due on bonds of the City, on warrants signed by the proper officers, and not otherwise.

He shall make quarterly statements showing the receipts and disbursements for the quarters ending September 30th, December 31st, March 31st and June 30th. Said statements shall show in detail the condition of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk and one delivered to the Commissioner of Finance and Revenue within ten days after the end of each quarter. He shall likewise make quarterly settlements with the Auditor. He shall perform such other duties as are now or may hereafter be required of him by law and the Charter and Ordinances of The City of Monterey.

Sec. 8. The Health Officer shall have general supervision of all matters relating to the sanitary condition of the City and to public health. It shall be his duty to see that all Laws, Ordinances and Regulations relating to the public health are properly enforced and carried out, and to immediately report to The Council all cases of violation of any Law or Ordinance relating to the public health and to make a like report when any place or building in The City of Monterey is found to be, or allowed to remain, in an unsafe or unsanitary condition.

He shall perform such duties as are imposed upon him by any Law or Ordinance relating to the regulations of infectious and contagious diseases, and disposition of garbage, the record of births, the abatement of nuisances, the removal of dead bodies, the inspection of premises, the examination of foods, milk, water and other articles intended for human or animal consumption, the maintenance of quarantines, and the fumigation of premises; and he shall perform such other duties as may now or hereafter be assigned to him by Law, Ordinance or direction of The Council.

Sec. 9. The Chief of Police shall have direct control and management of all members of the Police Department in the lawful exercise of his functions with full power to detail any of them to such public service as he may direct and with like power to suspend or remove as provided by the Charter. He shall detail an officer to attend meetings of The Council whenever required so to do by the Council, and shall exercise such powers and



perform such other duties connected with his office as may be provided for by The Council or by the Charter or any Ordinance or Resolution of The Council.

Sec. 10. The Engineer shall be a civil engineer of not less than three (3) years' practical experience as such. He shall perform all engineering and surveying required in the prosecution of public works and improvements done under the direction of the Commissioner of Public Works, and he shall certify to the progress and completion of the same, and do such other work pertaining to his office and profession as he may be directed to do by the Commissioner of Public Works, or by The Council, or by the general law of the State of California. The acts of the Engineer and all maps, plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given to those of the County Surveyor.

It shall be the duty of the Engineer to give the corners, lines of survey of lots and the proper curb grades in front of all buildings, blocks or lots, with certificates of same, when applied to for that purpose, and for such service the person requesting the work done shall pay such charges as may be reasonable or fixed by Ordinance. On application of any person or corporation owning or interested in real property in said City for a survey or plat of such property, the Engineer may perform the necessary work therefor and the fee for such service shall be fixed by him in accordance with the current rates for like service. When required by the Commissioner of Public Works, The Council, or any contractor for city work, he shall furnish the lines, grades, measurements and calculations for any street or other City work. When ordered by the Commissioner of Public Works, he shall place monuments as initial points for measurements or grades at such places as the Commissioner of Public Works may direct, and he shall do and perform such other duties as may be required by the Charter and as usually pertain to that office. He shall perform all duties in the matter of street and sewer work required to be performed by the Engineer, or by the City Surveyor, under the general law of California. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction whether done un-

der contract or otherwise, and shall at once report to The Council, in writing, all deviations from contracts, and use of improper material and bad workmanship in such work; and shall have power, pending investigation, to stop all work therein.

The Engineer shall enter in a book or books, kept for that purpose in his office, a record of all surveys and measurements made under the provisions of this Ordinance. All records of surveys and all calculation books pertaining to streets, plazas, alleys and all city work, with all maps, plans and profiles in which the City can in any manner be legally interested shall be and remain in the property of the City, and shall be kept in the Engineer's office and shall be open for public inspection during office hours. All such books, maps, plans and profiles shall be carefully preserved by the Engineer, and transmitted to his successor in office.

The Engineer shall be entitled to such deputies and assistants as may be authorized by The Council.

The Engineer shall perform such other duties as The Council shall by Ordinance or Resolution prescribe.

Sec. 11. The Auditor shall perform such duties as are required of him by the Charter and Ordinances of the City or any Resolution of The Council, which pertain to the duties of Auditor. He shall keep a book marked "City Accounts," in which he shall enter as a credit all money received by the City for licenses, and taxes, and all other money when received, and in which he shall enter upon the debtor side all commissions deducted, if any, and all warrants drawn on the Treasury. He shall likewise keep a book marked "Collector's Account," in which he shall charge the Collector with all of the tax list delivered to him and all licenses so delivered. He shall credit the Collector with all taxes and licenses collected and paid into the Treasury and with the delinquent lists returned by him. In a book marked "Treasurer's Accounts" he shall keep a full account of the transactions of the City with the Treasurer.

He shall keep a book marked "Warrants," in which he shall keep a record of all warrants allowed by The Council and allowed and drawn by the Mayor and City Clerk; said book shall also show whether the warrant was allowed by himself, with the name of the payee, the number of the warrant and sufficient dates. He shall keep a book marked "Contracts," in which he shall



number and register every contract entered into by the City, with the name of the party or parties with whom such contract was made, the date thereof and the date the same was filed with the Clerk.

He shall keep such other books as The Council may from time to time require.

Sec. 12. The Building Inspector shall enforce all Ordinances of the City or Resolutions or orders of The Council relating to Buildings and other constructions including any and all plumbing and electrical Ordinances or Regulations whether the work be done on a private or public building, and report monthly to The Council all his official acts.

The Building Inspector shall perform such other duties as may be required of him by The Council.

Sec. 13. The Sewer Inspector shall enforce all Ordinances of said City and all Resolutions of said City relating to the construction of sanitary sewers. He shall inspect all sanitary sewers constructed in the City and shall require that all of such sanitary sewers shall be constructed in a sanitary manner. He shall have general supervision of the sanitary system of the City and report to The Council any defects therein.

He shall perform such other duties which may be assigned to him by The Council.

Sec. 14. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 15. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved February 4th, 1913.

## ORDINANCE NO. 42, C. S.

*An Ordinance to Determine, Assign and Distribute the Executive and Administrative Powers, Authorities and Duties of the City of Monterey Into and Among the Several Departments, and to Determine the Powers and Duties to Be Performed, and to Assign Them to the Appropriate Departments, Elective Officers and Commissioners and to Provide for the Administering of Certain Ordinances.*

The Council of the City of Monterey do Ordain as follows:

Section 1. The executive and administrative powers, duties and authorities of The City of Monterey not otherwise provided for by the Charter of said City are hereby distributed among and assigned to the several departments, elective officers and commissioners, and the powers, authorities and duties to be performed are determined and assigned as follows, subject, however, to the general direction and supervision of The Council.

### THE MAYOR

(1) The Mayor shall have and exercise all the powers and perform all the duties provided or prescribed by law or the Charter of said City, or by any Ordinance or Resolution of the City, to be exercised by him. He shall have general supervision and oversight over all departments and officers in the City. He shall sign on behalf of the City, all contracts, not authorized by The Council to be signed by a Commissioner or a chief official.

(2) The City Attorney, Police Judge and Auditor are hereby assigned to the Mayor and shall be under his supervision and direction. The Civil Service Commission, Civic Art Commission, Park Commission, Playground Commission, Commission of Public Charities and Museum Commission when established, and the Library Commission or Library Trustees, their respective officers and departments, and all employees therein, are distributed and assigned to the Mayor and shall be under his supervision and control. The Mayor shall have supervision of any other official board, commission or functionary hereinafter assigned to the Mayor, or which is not by law, or the Charter or Ordinance or Resolution



assigned to some other department. He shall have full power and it shall be his duty to enforce strict order in all the meetings of The Council and to this end he may command the assistance of any peace officer of The City of Monterey, who shall enforce all lawful orders of the Mayor.

In all instances when any duty or power is conferred upon or functions assigned to, the then "President of the Board of Trustees" of said City by any Ordinance of said City adopted prior to July 1st, 1911, and which is now in force, such duty, power or function shall be performed, executed or exercised by the Mayor so long as said Ordinance shall remain in force and such Ordinance or Ordinances shall be and remain in effect accordingly.

#### FINANCE AND REVENUE

(1) The Commissioner of Finance and Revenue shall have charge of and supervision over all accounts and resources of the City, and, to that extent of all officers, boards or departments required to keep or make accounts, records or reports. He may inspect at any time all records, books or accounts required to be kept in any of the departments or offices of the City, and shall cause proper accounts and records to be kept and proper reports to be made.

(2) The Assessor, Treasurer and Collector, and City Clerk and their respective offices or departments, and all employees, deputies or assistants therein, are distributed to the Department of Finance and Revenue and shall be under the supervision and direction of the Commissioner of Finance and Revenue. Said Commissioner shall have supervision of any other official, commission or board which may hereafter be assigned to his Department by The Council. He shall cause to be collected and paid to the Treasurer all license fees, franchise taxes or percentages, rentals or other moneys which may be due, or become due to the City. He shall make reports to The Council of any failure to make reports or to pay moneys due the City, with such recommendations in relation thereto as he may deem proper. He shall prepare and submit to The Council the annual estimate of the probable expenditure of the City government as provided in Section 78 of the Charter, and shall exercise such other powers and perform such other duties

as The Council may by Ordinance or Resolution prescribe.

#### PUBLIC HEALTH AND SAFETY.

(1) The Commissioner of Public Health and Safety shall establish all necessary rules and regulations for the conduct and government of his department and for the performance of his duties, and for the regulation and conduct of all employees of the City coming under his supervision, subject, however, at all times to the approval of The Council.

(2) The Chief of Police, Fire Chief, Health Officer and Poundmaster, and their respective offices or departments, and all employees, deputies and assistants therein, are distributed and assigned to the Department of Public Health and Safety and shall be under the supervision and direction of the Commissioner of Public Health and Safety. Said Commissioner shall have supervision of any other official, commission or board which may hereafter be assigned to his department by Ordinance or Resolution of The Council. He shall have supervision over and have charge of all buildings, property and apparatus used in any of said departments and offices. He shall have charge of and supervision over the removal and disposal of all garbage, waste matter and rubbish, and shall exercise such other powers and perform such other duties as The Council by Ordinance or Resolution may prescribe.

In all instances where any power or duty is conferred upon or functions assigned to the then Police Committee of the Board of Trustees, the Chairman of the Police Committee of the Board of Trustees, the Fire and Water Committee of the Board of Trustees, or the Chairman of the Fire and Water Committee of the Board of Trustees of said City by any Ordinance of said City, adopted prior to July 1st, 1911, and which is now in force, such duty, power or function shall be performed, executed or exercised by the Commissioner of Public Health and Safety so long as said Ordinance shall remain in force and such Ordinance or Ordinances shall be and remain in effect accordingly.

#### PUBLIC WORKS.

Subject at all times to the approval of The Council the Commissioner of Public Works shall establish all necessary rules and regulations for the conduct and



government of his department, and for the performance of his duties, and for the regulation and conduct of all employees of the City coming under his supervision.

The City Engineer, Street Superintendent, Building Inspector, and Sewer Inspector and their respective offices or departments, and all employees, deputies or assistants therein, are distributed and assigned to the Department of Public Works, and shall have the supervision of any other official, commission or board which may hereafter be assigned to his department by The Council.

He shall have charge, general superintendence and control of all building construction, of the construction of any and all public buildings, and structures of the City, under plans duly approved by the Commissioners of the respective departments, or of The Council, including Fire Department buildings, and the repair and maintenance of any and all buildings owned by the City; of any and all public utilities which may hereafter be owned, controlled or operated by the City; of all public streets, ways, avenues, alleys, places or boulevards, and of the lighting of the same and the manner of their use; of all work done upon, over or under the same, including the moving of buildings through the streets; the building of cellars or vaults under the streets or sidewalks; the laying down and construction of railroad tracks and the repair or reconstruction thereof; the erection of telephone, telegraph and electric poles; the laying of underground conduits; the construction of drains and sewers, and the laying of water, gas, steam or other pipes or tubes in the public streets, ways, avenues, alleys, places or boulevards of the City. He shall sign all contracts authorized by The Council relating to his department. He shall have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, wagons, contract rights, books, documents and archives, and other property belonging to the City and relating to his department, and shall exercise such other powers and perform such other duties as The Council may by Ordinance prescribe.

In all instances where any power or duty is conferred upon or a function assigned to the then Street

Committee of the Board of Trustees of said City or the Chairman thereof by any Ordinance adopted prior to July 1st, 1911, and now in force, such duty, power or function shall be performed, executed or exercised by the Commissioner of Public Works so long as such Ordinance shall remain in force, and such Ordinance or Ordinances shall be and remain in effect accordingly.

#### PUBLIC SUPPLIES.

The Commissioner of Public Supplies shall purchase all supplies on behalf of the City, for all departments, offices, boards, commissions, and officials thereof. Said purchases shall first be duly authorized by The Council, except that the Commissioner of Public Supplies may purchase upon requisition signed by the Mayor, or any other Commissioner, necessary supplies not exceeding the sum of One Hundred Dollars (\$100.00), and in case of emergency, not exceeding the sum of Two Hundred Dollars (\$200.00), without such previous authorization, but all such purchases must be ratified by The Council.

Any chief official of the City, or any commission, board or officer desiring supplies for his department, shall sign a requisition therefor, which shall first be presented to the Commissioner to which said office, commission or board is assigned, or in his absence, to the Mayor, or some other Commissioner, for his approval or disapproval, before being presented to the Commissioner of Public Supplies, or to The Council.

The Commissioner of Public Supplies shall sign all written contracts authorized or ratified by The Council, and relating to his department.

The Commissioner of Public Supplies shall have supervision of all advertising and publishing of the City, and it shall be his duty to see that the contract for advertising and publishing is faithfully performed and the proper claims allowed therefor.

Said Commissioner shall have supervision of any official, commission or board which may hereafter be assigned to his department by The Council, and shall exercise such other powers and perform such other duties as The Council shall by Ordinance or Resolution prescribe.

Sec. 2. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.



Sec. 3. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved February 25th, 1913.

#### ORDINANCE NO. 43, C. S.

*An Ordinance Providing for and Fixing the Amount of the Official Bond of Certain City Officers and Repealing Ordinance No. 59 and all Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. The City Clerk and Assessor, Chief of Police, Collector, Street Superintendent, Treasurer, and Police Judge, before entering upon the discharge of their official duties, shall severally give and execute to the City bonds conditioned that they will well, truly and faithfully perform all official duties then required of them by law, or Charter of the City of Monterey, or any Ordinance of the City, and all such additional duties as may be imposed upon them by any law of the State of California, the Charter, or Ordinances of The City of Monterey, in the following penal sums, to-wit:

The City Clerk and Assessor in the penal sum of Five Thousand Dollars (\$5,000.00).

The Chief of Police in the penal sum of One Thousand Dollars (\$1,000.00).

The Collector in the penal sum of Five Thousand Dollars (\$5000.00).

The Street Superintendent in the penal sum of Two Thousand Dollars (\$2,000.00).

The Treasurer in the penal sum of Ten Thousand Dollars (\$10,000.00).

The Police Judge in the penal sum of One Thousand Dollars (\$1,000.00).

The Auditor in the penal sum of Two Thousand, Five Hundred Dollars (\$2,500.00).

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parts of Ordinances in conflict herewith are hereby repealed.

Sec. 3. This Ordinance shall take effect and be in force thirty (30) days from and after its final passage and approval.

Passed and approved February 25th, 1913.

#### ORDINANCE NO. 41, C. S.

*An Ordinance Relating to Elections, the Establishment of Election Precincts, Appointment of Election Officers, Election Proclamations, and Prescribing the Time and Manner of Giving Notice of General and Special Municipal Elections in the City of Monterey When Not Otherwise Fixed by Law, and Repealing Ordinance No. 162 and all Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. The Council of The City of Monterey must, by Ordinance or Resolution, in the manner provided by law, not later than twenty-five (25) days before a general or special election, except as otherwise provided by law or the Charter, divide said City into precincts for such election; appoint boards of election therefor, designate the house or place within the precinct where the election must be held, designate the offices to be filled, naming and numbering in numerical order, commencing with number one, the offices to be filled; unexpired terms being designated next after the full term, designate any other matter or proposition, other than the election of officers, if any, which is or are to be submitted to the voters of the Municipality at such election, and direct the City Clerk to publish the election proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in The City of Monterey, and directing the City Clerk to publish in the proclamation the certified list of candidates nominated as required by the Charter, and make such further orders or findings as shall be required by law or the Charter, or as shall be necessary for the proper calling and conduct of such election.



Sec. 2. The City Clerk must thereupon publish the election proclamation as directed by The Council and as required by law.

Said election proclamation shall contain:

(1) A statement of the time of the election and whether the election is general or special.

(2) A description of the voting precincts.

(3) The place where and the hours during which the polls will be open.

(4) The names of the persons appointed to constitute the boards of election at the several precincts.

(5) The offices to be filled, if any, naming and numbering in numerical order commencing with number one, the offices to be filled, unexpired terms being designated next after the full term.

(6) The list of candidates, if any, nominated as required by the Charter of the City, designating whether for a full term or unexpired term.

(7) A statement of any matter or proposition, if any, which is to be submitted to the voters of the municipality at such election.

(8) Any other matter required by law, the Charter or ordinances of the city, or resolution of The Council.

Said proclamation shall be headed "Election Proclamation" and the publication of such proclamation shall constitute the notice of such election.

Sec. 3. Ordinance No. 162, entitled "An ordinance of the City of Monterey prescribing the form and manner of giving notice of General and Special Municipal elections in the City of Monterey, when not otherwise fixed by law, and repealing Ordinance No. 145 and all other ordinances in conflict herewith," and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 4. This ordinance shall take effect and be in force thirty days after its final passage and approval.

Passed and approved February 11th, 1913.

## CHAPTER II.

### REVENUE AND FINANCE.

#### ORDINANCE NO. 15, C. S.

*An Ordinance Providing for the Assessment, Levy and Collection of Taxes in and for the City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. All property in The City of Monterey not exempt by the Constitution or the laws of the State of California from taxation for municipal purposes must be assessed at its full cash value. Land and improvements thereon must be separately assessed. Cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value. Land shall be assessed in parcels or subdivisions not exceeding one hundred (100) acres.

Sec. 2. The Assessor must, between the first Monday in March and the first Monday in August of each year, ascertain the names of all taxable inhabitants and all taxable property within The City of Monterey, subject to taxation or assessment by said City, and must assess such property to the person by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock M. of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment invalid. In assessing solvent credits, not secured by mortgage or trust deed, a reduction therefrom shall be made on debts due to bona fide residents of this State. All personal property consigned for sale to any person within this State from any place outside of this State must be assessed as other property.

Sec. 3. The Assessor shall have power to exact from every person a statement under oath, setting forth specifically all the real and personal property owned by such person, or in his possession or under his control at 12 o'clock M. on the first Monday in March. Such statement shall be in writing showing separately:



1. All property belonging to, claimed by, or in the possession of or under the control or management of such person.

2. All property belonging to, claimed by, or in the possession of or under the control or management of any firm of which such person is a member.

3. All property belonging to, claimed by, or in the possession of or under the control or management of any corporation of which such person is president, secretary, cashier or managing agent.

4. The place where such property is situated.

5. An exact description of all lands in parcels or subdivisions not exceeding one hundred (100) acres each, improvements and personal property, including all vessels, steamers, and other water-craft, and all taxable state, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm, or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found, all mortgages, deeds of trust, contracts, and other obligations, by which a debt is secured and the property in the city affected thereby.

6. All solvent credits, unsecured by deed of trust, mortgage, or other lien on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent, deducting from the sum total of such credits such debts only, unsecured by trust deed, mortgage, or other lien on real or personal property, as may be owing by such person, firm, or corporation, to bona fide residents of this state. No debt shall be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate, provided, in case of banks, the statement is not required to show the debt in detail, or to whom it is owing, but the Assessor shall have the privilege of examining the books of such banks to verify such statement. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of the firm, or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the

person or officer who made the statement in which such property is included.

Sec. 4. The City Council must furnish the Assessor with blank forms of the statements provided for in the preceding section, affixing thereto an affidavit, which must be substantially as follows: "I.....do swear that I am a resident of The City of Monterey (or some other place, naming it), that the above list contains a full and correct statement of all property subject to taxation which I, or any firm of which I am a member, or any corporation, association, or company of which I am president, cashier, secretary or managing agent, owned, claimed, possessed or controlled at twelve o'clock M. on the first Monday in March last, and which is not already assessed this year; and that I have not in any manner whatsoever transferred or disposed of any property, or placed any property out of said City of Monterey, or my possession, for the purpose of avoiding any assessment upon the same, or of making this statement, and that the debts therein stated as owing by me are owing to bona fide residents of this State, or to firms or corporations doing business in this State." The affidavit to the statement on behalf of a firm or corporation must state the principal place of business of the firm or corporation, and in other respects must conform substantially to the preceding form.

Sec. 5. The Assessor may fill out the statement at the time he presents it, or he may deliver it to the person and require him, within an appointed time, to return the same to him, properly filled out.

Sec. 6. The Assessor shall have power:

First. To require any person found within The City of Monterey to make and subscribe an affidavit, giving his name and place of residence, and whether he is the owner of any taxable property in The City of Monterey.

Second. To subpoena and examine any person in relation to any statement furnished to him or which discloses property which is assessable in The City of Monterey. Every person who shall refuse to furnish the statement hereinbefore required, or to make and subscribe such affidavit respecting his name and place of residence, or whether he is the owner of any taxable property in The City of Monterey, or to appear and testify when requested to do so by the Assessor, as above provided, shall, for each and every refusal, and so often



as the same is repeated, forfeit to The City of Monterey the sum of one hundred dollars (\$100) in gold coin of the United States, to be recovered in an action brought in the name of The City of Monterey by the Assessor in any Justice's Court or Police Court. All moneys recovered by the Assessor under the provisions of this section must be by him paid into the treasury of The City of Monterey.

Sec. 7. If any person, after demand made by the City Assessor, neglects or refuses to give, under oath, the statement herein provided for, or to comply with other requirements of this Ordinance, the Assessor must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of such property of such person, and the Assessor must, when required by The City Council, transmit on or before the First Monday in August of each year, to The City Council, a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property, as herein provided for, or to comply with the requirements of this Ordinance, the amount of the assessment upon the property of such persons, with a statement of the particular facts, if any, upon which the assessment has been made, and the valuation of the property so assessed ascertained. The City Council must investigate and inquire into all assessments and values so fixed by the Assessor, as prescribed by this section, and for that purpose must require each taxpayer affected by such assessment and valuation to make a statement under oath, within ten (10) days from making an order requiring such statement, setting forth, specifically all the property owned or controlled by, or in the possession of such taxpayer on the first Monday of March. If any taxpayer, after the demand made by The City Council, shall neglect or refuse to make and deliver to the said City Council the statement, duly verified, herein provided for, or to comply with the other requirements of this Ordinance, the said City Council, sitting as a Board of Equalization, must fix such assessment and valuation at such amount as the said Council shall deem just; but the value fixed by the Assessor must not in any case be reduced by the City Council.

Sec. 8. If the owner or claimant of any property, not listed by another person, is absent or unknown, the

Assessor must make estimate of the value of such property.

Sec. 9. If the name of the absent owner is known to the Assessor, or if it appears of record in the office of the County Recorder where the property is situated, the property must be assessed to such name. If unknown to the Assessor, and it does not appear of record as aforesaid, the property must be assessed to unknown owners.

Sec. 10. When a person is assessed as agent, trustee, bailee, guardian, executor, or administrator, his representative designation must be added to his name and the assessment entered upon a separate line from his individual assessment.

Sec. 11. The property of every firm or corporation must be assessed in the name of the firm or corporation.

Sec. 12. The undistributed or unpartitioned property of deceased persons may be assessed to the heirs, guardians, executors or administrators; and a payment of taxes made by either binds all the parties in interest for their equal proportions.

Sec. 13. All vessels which may be registered in Monterey, and all boats and small craft not required to be registered, shall be assessed as other personal property in The City of Monterey is assessed, and the taxes thereon collected in the same manner as other unsecured personal property taxes are collected.

Sec. 14. Any property wilfully concealed, removed, transferred, or misrepresented by the owner or agent thereof to evade taxation, upon discovery must be assessed not exceeding ten times its value, and the assessment so made must not be reduced by the City Council.

Sec. 15. Any personal property discovered by the Assessor to have escaped assessment for the last preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year, may be assessed at double its value.

Sec. 16. The Assessor must prepare an assessment book, with appropriate headings, in which must be listed all taxable property within the City, and in which must be specified in separate columns under the appropriate head:



1. The name, and Post office address, if known, of the person to whom the property is assessed, to identify it.

2. Land by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres (not exceeding in each and every tract one hundred (100) acres), locality and improvements thereon.

3. City lots, number of lot and block, and improvements thereon.

4. All personal property, showing the number, kind, amount and quality, but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real property other than city lots.

6. The cash value of improvements on such real estate.

7. The cash value of city lots.

8. The cash value of improvements on city lots.

9. The cash value of improvements on real estate assessed to persons other than owners of the real estate.

10. The cash value of all personal property, exclusive of money.

11. The amount of money.

12. The total value of all property.

13. The Assessor must segregate on his assessment roll, as directed by the State Board of Equalization:

(a) The assessments made by the State Board of Equalization and apportioned to The City of Monterey upon the franchise, roadway, roadbeds, rails and rolling stock of all railroads operated in more than one county in this State, under the provisions of the Political Code, as the same existed and were in force on the 7th day of November, 1910, and

(b) The assessments made by said Assessor on any other property enumerated in subdivisions a, b, and d of Section 14 of Article 13 of the Constitution of this State, which is located in this City and which is subject to taxation for paying the principal and interest on any bonded indebtedness created and outstanding by The City of Monterey prior to the 8th day of November, 1910, as provided in subdivision (e) of Section 14 of Article 13 of the Constitution of this State.

14. In entering assessments containing solvent credits subject to deduction, he must enter in the proper column the value of the debts entitled to exemption and deduct the same.

In making the deduction from the total value of the property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation. Each franchise must be entered upon the assessment roll without combining the same with the other property or the valuation thereof.

Taxable improvements owned by any person, firm, association or corporation located upon land exempt from taxation shall, as to the manner of assessment, be assessed as other real estate upon the assessment roll. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

15. In entering assessments containing property subject to exemption from taxation under the Constitution and laws of this State, he must enter in the proper column the total value of said property and in the proper column he must enter the amount subject to exemption and deduct the same.

Sec. 17. On or before the first Monday of August, in each year, the Assessor must complete his assessment book. He and his deputies must take and subscribe an affidavit in the assessment book, to be substantially as follows: "I..... Assessor (or Deputy Assessor, as the case may be) of The City of Monterey, do swear that between the first Monday in March and the first Monday in August, nineteen hundred..... I have made diligent inquiry and examination to ascertain all property within the City of Monterey, subject to assessment by me, and that the same has been assessed on the assessment book equally and uniformly, according to the best of my judgment, information and belief, at its full cash value; and that I have faithfully complied with all the duties imposed upon the Assessor under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise, nor allowed anyone to escape a just and equal assessment through favor or reward or otherwise." But the failure to make or subscribe such an affidavit, or any affidavit,



will not in any manner affect the validity of the assessment.

Sec. 19. As soon as completed, and on or before the first Monday of August of each year, the assessment roll must be delivered to the Auditor of The City of Monterey, who must immediately give notice thereof, and of the time the Board of Equalization will meet to equalize assessments, by publication in the official newspaper of the City for five (5) days, and in the meantime the assessment book must remain in his office for the inspection of all persons interested.

Sec. 20. If the Assessor shall fail to complete and deliver his assessment book within the time herein specified, he shall forfeit to The City of Monterey the sum of Five Hundred Dollars (\$500.00) as liquidated damages, and shall be liable for any other damages the City may sustain by reason of such failure.

Sec. 21. Lands once described on the assessment book need not be described a second time, but any person claiming the same, and desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

Sec. 22. The Assessor and his sureties are liable on his official bond for all taxes or property within The City of Monterey which through his willful failure or neglect is unassessed.

Sec. 23. Any taxpayer who shall have knowledge of any property that has escaped taxation, as provided in the preceding section, may file with the City Council an affidavit setting forth the fact that such property has, through the willful failure or neglect of the Assessor, escaped taxation, together with a description of the property as near as such taxpayer may be able to give, whereupon said Council shall direct the City Attorney to commence an action on the Assessor's bond for the amount of taxes lost from such willful failure or neglect. On the trial of such action, the value of the property unassessed being shown, judgment for the amount of taxes that should have been collected thereon must be entered.

Sec. 24. The Council shall meet at the usual place of holding meetings on the second Monday in August of each year at ten o'clock in the forenoon of said day and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all the

returns of the Assessor shall have been rectified and assessments equalized; they shall have power to hear complaints and to correct, modify, strike out, or raise any assessment, provided, that notice shall be given to the party whose assessment is to be raised.

The City Clerk shall be ex-officio clerk of the Board of Equalization.

Sec. 25. The Board of Equalization has power to lower, or after causing the Clerk to give the notice thereof hereinbefore provided for, to increase any assessment contained in the assessment roll so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value of such property in money.

Sec. 26. No reduction must be made in the valuation of property, unless the property owner affected thereby, or his agent, makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made.

Sec. 27. Before the Board grants the application or makes any reduction applied for, it must first examine upon oath the person or agent making the application, touching the value of the property of such person. No reduction must be made unless the party or the agent making the application attends and answers all questions pertinent to the inquiry.

Sec. 28. Upon the hearing of the application, the Board may subpoena such witnesses, hear and take such evidence in relation to the subject pending as in its discretion it may deem proper. During the session of the Board, the Assessor, or any deputy whose testimony is needed, must be present and may make any statement or introduce or examine witnesses on questions before the Board.

Sec. 29. During the session of the Board, it may direct the Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number or quantity of property, when a false or incomplete list has been rendered; and to make and enter new assessments (at the same time canceling previous entries), when any assessment made by him is deemed by the Board so incomplete as to render doubtful the collection of the tax; but the Clerk must notify all persons interested by letter deposited in the postoffice, postpaid, and



addressed to the person interested, at least five (5) days before such action is taken, of the day fixed when the matter will be investigated.

Sec. 30. As clerk of the Board of Equalization, the City Clerk must record in a book to be kept for that purpose, all changes, corrections and orders made by the Board, and during its session, or as soon as possible after its adjournment, must enter upon the assessment book all changes and corrections made by the Board, and on or before the first Tuesday in September must deliver the assessment book or roll, so corrected, to the Auditor, and accompany the same with an affidavit thereto affixed, subscribed by him as follows:

"I, \_\_\_\_\_, City Clerk of The City of Monterey, do swear that, as Clerk of the Board of Equalization, of said City, I have kept correct minutes of all the acts of the Board touching alterations in the assessment roll; that all alterations agreed to, or directed to be made, have been made and entered in the book, and that no changes or alterations have been made therein except those authorized."

Sec. 31. The Council must finally adopt, not later than the first meeting in September, an Ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of the charter of said City, a rate of taxation upon each one hundred (100) dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. In making the tax levy and fixing the rates of taxation for said purposes, the Council of said City shall fix the tax rate for bonded indebtedness of said City, issued and outstanding on the 8th day of November, 1910, separate and apart from all other tax rates, whether for subsequent bonded indebtedness or for other purposes. The Council shall, also, specify the portion of the whole which shall belong to each particular fund of the City, and designate also the portion thereof belonging to each special bonded indebtedness of the City. The tax rate for general revenue purposes shall not exceed the limit of the taxation provided for in the charter of The City of Monterey, and the provisions of the law in relation to the same.

Sec. 32. The Council shall then cause the assessment roll to be delivered to the Auditor, who shall compute

and carry out the amount of tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax. The Auditor must compute and enter into a separate money column in the assessment book the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and segregate and place in the proper columns of the book the respective amounts due, and foot up the column, showing the total amount of such taxes and the columns of total value of property in the City, as corrected under the direction of the Board of Equalization.

Sec. 33. Immediately upon the completion of the assessment and equalization of property for the purposes of taxation in each year, the Auditor must transmit to the State Board of Equalization the duplicate of that part of the assessment roll containing the assessments and apportionments referred to in paragraphs 1 and 2, or a and b of subdivision 13 of Section 16.

Sec. 34. At least five (5) days before the first Monday in October, he must deliver the corrected assessment book to the Collector, with an affidavit attached thereto, and by him subscribed as follows:

"I, \_\_\_\_\_, Auditor of The City of Monterey, do swear that I have received the assessment book of taxable property in The City of Monterey as corrected and made to conform to the requirements of the Board of Equalization, that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, acreage, and other matters, as required by law, and that the same is the assessment roll of said tax as levied by The Council of The City of Monterey." On delivering the assessment book to the Collector, the Auditor must charge the Collector with the full amount of the taxes levied.

Sec. 35. Within ten (10) days after the receipt of the assessment book, the Collector must publish a notice for at least two weeks in the official newspaper of said City, specifying:

1. That taxes will be delinquent on the last Monday in December next thereafter at six o'clock p. m., and unless paid prior thereto ten per cent will be added to the amount thereof.



2. The times and places at which payment of taxes may be made.

All taxes shall be due and payable at the times and in the manner specified in this subdivision.

Sec. 36. The Collector must mark upon the assessment roll the date of payment of any tax opposite the name of the person paying the same, and over his signature he must give a receipt to the person paying said tax, specifying the amount of assessment and the amount of the tax paid, with the description of the property assessed.

Sec. 37. The Collector must settle with the Auditor for all moneys collected for the City at the times and in the manner provided in the Charter and immediately pay over the same into the Treasury on the order of the Auditor for the benefit of the fund to which such money belongs and at least once a month must deliver to and file with the Auditor a statement under oath showing:

1. An account of all his transactions and receipts since the last settlement.

2. That all money collected by him as Collector has been paid to the Treasurer.

Sec. 38. On the last Monday of December of each year, at six o'clock p. m., all unpaid taxes are delinquent, and thereafter the Collector must collect for the use of the City an additional ten per cent on all such taxes.

Sec. 39. On the third Monday in January of each year the Collector must deliver to the Auditor a complete delinquent list of all persons and property then owing taxes, in which list must be set down in numerical or alphabetical order all matter contained in the assessment book and relating to delinquent taxes, persons, or property. The Auditor must carefully compare the delinquent list with the assessment book and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the full amount of taxes so remaining unpaid, credit the Collector who acted under it therewith, and make a final settlement with him of all charges against him on the assessment book and must require from him the Treasurer's receipt for any existing deficiency.

Sec. 40. After settlement with the Collector, as described in the preceding section, the Auditor must charge the Collector with the amount of tax due on the delinquent list with ten per cent added thereto, and within

five (5) days thereafter, deliver the list, duly certified, to such Collector.

Sec. 41. All taxes which shall have become delinquent shall be collected as follows:

On or within five (5) days before or after the fourth Monday in January of each year, the Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties and costs due, opposite each name and description, with the taxes due on personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person, the expense of the publication to be a charge against the City. The Collector must append and publish with the delinquent list a notice that unless the taxes delinquent, together with the costs and percentages, are paid, the real property upon which such taxes are a lien, will be sold to the City. The publication must be made once a week for three successive weeks, in some newspaper or supplement thereto, published in said City, which newspaper shall be the one which shall have been designated by the City Council of said City as the official newspaper. The publication must designate the place, day and hour, where and when the property will by operation of law be sold to the City, which sale must not be less than twenty-one (21) nor more than twenty-eight (28) days from the first publication, and the place must be in the Collector's office.

Sec. 42. The Collector, as soon as he has made the publication required, must file with the County Recorder and City Clerk, respectively, a copy of the publication with an affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or supplement thereto, stating its name and place of publication, and the date of each appearance. The Collector must collect, in addition to the taxes due on the delinquent list, together with the penalties for delinquencies, seventy-five cents on each lot, piece or parcel of land separately assessed, and on each assessment of personal property, to defray expense of publication of delinquent list, which must go to the City, and be placed to the credit of the General Fund.

Sec. 43. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all



kinds, penalties and costs have not been paid, shall by operation of law and the declaration of the Collector be sold to the City, and said Collector shall make an entry, "Sold to the City," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement with the Auditor; provided, that on the day of sale, the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties and costs due; and provided further, that when the original tax amounts to the sum of three hundred (\$300) dollars or more, upon any piece of property or assessment delinquent, the City may bring suit against the owner of said property for the collection of said tax or taxes, penalties and costs. The Council may in such case direct the City Attorney to bring suit against the delinquent to enforce such collection, and may direct the Collector not to proceed in the sale of any property on said list, whereon the taxes shall amount to three hundred (\$300) dollars or more.

Sec. 41. The Collector must make out a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the City, and giving the amount and year of the assessment, and specifying when the City will be entitled to a deed. Such certificate must be signed by the Collector and filed in his office and he must file a duplicate in the office of the County Recorder. The Collector, in a book provided for that purpose, must enter a description of the land sold, corresponding to the description in the original assessment roll, the name of the person assessed, the date of sale, that it was sold for delinquent taxes to the City, and the amount for which it was sold, and must regularly number the descriptions on the margin of the book and put a corresponding number on each certificate. The Collector must keep a suitable index to such book, giving the names of the persons to whom each parcel of land was originally assessed.

In case of a redemption or a subsequent sale of any of said property by the City, the Collector must enter on the margin of the record in his office, in said certificate book, the fact of such redemption or sale, giving the date thereof, and by whom redeemed.

Sec. 45. A redemption of the property sold must be made by the owner, or any party interested within five (5) years from the date of the sale to the City, or at any time prior to the entry or sale of said lands by the City, in the manner hereinafter provided.

Sec. 46. Whenever property has been sold for taxes and remains unredeemed, upon each subsequent assessment, the Assessor shall enter upon the assessment book, immediately after the description of the property, the fact that such property has been sold for taxes, and the date of such sale. Upon all bills or statements of or for taxes accruing on said property subsequent to the date of said sale and prior to the redemption of said property, or the execution to the City of a deed therefor, shall be distinctly and legibly written, printed or stamped the words, "Sold for taxes," and also the date of such sale.

Sec. 47. If the property is not redeemed within five (5) years from date of sale to the City, the Collector must make a deed of the property to the City, reciting in such deed the name of the person assessed (when known), the date of sale, a description of the land sold, amount for which it was sold, that it was sold for delinquent taxes, the year of the assessment, giving the assessed value and year of the assessment, time when the right of redemption had expired, and that no person had redeemed the property in the time allowed by law for its redemption. No charge shall be made by the Collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the Police Judge free of charge.

All such deeds shall be recorded in the office of the County Recorder of the County in which the property sold is situated. The form of such deeds shall be approved by the City Attorney before the same are filed.

Sec. 48. At any time after the assessment book has been received by the Collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the Collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void or if a part only, what portion, and in either case the grounds upon which such claims are founded. And when so paid under protest, the payment shall be in no case regarded as a voluntary payment, and such owner may at any time



within six (6) months after such payment, bring an action against The City of Monterey in the Superior Court to recover back the tax so paid under protest; and if it shall be adjudged that the assessment or any part thereof referred to in the protest was void on the ground specified in the protest, judgment shall be entered against said City therefor.

Sec. 49. The taxes upon any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation on the assessment roll, by paying the amount of City taxes due on such lot, piece or parcel of land, with a proper proportion of the amounts due as tax on personal property, and penalties, if any. The Collector shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of taxes as herein provided, together with the amounts of such taxes separately and specifically set forth.

Sec. 50. Any taxes, penalties or costs thereon paid more than once, or erroneously or illegally collected, or any tax paid upon an assessment in excess of the actual cash value of the property so assessed by reason of clerical error of the Assessor as to the excess in such cases, or any tax paid upon an erroneous assessment or improvement on real estate not, in fact, in existence, when said tax became a lien may, by order of The Council, be refunded by the Treasurer.

Sec. 51. When the Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due and make return of the facts, by his certificate, to the Auditor and The Council. The Council shall thereupon pass a resolution directing the Auditor to cancel such double assessment by an entry on the margin of the assessment book, as also upon the delinquent list, should such double assessment be carried therein. If the property assessed under such double assessment has been sold to the City and a certificate of sale or deed therefor has been issued to the City, The Council shall by Resolution further direct the County Recorder to cancel such erroneous certificate of sale and deed so issued, before the City has disposed of the property thereby conveyed; provided, no cancellation of a double assessment, certificate of sale or deed shall be made in any case, until the taxes, penalties,

costs and other charges by law against the property on one of such assessments shall have been paid. In case the Collector issues an erroneous certificate of sale or deed to any property upon which the taxes have been fully paid for the year therein mentioned, such fact shall be certified to The Council by the Auditor and Collector, and thereupon said Council shall by Resolution authorize the County Recorder to cancel such erroneous certificate or deed.

Sec. 52. When the real property has been correctly assessed and sold to the City for delinquent taxes, any misstatements of facts or clerical errors occurring or appearing in the certificate of sale, or in the deed issued thereon, may be corrected by the Collector by resolution of The Council, directing the correction by the issuance of a new or amended certificate of sale or tax deed. Such amended certificate or tax deed shall be made out in the same form as the original excepting as to the correction of the error, and shall also contain a statement giving the reason for the issuance of such amended certificate or deed.

Sec. 53. Whenever property assessed for taxes is sold to the City, as herein provided, it shall be assessed each subsequent year for taxes until a deed is made to the City therefor, in the same manner as if it had not been sold; provided, that no further sale shall be made to the City until the land has been redeemed from the previous sale. No person shall be permitted to redeem from any such sale, except upon payment of the amount of any and all subsequent assessments, costs, fees, penalties and interest.

Sec. 54. If the Collector discovers before the sale that on account of irregular assessment or any other error, land ought not to be sold, he must not offer the same for sale, and The Council must cause the Assessor to enter the uncollected taxes upon the assessment book of the next succeeding year, to be collected as other taxes entered thereon.

Sec. 55. When land is sold for taxes correctly imposed as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Sec. 56. In all cases where real estate has been sold for delinquent taxes to the City, and the City has not



disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the City and before the City shall dispose of the same, have the right to redeem said property by paying to the City Treasurer the amount of taxes, penalties and costs due thereon at the time of such sale, with interest on the aggregate amount of said taxes at the rate of seven (7) per cent per annum from date of sale to date of redemption; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of March following each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to wit:

Ten (10) per cent if redeemed within six (6) months from the date of sale.

Twenty (20) per cent if redeemed within one (1) year therefrom.

Thirty (30) per cent if redeemed within two (2) years therefrom.

Forty (40) per cent if redeemed within three (3) years therefrom.

Forty-five (45) per cent if redeemed within four (4) years therefrom.

Fifty (50) per cent if redeemed within five (5) years or any greater number of years therefrom.

The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof.

The Treasurer shall on the application of the person desiring to redeem make an estimate of the amount to be paid and shall give him a certificate of the amount, specifying the several items thereof, which certificate shall be delivered to the Auditor. Upon payment of the moneys specified in said certificate to the City Treasurer, any deed or certificate of sale that may have been made to the City shall become null and void, and all right, title and interest acquired by the City, under and by virtue

of the tax sale, shall cease and determine. It shall thereupon be the duty of the Collector to cancel such sale on the margin of the record in his office and to certify the fact of such redemption to the County Recorder, who shall thereupon note on the margin of the certificate of sale or deed issued, the fact of such redemption, the date thereof, by whom redeemed, or, upon application, the Collector shall issue a certificate duly acknowledged before the Police Judge, specifying the fact of such redemption, the date thereof, by whom redeemed, a description of the property redeemed, and the fact that all taxes, costs, penalties and charges due the City have been paid which certificate may be recorded in the office of the County Recorder and shall have the same effect as that of a deed of reconveyance.

Sec. 57. A redemption may be made on any lot, piece or parcel of land contained in assessment separate from the whole assessment. In making the estimate provided for in the preceding section, the Treasurer shall estimate the amount of taxes due on such lot, piece or parcel of land, together with a proper proportion of the taxes due on personal property under such assessment and such redemption shall be made in the manner provided for in the preceding section. The County Recorder shall note on the margin of the record of the certificate of sale a description of the property thus redeemed, and shall specifically set forth the several amounts of taxes paid upon such redemption.

Sec. 58. The deed to the City duly acknowledged or proved is primary evidence that:

1. The property was assessed as required by law.
2. The property was equalized as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.
5. At a proper time and place the property was sold as prescribed by law, and by the proper officer.
6. The property was not redeemed.
7. The officer who executed the deed was the proper officer.

8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings from the assessment by



the Assessor inclusive, up to the execution of the deed. Such deed conveys to the City the above title to the property described therein free of all incumbrances, except when the land is owned by the United States or the State of California, in which case is prima facie evidence of the right of possession accrued as of the date of the deed to the City.

Sec. 59. Clerical omissions or errors or defects in descriptions, or defects in form in any assessment book, when it can be ascertained from the assessment book, or from the Assessor's maps or block books, or from the list furnished by the property owner, what was intended to be assessed or what should have been assessed may, with the written consent of the City Attorney, be supplied or corrected by the Assessor at any time after the assessment was made and prior to the sale for delinquent taxes; provided, that where such change will decrease the amount of taxes charged against the taxpayer by reason of such assessment, the consent of the Council shall also be necessary to such change; and provided further, that where such change will increase the amount of taxes charged against the taxpayer by reason of said assessment, the person so charged shall be given at least five (5) days' notice of the time when the matter will be heard by The Council. He may at such time present any objections he may have to such change to The Council, and their decision in the matter shall be conclusive. The date and note of such correction shall be entered on the assessment book opposite said assessment, and the written authority therefor shall be filed by the Assessor with the Auditor and preserved by the Auditor as a public record, and he shall make the proper charges or credits in his account with the Collector.

Sec. 60. Whenever the City shall become the owner of any property sold for taxes and the deed to the City has been filed as provided in Section 47. The Council may thereupon by Resolution direct the Collector to sell the property, or any part thereof, in the manner following:

He must give notice of such sale by first publishing a notice once a week for at least three (3) successive weeks in the official newspaper. Such notice must state specifically the place of and day and hour of the sale, and shall contain a description of the property to be sold. It shall also contain a detailed statement of all

the delinquent taxes, penalties, costs, interest and expenses up to the day of such sale, and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property, or any part thereof, and said notice shall also refer to the Resolution directing the sale. It shall be the duty of the Collector to mail a copy of said notice, postage thereon prepaid, and registered, to the party to whom the land was last assessed next before the sale, at his last known address. At the time set for such sale, the Collector must sell the property described in the Resolution and notice at public auction, to the highest bidder for cash, in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon said property, and all costs and penalties for every year delinquent as shown by the delinquent roll for such years to the date of the execution of the deed to the City, and all expenses accruing to the date of sale under this section, together with interest at seven (7) per cent per annum from the first day of March following the delinquency in each of said years to the date of the sale hereunder, computed upon the aggregate amount of such delinquent taxes, penalties and costs; provided, however, that if The Council shall by Resolution declare that in its judgment the property so owned by the City and particularly described in said Resolution is not at that time of value great enough that it can be sold by the City for an amount equal to the amount of all taxes levied upon said property, and all interest, costs, penalties and expenses up to the date of such sale, and that it would be to the best interests of the City to sell all of said property for a sum to be stated in said Resolution less than the sum above named, the Collector may sell said property so described for a sum not less than the sum stated in said resolution, together with the expenses of sale. The expense of giving the notice herein required shall be a charge against the property so advertised and shall be collected by the Collector, and no redemption of said property before said sale may be had without payment of such costs of advertising; and to secure the payment of such advertising costs, the Collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such costs of advertising, which deposit shall be forfeited



in the event said party or parties fail or refuse to purchase at such sale; provided, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned and such advertising cost shall be collected from the successful purchaser. In the event the property is not sold at such sale, the Collector may readvertise the property for sale in the manner in this section provided for the first or original advertisement.

#### COLLECTION OF UNSECURED PERSONAL PROPERTY TAXES.

Sec. 61. All personal property unsecured by real property must be assessed by the Assessor on or before the first Monday in June of each year.

Sec. 62. Taxes on all property, when, in the opinion of the Assessor, said taxes are not a lien upon real property sufficient to secure the payment of the taxes, must be collected as hereinafter provided. Taxes on all assessments of possession of claim to or right of the possession of personal property, shall be immediately due and payable upon assessment, and shall be collected by the Assessor or Collector of The City of Monterey as hereinafter provided.

Sec. 63. At the time of making the assessment, or at any time thereafter, the Assessor of The City of Monterey, and at the time of the delivery to him of the assessment book, or at any time thereafter, the Collector of The City of Monterey shall collect such taxes as are mentioned in Section 61 hereof from all persons assessed. In case of failure so to collect, the said Assessor or Collector may collect the same by seizure and sale of any personal property owned by the person against whom the tax is assessed. The sale must be at public auction and of sufficient amount to pay the taxes, percentages, and costs. The sale must be made after one week's notice of the time and place thereof given by publication in a newspaper in the County of Monterey, or by posting in three (3) public places. For seizing and selling personal property for taxes, the Assessor may charge in each case the sum of three (3) dollars and the costs, if said personal property is advertised, of advertising the same, and in addition thereto the same mileage and keeper's fees as is allowed by law to the Sheriff of the County when seizing and keeping property subject to execution

under attachment. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. All excess over the taxes, per cent, and costs of the proceeds of any such sale, must be returned to the owner of the property sold, and until claimed must be deposited in the City Treasury, subject to the order of the owner, heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner. The Collector shall be governed as to the amount of taxes to be by him collected on personal property before the rate for the current year shall have been fixed by the rate of the previous year; provided, that when the rate is fixed for the year in which collection is made, if a sum in excess of the rate has been collected, the excess must be repaid by the Treasurer to the person from whom the collection was made, or to his assignee, on demand therefor. If a sum less than the rate has been collected, the deficiency must be collected as other taxes on personal property are collected.

Sec. 64. The Collector must, as soon as the assessment book for the year is completed, note the same opposite the names of each person from whom taxes have been received and the amounts thereof.

Sec. 65. Receipts for personal property taxes must be made out in duplicate and numbered; such receipts shall have a line for the name of the person assessed, the amount of the assessment, the rate collected, lines for the items assessed for collection, the total amount, the date of collection and the name of the deputy making the collection. All unused receipts must be turned in by the Collector to the Auditor with his settlement for personal property taxes, which settlement shall be made on the first Monday in August of each year.

Sec. 66. The Collector must annually on the first Monday in March attend at the office of the Auditor with the delinquent list. The Auditor must then administer to the Collector an oath to be written and subscribed in the delinquent list that each person on all property assessed in the delinquent list on which taxes have been paid, has been credited in the list with such payment, and that all property assessed in the delinquent list which has been sold to the City has been marked "Sold to the City," and that taxes not marked "paid" have not been paid, and that he has not been able to



discover any property belonging to or in the possession of the person liable to pay the same whereof to collect. The Auditor must then foot up the amount of taxes remaining unpaid and credit the Collector with the amount and have a final settlement with him, and the delinquent list must remain on file in his office.

Sec. 67. Any person claiming property to be exempt from taxation under the Constitution and the laws of the State of California must make a return thereof to the Assessor annually the same as property is listed for taxation, and shall accompany the same with an affidavit showing the facts upon which he bases his claim for exemption from taxation.

Sec. 68. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed. Every tax upon the personal property shall be a lien upon the real property of the owner thereof, and every tax due upon improvements upon real estate assessed to other than the owner of the real estate is a lien upon the land and improvements. The liens provided for in this section shall attach after the first Monday in March of each year, and may be enforced in any court of competent jurisdiction to foreclose such liens, or by a sale of the property and the execution and delivery of all necessary certificates and deeds therefor, under the regulations as in this Ordinance provided.

Sec. 69. All the provisions of Title IX of Part III of the Political Code of the State of California, and of an act of the Legislature of the State of California, entitled "An Act to carry into effect the provisions of Section fourteen of Article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the State, all relating to revenue and taxation," and all acts amendatory thereof or supplementary thereto, so far as the same are applicable and not inconsistent with the provisions of this Ordinance, are hereby adopted as a part of this Ordinance. Ordinance No. 16 of The City of Monterey, passed by the Board of Trustees of the City of Monterey, July 26, 1889, and Ordinance No. 103 of The City of Monterey, passed by the Board of

Trustees of The City of Monterey July 1, 1902, and all ordinances, parts of ordinances, rules, orders and resolutions in conflict herewith are hereby repealed.

This Ordinance shall take effect and be in force thirty (30) days from and after its final passage and approval.

Passed and approved January 2, 1912. In effect February 1, 1912.

### ORDINANCE NO. 23, C. S.

AS AMENDED BY ORDINANCE NO. 29, C. S.

*An Ordinance to Fix and Provide for the Collection of a Municipal License Tax on and to Regulate Certain Businesses in The City of Monterey and Repealing Ordinance No. 65, and Portions of Ordinance No. 92, and all Conflicting Ordinances, and Imposing a Penalty for Violations Hereof.*

The Council of The City of Monterey do Ordain as follows:

Section 1. No person, firm, copartnership, corporation or association shall pursue, keep, carry on, conduct or engage in any business hereinafter named in The City of Monterey without procuring a license therefor as hereinafter provided.

Sec. 2. The Auditor of The City of Monterey shall prepare and have printed a suitable form for licenses with blanks for the insertion of the name of the person to whom it is issued, the nature of the business licensed, the time and place for which it is granted, its date, and the amount paid therefor. The license shall be signed by the Collector and countersigned by the Auditor. Blank licenses shall be kept by the Auditor, bound in book form with marginal stubs upon which he shall enter briefly the facts stated in the license at the time of issuance. The Auditor shall take the Collector's receipt for all licenses delivered to him, and shall keep a book in which he shall enter all licenses delivered by him to the Collector and the amount thereof.

Sec. 3. All licenses shall be payable in advance and, except as herein otherwise provided, shall be issued for



the quarter year of three months, provided that when any business hereinafter specified shall be commenced after the beginning of the fiscal year, the proper officer or officers are authorized to issue a license for the remaining portions of said fiscal year and receive in payment therefor the pro rata sum requisite for such license for such unexpired term; provided that in no case shall a license be issued for a less period than three months, except as in Section 64 hereof provided. The fiscal year for The City of Monterey shall commence on the first day of July of each year for the purpose of this ordinance, and shall be divided into quarters as follows: The months of July, August and September shall constitute the first quarter; the months of October, November and December shall constitute the second quarter; the months of January, February and March shall constitute the third quarter; and the months of April, May and June shall constitute the fourth quarter. All quarterly licenses shall date from the commencement of the quarter during which the same is issued, and all annual or semi-annual licenses shall date from the first day of January or the first day of July.

Sec. 4. Application for the issuance of a license may be made to the Collector on any day except Sundays and legal holidays, and upon the payment to him of the amount of the license tax, he shall, unless otherwise provided herein, deliver to the applicant therefor a license to engage in the business therein specified, signing the same before delivery.

Sec. 5. All licenses shall be paid for in advance to the Collector, at his office, in lawful money of the United States, and no demand for or notice to pay a license tax need be made by said Collector.

Sec. 6. Every person, firm, copartnership, association or corporation having a license under the provisions of this Ordinance, shall conspicuously exhibit the same at his place of business at all times when in force, and shall produce the same when applying for a renewal or when requested to by the Chief of Police, Collector or any police officer of The City of Monterey; provided that peddlers and others who have no fixed place of business in said City, must carry the licenses at all times when pursuing their vocations, and must exhibit

the same upon request therefor by the Chief of Police, Collector, or any police officer of said City.

No license issued or granted under the provisions of this Ordinance shall authorize any other business than is therein named, nor authorize the carrying on or conducting of the business therein named, and thereby licensed, in more than one place of business; subject to the conditions and limitations herein expressed, business licenses hereunder issued may be assigned by the holder thereof, to his or their successor or successors in business; provided that the Collector shall endorse all assignments and shall immediately record all such assignments or transfers.

Sec. 7. The Collector shall keep in his office a license book in which he shall enter the names of any person, firm, copartnership, association or corporation to whom a license is issued, the character of the business licensed, the term for which the license is granted, the place where the business is to be conducted, the date of the license and the amount received therefor in each case, and furnish the Council with an abstract thereof for the month just ended, at each of its regular meetings.

Sec. 8. Every person, firm, copartnership, association or corporation engaged in carrying on, pursuing, conducting, keeping or engaging in any business herein named within the corporate limits of The City of Monterey, shall pay a license therefor as follows, to wit:

#### AUCTIONEERS.

Sec. 9. For the business of selling real or personal property at public outcry, the sum of Two Hundred (\$200.00) Dollars, per quarter; provided, that special license may be issued for one or more days, upon the payment of Fifty (\$50.00) Dollars for each and every day such special license shall be and remain in force.

#### SOLICITING PATRONAGE FOR DOCTORS, ETC.

Sec. 10. For the business of soliciting custom or patronage for any doctor, physician, surgeon, or so-called specialist, dentist, eye-specialist, optician, or optometrist, the sum of Fifty (\$50.00) Dollars per day, payable in advance.



**SOLICITING AT LECTURES, ETC.**

Sec. 11. For the business of soliciting for any business of any kind or character at any lecture or any entertainment of any kind or character, whether conducted in the open air, a tent, building, hall or theatre, whether charge for admission to such entertainment be made or not, the sum of Five (\$5.00) Dollars per day, payable daily in advance.

**BILLIARD AND POOL TABLES.**

Sec. 12. For the business of keeping or conducting billiard or bagatelle tables or pool tables or similar tables for public use and hire; for each billiard or bagatelle or pool table or similar table so kept, for public use and hire, the sum of one and fifty-hundredths (\$1.50) dollars per quarter.

**BOWLING ALLEYS.**

Sec. 13. For the business of keeping bowling alleys or similar alleys for public use and hire; for each pair of bowling alleys or similar alleys so kept, the sum of one and fifty-hundredths (\$1.50) dollars per quarter.

**SHUFFLE BOARDS.**

Sec. 14. For the business of keeping shuffle boards for public use and hire; for each shuffle board so kept, the sum of one and fifty-hundredths (\$1.50) dollars per quarter.

**AGENTS AND BROKERS.**

Sec. 15. For the business of buying and selling real or personal property, or renting or collecting rents as the agent or factor of another, the sum of two and fifty-hundredths (\$2.50) dollars per quarter.

**LAUNDRIES.**

Sec. 16. For the business of conducting a laundry or wash house or other place of business where washing or ironing is done for the public, or for the business of receiving and delivering laundry for the public and contracting therefor in The City of Monterey, or both, the sum of four (\$4.00) dollars per quarter.

**THEATRES AND EXHIBITIONS.**

Sec. 17. For the business of conducting theatrical exhibitions or exhibitions of negro minstrels or for open air concerts or other musical entertainments not gotten up

by the citizens of this City and given wholly for the benefit of churches, schools or charitable purposes, or other exhibitions, the following license tax shall be paid:

1st. For a house, hall, theatre, tent, or other structure maintained for theatrical or musical performances, the sum of one hundred (\$100.00) dollars per year, payable half yearly in advance.

2nd. For a house, hall, theatre, tent or other structure maintained for moving pictures and illustrated songs exclusively, the sum of sixty (\$60.00) dollars per year, payable half yearly in advance.

3rd. For sparring exhibitions, the club giving such performances shall pay a license tax of one hundred (\$100) dollars per annum, provided, that no license for any such exhibition shall be issued until after the Commissioner of Public Health and Safety of the City of Monterey shall have given written permit for the issuance thereof. Such permit shall be issued only after written application, and the president and secretary of such club shall have signed (in the application) the consent of such club to be bound by such rules and regulations as may be prescribed by the said Commissioner of Public Health and Safety, and such rules and regulations as may hereafter be prescribed by Ordinance and The Council.

4th. For wrestling or similar exhibitions the club or person giving such performance shall pay a license tax of twenty (\$20) dollars for each exhibition and shall be issued under the same conditions and manner as licenses for sparring exhibitions.

**MENAGERIES AND ACROBATIC PERFORMANCES.**

Sec. 18. For the business of carrying on, exhibiting or conducting a caravan or menagerie or any collection of animals, equestrian or any acrobatic performance not in conjunction with a circus, the sum of twenty-five (\$25.00) dollars per day.

**CIRCUS.**

Sec. 19. For the business of carrying on or conducting a circus, fifty (\$50.00) dollars per day for a one-ring circus, seventy-five (\$75.00) dollars per day for a two-ring circus, and one hundred (\$100.00) dollars per day for a three-ring or more than three-ring circus.



**DOG OR ANIMAL SHOWS.**

Sec. 20. For the business of carrying on or conducting any dog or other animal show, the sum of twenty-five (\$25.00) dollars per day.

**PUBLIC SHOWS.**

Sec. 21. For the business of carrying on or conducting any public show for pay of any figure, juggler, necromancer, magician, wire or rope walking or dancing, or freak, or any other public show or exhibition not herein otherwise provided for, the sum of ten (\$10.00) dollars per day.

**MERRY-GO-ROUNDS.**

Sec. 22. For the business of carrying on or conducting a merry-go-round or hobby-horse, or similar contrivance the sum of ten (\$10.00) dollars per day for each merry-go-round or hobby-horse or similar contrivance.

**RING-TOSSING.**

Sec. 23. For the business of conducting or carrying on any ball-tossing, ring-tossing or similar game; for each game conducted or carried on, the sum of five (\$5.00) dollars per day.

**MERCHANTS.**

Sec. 24. For the business of selling at wholesale or retail, except as herein otherwise provided, at any fixed place of business within The City of Monterey, any goods, wares, groceries, candy, ice cream, confectionery, jewelry, books, stationery, drugs, medicines, furniture, ironware, hardware, lumber, wood, coal, meat, fish, fruit, vegetables, berries, hay or feed, cigars, tobacco, animals, wagons or oil and all other articles of merchandise, quarterly, the sums hereinafter mentioned, according to his, her or their or its average monthly sales as in the following schedule provided:

First class. Monthly sales of fifteen hundred dollars or over, ten (\$10.00) dollars per quarter.

Second class. Monthly sales of over one thousand (\$1,000.00) dollars and under fifteen hundred (\$1,500.00) dollars the sum of seven and fifty-hundredths (\$7.50) dollars per quarter.

Third class. Monthly sales of over seven hundred fifty (\$750.00) dollars and under one thousand

(\$1,000.00) dollars, the sum of six (\$6.00) dollars per quarter.

Fourth class. Monthly sales of over five hundred (\$500.00) dollars and under seven hundred and fifty (\$750.00) dollars, five (\$5.00) dollars per quarter.

Fifth class. Monthly sales of five hundred (\$500.00) dollars or less, four (\$4.00) dollars per quarter.

Provided, under such license no wines or intoxicating liquors shall be sold or dispensed in any quantity whatsoever without first obtaining the requisite license therefor in addition hereto.

**PEDDLERS.**

Sec. 25. For the business of hawking, peddling, or itinerant vending of, or for soliciting retail orders for books, dry goods, groceries, jewelry, goods, wares and merchandise, or any other goods (whether such articles be of the parties' own manufacture or not), except grain, hay, farm products, vegetables, fruit, fish, or milk, the sum of fifty (\$50.00) dollars per quarter, provided that only one person may hawk, peddle or vend as aforesaid under one license.

Sec. 26. For the business of peddling or itinerant vending of grain, hay, farm products, vegetables or fruits, not the produce of the person vending the same, the sum of fifty (\$50.00) dollars per quarter. For the business of peddling or itinerant vending of vegetables, fruit, or fowls, grain, hay or farm products, the produce of the person vending the same, the sum of four (\$4.00) dollars per quarter.

Sec. 27. For the business of peddling or itinerant vending, or selling and delivering milk or fish, in the vending, peddling or selling and delivering of any of which a wagon is used, the sum of four (\$4.00) dollars per quarter for each wagon used; provided, that any person who pays a quarterly license tax for vending any of the above described merchandise, at any fixed place within The City of Monterey, may, if then holding such license, use, without additional license tax, one wagon for the sale and delivery thereof, in any part of the City.

**HOTELS.**

Sec. 28. For the business of keeping a public hotel or inn, the sum of seven and fifty hundredths (\$7.50) dollars per quarter.



**LODGING HOUSES.**

Sec. 29. For the business of keeping a boarding and lodging house, or a lodging house, the sum hereinafter set out according to the number of rooms provided for the accommodation of guests as in the following schedule provided:

First class. For houses having twenty rooms or more provided for the accommodation of guests, the sum of six (\$6.00) dollars per quarter.

Second class. For houses having ten or more and less than twenty rooms provided for the accommodation of guests, the sum of four (\$4.00) dollars per quarter.

Third class. For houses having five or more and less than ten rooms provided for the accommodation of guests, the sum of two and fifty hundredths (\$2.50) dollars per quarter.

**LIVERY STABLES.**

Sec. 30. For the business of keeping a livery stable where horses or vehicles are kept for hire or sale, seven and fifty-hundredths (\$7.50) dollars per quarter.

**PAWN BROKERS.**

Sec. 31. For the business of a pawnbroker or keeping a pawnbroker's shop, the sum of fifteen (\$15.00) dollars per quarter.

**RESTAURANTS.**

Sec. 32. For the business of keeping a restaurant, chop house, eating house, stand, booth, saloon, coffee room, building or place for the sale of coffee, oysters, or other refreshments or food, the sum of four (\$4.00) dollars per quarter.

Provided, that under such license no wines or intoxicating liquors shall be sold or furnished with any bona fide meal or otherwise at any such place, without first having obtained the requisite license therefor as required by the Ordinances of the City.

**PUBLIC VEHICLES.**

Sec. 33. For the business of keeping any wheeled vehicle, including automobiles, for public use for transportation or conveyance of passengers for hire within the corporate limits of The City of Monterey, or for receiving, hauling or transporting any goods, wares, mer-

chandise or other articles wholly within The City of Monterey, for hire in which business any wheeled vehicle is used, including automobiles, a license tax is hereby imposed as follows: On each one-horse vehicle, the sum of two (\$2.00) dollars per half year; on each two-horse vehicle, the sum of four (\$4.00) dollars per half year; on each four-horse vehicle, the sum of six (\$6.00) dollars per half year; on each automobile, locomobile, or other road conveyance propelled by gasoline, gas, or electricity or other artificial power, the sum of seven dollars and fifty cents (\$7.50) per half year on each machine; provided, however, that conveyances regularly kept by the proprietors of hotels to carry passengers to and from their respective hotels exclusively shall not be subject to the license tax above provided for.

The license tax collector shall assign a separate number to each and every vehicle for which he issues a license, and shall furnish a tin or plate in duplicate with each number thereon, which number shall be composed of numerals not less than 3x3 inches in size, for which he shall charge the sum of \$1.00; provided, that no two vehicles of the same class shall have the same number. Such number shall be permanent without regard to the ownership of such vehicle, and shall be affixed to such vehicle by the party obtaining the license, in the manner and place designated by the Collector, and no person shall drive or permit to be driven any vehicle belonging to him or under his control without having such number affixed thereto, and such number shall not be inverted, covered, mutilated, or otherwise rendered obscure or illegible.

Any person driving or having control of any vehicle or vehicles on which a number is required to be placed shall give the number of his vehicle on the inquiry of any person. Every proprietor of any carriage or vehicle used for the transportation of passengers and every runner and soliciting agent shall, while soliciting patronage or employment for or driving or operating any carriage, or vehicle used for the transportation of passengers, wear conspicuously exposed upon the outside lapel of his coat a badge, showing in plain Roman letters and Arabic numbers of such size and form as may be designated by the Collector, the number of the car-



riage or vehicle of which he is the driver or for which he is soliciting patronage or employment.

The Collector shall furnish the badges provided for in this section and shall charge and collect for each badge the sum of one dollar (\$1.00). The tags or plate numbers and the badges provided for herein shall be purchased by the City Clerk at the expense of the City and all moneys collected therefrom shall be accounted for and paid into the City Treasury by the Collector as, and at the same time as, he accounts for and pays moneys received for licenses.

#### SHOOTING GALLERIES.

Sec. 34. For the business of keeping a pistol, rifle or other fire arm shooting gallery, or similar gallery the sum of seven and fifty hundredths (\$7.50) dollars per quarter.

#### BATH HOUSE.

Sec. 35. For the business of conducting a bath house or bathing pavilion, the sum of four (\$4.00) dollars per quarter.

#### BILL POSTERS.

Sec. 36. For the business of bill posting and distributing circulars, dodgers or other printed advertisements, or material, the sum of five (\$5.00) dollars per quarter.

#### BOATS FOR HIRE.

Sec. 37. For the business of keeping boats for hire within The City of Monterey, a license tax is hereby imposed as follows, to wit: For each row boat, one (\$1.00) dollar per quarter; for each sail boat, two (\$2.00) dollars per quarter; for each launch, or boat propelled by steam, gasoline, electricity or other artificial power, four (\$4.00) dollars per quarter, and for each glass bottom boat the sum of two and fifty hundredths (\$2.50) dollars per quarter.

#### CLEANING AND RENOVATING ESTABLISHMENTS.

Sec. 38. For the business of conducting a cleaning or renovating establishment, the sum of four (\$4.00) dollars per quarter.

#### EMPLOYMENT AGENCIES.

Sec. 39. For the business of conducting an employment agency, the sum of two and fifty hundredths (\$2.50) dollars per quarter.

#### JUNK DEALING.

Sec. 40. For the business of collecting, purchasing or bartering for old junk, the sum of two and fifty hundredths (\$2.50) dollars per quarter.

#### MERCANTILE AND COLLECTION AGENCIES.

Sec. 41. For the business of conducting or carrying on a mercantile or collection agency, the sum of two and fifty hundredths (\$2.50) dollars per quarter.

#### PUBLIC DANCE HALLS AND BALL ROOMS.

Sec. 42. For the business of keeping and conducting public dance halls, ball rooms or skating rinks, or similar places of amusement, the sum of five (\$5.00) dollars per quarter.

#### PRINTING AND PUBLISHING ESTABLISHMENTS.

Sec. 43. For the business of conducting or carrying on a printing establishment or publishing a newspaper or both, the sum of four (\$4.00) dollars per quarter.

#### RENTING OR SELLING BICYCLES.

Sec. 44. For the business of renting or selling bicycles, or both, the sum of four (\$4.00) dollars per quarter.

#### GARAGES.

Sec. 45. For the business of conducting or maintaining a garage, the sum of four (\$4.00) dollars per quarter.

#### SCAVENGERS OR GARBAGE COLLECTORS.

Sec. 46. For conducting the business of a scavenger or garbage collector within The City of Monterey, a license tax is hereby imposed as follows: For each scavenger or garbage wagon, the sum of two and fifty hundredths (\$2.50) dollars per quarter.

#### WATER COMPANIES.

Sec. 47. For the business of supplying water to The City of Monterey, or its inhabitants, a license tax is hereby imposed and fixed in the sum of twelve and fifty hundredths (\$12.50) dollars per quarter.

#### VENDING OR WEIGHING MACHINES.

Sec. 48. For the business of keeping or conducting vending or weighing machines or similar machines, the sum of one and twenty-five hundredths (\$1.25) dollars per quarter for each machine.



**FORTUNE TELLERS, ETC.**

Sec. 49. For conducting the business of phrenologist, astrologer, medium, fortune teller, palmist or clairvoyant in which fees are charged, or any charge is made, or for the business of giving any exhibition as a seer, phrenologist, astrologer, medium, fortune teller, palmist, or clairvoyant, within The City of Monterey, the sum of fifteen (\$15.00) dollars per quarter.

**PACKING HOUSE AND FISH CANNERIES.**

Sec. 50. For the business of keeping, maintaining, conducting or operating packing houses or fish canneries or other packing houses or canneries, the sum of seven and fifty hundredths (\$7.50) dollars per quarter.

**PHOTOGRAPHERS.**

Sec. 51. For the business of keeping, maintaining or conducting a photograph or similar gallery at any fixed place of business in The City of Monterey, the sum of four (\$4.00) dollars per quarter.

**TRANSIENT PHOTOGRAPHERS.**

Sec. 52. For the business of taking or making photographs or views, when the person taking or making such photographs or views, has no fixed place of business in The City of Monterey, the sum of fifteen (\$15.00) dollars per quarter.

**ATTORNEYS AT LAW.**

Sec. 53. For the purpose of revenue only, a license tax is hereby imposed on the business of an attorney at law of two and one half (\$2.50) dollars per quarter.

**PHYSICIANS AND SURGEONS.**

Sec. 54. For the purpose of revenue only, a license tax is hereby imposed on the business of a physician and surgeon, or physician or surgeon of two and one-half (\$2.50) dollars per quarter.

**DENTISTS.**

Sec. 55. For the purpose of revenue only, a license tax is hereby imposed on the business of a dentist or doctor of dental surgery of two and one-half (\$2.50) dollars per quarter.

**VETERINARY SURGEONS.**

Sec. 56. For the purpose of revenue only, a license tax is hereby imposed on the business of a veterinary surgeon or veterinarian of two and one-half (\$2.50) dollars per quarter.

**OPTICIANS, ETC.**

Sec. 57. For the purpose of revenue only, a license tax is hereby imposed on the business of an optician, or doctor of optics, optometrist or oculist, of two and one-half (\$2.50) dollars per quarter.

Sec. 58. In all cases where it becomes necessary under the provisions of this Ordinance to estimate the amount of the monthly sales, or receipts of the person, copartnership or association or corporation applying for a license, in order to determine the sum to be paid therefor, the party applying therefor must make and file with the Collector a verified statement of the sales or receipts of the month prior thereto. Upon failure to make and file such statement, the Collector may make an estimate of the same, and the license shall be issued to conform to such estimate, the Collector and his assistant may at any time for the purpose of estimating the amount of sales, whether such statement is filed or not, have the right to inspect the books and accounts of any such person, firm or corporation.

Sec. 59. The word "person" as used in this Ordinance includes firms, copartnerships, corporations and associations.

Sec. 60. Every person who shall, after this Ordinance goes into effect, commence or continue to transact, carry on or engage in any business or occupation in The City of Monterey liable to pay a license tax and for the transaction, carrying on or engaging in of which a license is required to be procured under the provisions of this Ordinance, without first having obtained a license so to do as herein provided, shall for each and every such violation of this Ordinance, pay to The City of Monterey a penalty equal to the amount of the license tax such person was required to pay under the provisions of this Ordinance, together with the sum of fifteen dollars as liquidated damages added thereto; and it shall be the duty of the Collector and he is hereby authorized to institute and prosecute to final judgment in any court of competent jurisdiction, a civil



suit in the name of The City of Monterey against such person to recover the amount of such license and such liquidated damages.

Sec. 61. In any suit or action brought as provided in Section 60 of this Ordinance, the City Attorney or Collector may make the necessary affidavit for and a writ of attachment may issue without any bond being given on behalf of the plaintiff; said writ may be directed to the Sheriff or any Constable of Monterey County, or a Policeman of The City of Monterey, and may be executed in the same manner as is provided by law for the execution of writs of attachment.

Sec. 62. No prosecution or judgment in any civil action provided for in this Ordinance, is a bar to any criminal prosecution or conviction hereunder, nor is any criminal prosecution or conviction provided for in this Ordinance a bar to such civil action.

Sec. 63. Every person who shall, after this Ordinance goes into effect, continue, transact, operate, carry on or engage in any business, for the transaction, operation, carrying on or engaging in of which a license is required to be procured under the provisions of this Ordinance, without taking out or procuring such license as prescribed by this Ordinance, and every person who violates any of the provisions of this Ordinance, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not more than three hundred dollars, and in default of the payment of such fine shall be imprisoned in the county jail of the County of Monterey until such fine be satisfied in the proportion of one day's imprisonment for each two dollars of said fine.

Sec. 64. Ordinance No. 65 of The City of Monterey, entitled "An Ordinance to fix and provide for the collection of a municipal license tax on occupations and business in The City of Monterey," passed by the Board of Trustees of said City, April 4th, 1893, and Ordinance No. 92, entitled, "An Ordinance to Fix and Provide for the Collection of a Municipal License Tax on Occupations and Business in the City of Monterey" and all ordinances amendatory thereof; except in so far as said Ordinance No. 92 and all Ordinances amendatory thereof relate to the sale of or the business of selling, bartering or giving away of wine, spirituous, malt, fermented or other intoxicating liquors in any place of

business or elsewhere, whether with or without a bona fide meal, and as to such sales and businesses, said Ordinance No. 92 and all Ordinances amendatory thereof shall in all respects remain in full force and virtue; and all other Ordinances and parts of Ordinances in conflict with the provisions hereof, are hereby repealed. And the repeal hereby of said Ordinance No. 65 and portions of Ordinance No. 92, and Ordinances amendatory thereof shall in no way revive any Ordinance or Ordinances, or parts thereof, repealed by said Ordinances No. 65 or 92, or Ordinances amendatory thereof, provided that all licenses now in full force shall not be deemed to be affected hereby and where a license now in force shall expire within a quarter, as herein defined, the Collector shall issue a license to such licensee for the remainder of the quarter upon payment therefor at the rate herein prescribed for such business.

Sec. 65. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved April 2, 1912.

In effect May 2, 1912.



## ORDINANCE NO. 28, C. S.

AS AMENDED BY ORDINANCE NO. 35, C. S.

*An Ordinance Relating to the Sale, Distributing or Giving Away of Any Spirituous, Malt, Vinous, or Fermented Liquors or Any Intoxicating Liquors or Admixtures Thereof, Imposing a License Tax for Transacting, the Engaging in, Pursuing or Carrying on, or the Conducting of Certain Businesses Herein Specified, and Providing for the Collection of the Said License Tax and Punishment for Carrying on Such Business Without a License and for Violating the Provisions Hereof, Relating to and Regulating Certain Businesses and Certain Places of Business Herein Specified, in the City of Monterey, and Repealing All Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. Any person who within The City of Monterey establishes, keeps, opens, maintains, conducts or carries on a place where any spirituous, malt, vinous, or fermented liquors or any intoxicating liquors or any admixture thereof are sold, kept for sale, offered for sale, furnished, divided, delivered, drunk or given away, except as herein otherwise provided, or who, within said City, either as owner, employee, agent, servant, clerk or otherwise sells, keeps for sale, offers for sale, furnishes, distributes, divides or delivers or gives away any spirituous, malt, vinous, or fermented liquors or any intoxicating liquors, or any admixture thereof, in any quantity whatever except as a business duly licensed, as provided herein or who transacts, engages in, carries on, pursues, or conducts within the corporate limits of The City of Monterey, any kind of business hereinafter named, either in his own name, or for his own benefit, or profit, or as agent, clerk or employee of any other person or persons, unless such person, his principal or employer, shall first have procured a license therefor as hereinafter provided, is guilty of a misdemeanor and upon conviction thereof shall be punished as in Section 29 hereof provided.

Sec. 2. The Council may as hereinafter provided grant to any person, subject to the provisions herein-

after contained, in the manner hereinafter provided a license to conduct, transact, engage in, carry on or pursue any kind of business hereinafter named in Sections 11, 13 and 14 hereof, in the district in said City described as follows, to wit:

Beginning at a point on the southerly line of Hoffman Avenue distant one hundred twenty (120) feet westerly from the southwesterly corner of Lighthouse and Hoffman Avenues as per Little's Survey of New Monterey, as per map thereof now on file in the office of the County Recorder of Monterey County, California; thence southerly parallel to Lighthouse avenue to Reeside avenue; thence easterly along the northerly line of Reeside avenue to Foam street; thence northerly along the westerly line of Foam street to Dickman avenue; thence westerly along the southerly line of Dickman avenue one hundred ten (110) feet to the northwesterly corner of lot one (1) of block thirty-three (33) of said survey; thence northerly and parallel to Lighthouse avenue to Hoffman avenue; thence westerly along the southerly line of Hoffman avenue three hundred ten (310) feet to the point of beginning, which district shall be known for the purpose of this Ordinance as "District No. 1," or in the district in said City described as follows, to wit:

Beginning at the southwesterly corner of the Custom House reservation; thence southerly to the northeasterly corner of Main and Franklin streets; thence southeasterly to a point on the southerly line of Franklin street distant fifty (50) feet easterly from the southeasterly corner of Main and Franklin streets; thence southerly parallel to the easterly line of Main street and distant (50) feet easterly therefrom to the northerly line of Pearl street; thence easterly along the northerly line of Pearl street to a point distant 112.41 feet easterly from the northeasterly corner of Tyler and Pearl streets; thence northerly parallel to the easterly line of Tyler street to the southerly line of the S. P. R. R. Right-of-way; thence westerly and northwesterly along said line of Right-of-way to the southerly boundary of the Custom House Reservation; thence westerly along the southerly line of the Custom House Reservation to the point of beginning, which said district shall be known for the purposes of this Ordinance as "District No. 2," or in the district described as follows:



Beginning at the southeast corner of Perry and Washington streets; thence southerly along the easterly line of Washington street eighty (80) feet; thence easterly one hundred thirty (130) feet; thence at right angles northerly eighty (80) feet to the southerly line of Perry street; thence westerly along the southerly line of Perry street one hundred thirty (130) feet to the point of beginning, which said district shall be known for the purpose of this Ordinance as "District No. 3," but the Council shall not, nor shall the Council have authority to grant a license or licenses for any such business or businesses, which is or are to be conducted, engaged in, pursued, or carried on in any place or places in The City of Monterey without District No. 1, District No. 2, or District No. 3.

Sec. 3. The license granted to carry on the business described in Section 13 hereof shall be known as a "Retail Liquor License"; the license granted to carry on the business described in Section 14 hereof shall be known as a "Wholesale Liquor License"; and the license granted to carry on the business described in Section 11 hereof shall be known as a "Restaurant Liquor License." A license granted to carry on any one of such businesses shall not authorize the licensee or any other person to conduct, engage in, or carry on, either of the other described businesses, either at the same, or at another place of business, but if the licensee desires to conduct such a business he must take out and procure a separate license therefor as herein provided, provided, however, that the applicant for a Retail Liquor License and a Wholesale Liquor License may make such application at one and the same time in one and the same application.

Sec. 4. Each license granted hereunder shall authorize the party obtaining the same to transact the business described in such license at the locality designated therein, and at no other place. A separate license must be obtained for each branch establishment or separate house or place of business within the City.

Sec. 5. No license issued under this Ordinance shall be in any manner assignable or transferrable, or authorize any other person than the one therein named to do or transact, engage in, pursue, conduct, or carry on the business therein named, unless such transfer or assignment shall first be approved by a Resolution of the

Council and no such transfer or assignment shall be approved by the Council until the proposed transferee in making application for transfer or assignment shall have fully complied with all the requirements and provisions of this Ordinance, applicable to the business proposed to be conducted by such transferee, in the manner as is herein required for original applications for such license.

Sec. 6. The Auditor of The City of Monterey shall prepare and have printed a suitable form for licenses, with blanks for the insertion of the name of the person to whom it is issued, the nature of the business licensed, the time and place for which it is granted, its date, and the amount paid therefor, and shall contain a stipulation that said license is granted and issued subject to all the provisions, restrictions and conditions of this Ordinance, and that the same may be revoked at any time by the Council of The City of Monterey in the manner set forth in this Ordinance. The license shall be signed by the Collector and counter-signed by the Auditor. Blank licenses shall be kept by the Auditor, bound in book form with marginal stubs, upon which he shall enter briefly the facts stated in the licenses and the time of issuance. The Auditor shall take the Collector's receipt for all licenses delivered to him and charge him therewith, and shall keep a book in which he shall enter all licenses delivered to him by the Collector and the amount thereof. The Auditor shall not give the Collector credit for any canceled license, unless such cancellation shall have first been approved by the Council.

Sec. 7. All licenses shall be paid for in advance to the Collector, in lawful money of the United States, and no demand for or notice to pay a license tax need be made by said Collector, and said license shall be issued for the time provided for in this Ordinance.

Sec. 8. Every person to whom a license is issued under the provisions of this Ordinance shall keep the same conspicuously posted in the place where the business is conducted, and no license shall permit sales by any person who shall neglect this requirement.

Sec. 9. All licenses granted under the provisions of this Ordinance shall be issued upon the condition that the same may be revoked or annulled at any time during their continuance by a Resolution of the Council



of said City, when it is made to appear to said Council, after an investigation under the provisions hereof, that the place where the business is carried on is conducted in a disorderly manner; that the holder of such license, or person in charge of such place, is allowing or conducting, or allowing to be conducted, any banking or percentage game played with cards, dice or any device for money, checks, credit or other representative of value or thing of value or any game prohibited by the laws of the State of California, on the premises or in the building where said business is conducted, or that the holder of such license or the person in charge of such place of business, is selling, distributing or giving away intoxicating liquors to minors under the age of twenty-one years; or that such place is a resort of minors or criminals or disorderly or lewd persons, or for any breach of the peace, order or decorum by any noise, riotous or disorderly conduct upon the premises or in the building where such business is conducted; or that the holder of such license, or any person running, employed in or managing such place of business, is not a person of good moral character or not a sober or suitable person to conduct such place, or has in the conduct of such place furnished, sold, distributed or given away any spirituous, malt or other intoxicating liquors to any person in the state of intoxication, or violated any of the provisions of this Ordinance or of the laws of the State of California, or any Ordinance of this City now in force or which may hereafter be enacted relating to the conduct of such business or such place. All applications for such licenses must contain a stipulation that the same may be revoked for any of the causes in this section enumerated.

Sec. 10. If at any time the Council shall determine on a verified petition of any citizen of said City in writing, filed with said Council and setting forth the cause or causes relied upon as grounds for revocation, and an investigation made, for which investigation a time shall be fixed by the Council and notice given by the Clerk, personally, to the person holding such license or conducting such place of business five (5) days before such hearing, or by notice deposited in the United States Post Office, with postage prepaid, addressed to such person at his last known place of residence, at least seven (7) days before said hearing, that any person holding such

license or conducting or keeping a place licensed hereunder is not a sober or suitable person to keep and conduct such place, or that such person is not maintaining or keeping such place in a quiet, orderly or decent manner, or in conformity with the laws of the State or any Ordinance of the City, or is violating any of the stipulations contained in his application for such license, or has committed any act for which his license may be revoked as herein provided, said Council shall revoke the license and the order of such issuance of license for such place, and no further license shall be issued to such person. The determination of the Council in any such case shall be conclusive and final, and from its decision there shall be no appeal to any court or courts whatsoever. Said Council may thereupon declare the bond given upon such license forfeited and may direct action to be commenced on said bond in a court of competent jurisdiction for the recovery of the penalty thereof.

Sec. 11. For the business of keeping a restaurant, chop house, eating house, stand, booth, saloon, coffee room, building or place for the sale of coffee, oysters or other refreshments or food, where any wine, beer, ale, malt, porter or any other fermented or spirituous liquors or other intoxicating liquors or admixtures thereof shall be furnished or sold in connection with and as a part of a bona fide meal or meals, served at such place, there is hereby imposed a license tax upon such business in the sum of fifty dollars (\$50.00) for every six months, payable semi-annually in advance, provided, however, that no person or persons shall have issued to him or them a license to conduct any such place except such person or persons be of good moral character and shall first obtain permission to have issued to him or them such license as herein provided.

The person or persons desiring permission to have issued to him or them such license shall make written application to the Council describing the place where he or they desire to establish, conduct or keep such business stating in such application that the applicant agrees that if such application is granted, the Council may at any time, upon a hearing, revoke the license issued thereupon for any of the reasons set forth in Section 9 hereof and shall, not less than five (5) nor more than twenty (20) days before the day when such application is to be made, publish in the official newspa-



per of the said City notice of his or their intention to make such application, stating in such notice the place where it is intended to establish or conduct such business and the dates when such application will be presented. The Council may, arbitrarily, by Resolution, either grant or reject such application, as the said Council may deem for the best interests of said City without assigning any cause or reason therefor.

Said license when issued shall authorize the furnishing or sale of wine, beer, ale, porter or other fermented, malt or spirituous liquors or any admixtures thereof, except between the hours of one (1:00) a. m. and five (5:00) a. m. of any day and except as otherwise provided by law, in connection with and as part of bona fide meals served at the same time, at the same place, and to the same person only.

The sale or furnishing of any such liquors by one holding the character of license in this section referred to, when not accompanied by and as a portion of a bona fide meal or meals served in good faith in the same place and to the same person only, shall work a forfeiture of such license and shall be grounds for the revocation thereof, and shall render the person or persons so furnishing or selling the same liable to prosecution for selling the same without first having obtained a license so to do.

Sec. 12. For the purpose of this Ordinance, a restaurant, chop house, eating house, stand, booth, saloon, or coffee room referred to in Section 11 hereof, is defined to be a place fully equipped with modern conveniences for cooking and preparing victuals, and where hot meals are actually served at least three times a day and at least six days in the week, and a bona fide meal is defined to be a meal consisting of such quantity and quality of food as is ordinarily served for a meal in hotels and restaurants. Merely sandwiches, lunches, crackers, or cheese are not to be held or considered to be a bona fide meal within the provisions of this Ordinance.

Sec. 13. For the business of selling, distributing or giving away any vinous, spirituous, malt, or fermented liquors or any intoxicating liquors, or any admixture thereof, in any bar, bar-room, public saloon, tippling place, dram shop or wine cellar, store, winery, brewery, distillery or other place, public or private, in The City

of Monterey, by the glass or bottle, or in any other quantity less than five gallons at any one time to any person or persons, to be drunk at the place of selling the same or on the premises where the same is sold, distributed or given away, or elsewhere, as the purchaser may elect, a license tax is hereby imposed in the sum of one hundred and twenty-five dollars (\$125.00) every six months, payable in advance; but no person or persons shall have issued to him or them a license to keep such a place except such person or persons be of good moral character and first obtain permission from the Council for the issuance thereof to him or them.

Before permission for the issuance of a first or original liquor license and before the issuance of any renewal license, the applicant shall make a written application to said Council, at a regular meeting thereof, for permission to obtain the same, said application shall contain the statement that the applicant agrees that if such application is granted, the Council may at any time revoke the license issued thereupon for any of the causes or reasons set forth in Section 9 of this Ordinance, and said application shall be made in the manner following, to wit:

Notice of such application to the Council and of the time when the same will be presented must be published, together with the names of those signing the recommendation herein provided for, for one insertion in the official newspaper of said City, not less than five (5) days nor more than twenty (20) days before the same is to be presented to the Council, and shall file with their application a written recommendation, signed by at least five responsible residents of The City of Monterey, taxpayers and householders, or freeholders on the same street and within five hundred (500) feet of the place where the applicant proposes to carry on said business and setting forth that the applicant is a person of good moral character and is a sober and suitable person to keep and conduct such place. The applicant shall at the time of filing the said application file with the City Clerk a bond in the penal sum of five hundred dollars (\$500.00) with two or more sureties, who shall each justify in double the amount of the penal sum of the bond; the bond to be approved by the Council, and conditioned that said applicant shall conduct the business for which the license is sought in a quiet, or-



derly and respectable manner, and will not keep a disorderly house or place, or permit, conduct, or allow to be conducted, any banking or percentage game played with cards, dice or any device for money, checks, credit or other representative of value or thing of value, or any game prohibited by the laws of the State of California upon the premises or in the building where said business is conducted, and will not sell, distribute or give away intoxicating liquors to minors under the age of twenty-one years, or sell, distribute or give away intoxicating liquors between the hours of one (1:00) a. m. and five (5:00) a. m. of any day, and will close said place of business, as in this ordinance provided, between the hours of one (1:00) a. m. and five (5:00) a. m. of each and every day and on other days when such places are by law or Ordinance required to be closed and will not permit any breach of the peace or any disturbance of the public peace, order or decorum by any noise, riotous or disorderly conduct on the premises or in the building where such business is conducted and will not sell, give away or distribute spirituous, malt or fermented liquors, intoxicating liquors or wine to any person in a state of intoxication, and that said applicant will abide by all the provisions of this Ordinance and all other Ordinances and laws or police regulations now in force or which may hereafter be enacted, regulating such places of business, and in case of any breach of any of the provisions of said bond, the whole amount of the penal sum thereof to at once become due and payable to The City of Monterey as liquidated damages.

Original applications for liquor licenses may be granted from the first day of January or the first day of July of any year, and the applications therefor must be in writing and must be filed with the City Clerk and presented to the Council at least fifteen (15) days before the meeting of the Council in the month wherein such application is to be considered and acted upon.

Provided, that if such application be not an original or first application, but is a renewal, notice of such application need not be published, nor need the same be accompanied by either the bond or recommendation required in cases of original applications, but said application shall contain all the stipulations required for an original application.

Said Council, may, by Resolution, either grant or reject any application arbitrarily, as said Council may deem for the best interests of the City, and without assigning any cause or reason therefor.

Such application shall in no case be granted to the keeper of a disreputable house or place of assignment, and said original application must be made and said bond must be renewed once in every year.

The City Clerk shall immediately certify to the Collector and Auditor the action of the Council on every application for such a license, and the license provided for in Sections 11 and 14 hereof, and said Auditor and Collector shall, if such action is favorable to the applicant, immediately grant to said applicant the license herein required upon payment of the license tax herein and hereby required.

Sec. 14. For the business of selling, distributing or giving away any vinous, spirituous, malt or fermented liquors or any intoxicating liquors or any admixtures thereof in any bar, bar-room, public saloon, tippling place, dram shop, wine cellar, store or place, winery, brewery or distillery, public or private in The City of Monterey in one-fifth of a gallon quantities or over, and not to be drunk at the place of selling the same, a license tax is hereby imposed in the sum of fifty dollars (\$50.00) semi-annually, payable in advance, but no person or persons shall have issued to him or them a license to conduct such a place except he shall in all respects comply with the provisions of Section 13 hereof and all the provisions of this Ordinance applicable to the business described in Section 13 hereof shall be applicable to such business, in making application and in executing a good and sufficient bond as therein required and in all other respects not in conflict with the provisions of this section.

Sec. 15. Druggists, apothecaries or chemists licensed or registered by the State Board of Pharmacy of the State of California, shall not be required to take out and obtain a license, under the provisions of this Ordinance, for selling any vinous, spirituous, malt, fermented or any other intoxicating liquors, upon written prescription of a physician, regularly licensed and registered by the State Board of Medical Examiners of the State of California, provided the said prescription shall be signed and dated by such physician, and only one sale



shall be made on one prescription, and such a sale must be a bona fide sale for medical purposes only; and provided further, that this section shall not apply to bona fide sales of alcohol for chemical purposes.

Sec. 16. It shall be unlawful and it is hereby declared to be a misdemeanor to sell, distribute or give away any spirituous, malt, vinous, or any fermented liquors or any intoxicating liquors, in any bar, bar-room, public saloon, store, restaurant, cafe, booth, stand, chop house, winery, distillery or other place public or private, either at wholesale or retail, in The City of Monterey, between the hours of one (1:00) a. m. and five (5:00) a. m. of any day, or as otherwise prohibited by law or Ordinance whether such liquors are furnished as a part of bona fide meals or not.

Sec. 17. The owner, proprietor or manager, or other person having charge or control of any such bar, bar-room, saloon, store, wholesale liquor store, brewery, winery or distillery or other place, public or private, licensed under Section 13 and Section 14 hereof, where such liquors are sold, distributed or given away, shall securely close and lock all entrances and exits from any such place, or cause the same to be closed and locked, and keep the same in such condition against the entry and exit of all persons other than the owner, proprietor or manager thereof, or the servants regularly employed in and about the same, and shall not allow any person or persons to remain therein or in any side room, back room, booth or any other room connected therewith, other than the persons aforesaid between the hours of one (1:00) a. m. and five (5:00) a. m. of any day or upon any part of any day set apart for a general or special election in The City of Monterey, during the hours, when by law the polls are required to be open; and the owner, proprietor or manager of any such place as aforesaid shall arrange and provide means whereby an unobstructed view may be had of the interior thereof, including the bar or any place where liquor is dispensed, from some point on the sidewalk in front of said place, and such means of obtaining an unobstructed view shall consist of an open space of clear glass not more than five feet above the surface of the sidewalk, and the interior of such place shall be so open to such inspection at all times between the said hours of one (1:00) a. m. and five (5) a. m. of any

day or any part of any election day as aforesaid or other day when said places are required to be closed.

Sec. 18. The owner, proprietor or manager or other person having charge or control of any cigar stand or store, or any tobacco stand or store shall securely close and lock all entrances and exits from any such place or cause the same to be closed and locked and keep the same in such condition against the entry and exit of all persons other than the owner, proprietor or manager thereof, or the servants regularly employed in and about the same, and shall not allow any person or persons to remain therein or in any side room, back room, booth, or any other room connected therewith other than the persons aforesaid, between the hours of one (1:00) a. m. and five (5:00) a. m. of any day.

Sec. 19. It shall be lawful for any member of the Council of The City of Monterey, the Chief of Police, any Policeman of The City of Monterey, and the City Attorney of said City, to inspect at all times every part and portion of any place for which, under the provisions of this Ordinance, a license is issued, and any attempt by the proprietor or any of his agents or employees to prevent, delay or evade any such visit or visits or inspection or inspections, or any refusal by the proprietor or any of his agents or employees of any place of business licensed under this Ordinance, to furnish any such officer with all the facts or information within his knowledge concerning any crime committed in or about his place of business shall be deemed a just cause for revocation of his license, as herein provided for, and a misdemeanor, punishable upon conviction as provided in Section 29 hereof.

Sec. 20. It shall be unlawful for any person or any persons having charge of any bar-room, saloon, drinking cellar, dram shop, tippling place, winery, brewery, distillery or wholesale liquor store or store or other place licensed hereunder where any spirituous, malt, fermented or vinous liquors or any intoxicating liquors or any admixtures thereof are sold, or for any employee or assistant of such person to suffer or allow any Indian, or any minor under the age of eighteen years, or any person in the state of intoxication to be or remain in such place or any back room or other inclosure connected or appurtenant to such place for any purpose



or for any time; or to suffer or allow any female to enter, to be or remain in such place or any back room or other inclosure connected or appurtenant to such place for any immoral purpose, for the purpose of buying, selling or soliciting for drinks, drinking, engaging in games, or soliciting trade therein, dancing, playing music, singing, dispensing drinks, or any illegitimate purpose, or to suffer or allow any female to buy, sell or solicit for drinks, drink any spirituous, malt or fermented liquors or solicit trade, dance, play music, sing or dispense drinks therein, or to sell, give or distribute any such drinks to any female in any such place.

Sec. 21. It shall be unlawful for any physician or person, claiming to be a physician, to give a prescription to a druggist or any other person for any spirituous, malt, vinous, fermented or other intoxicating liquors or any admixture thereof except for medical purposes, or to give any such prescription for the purpose of evading or assisting to evade the provisions of this Ordinance.

Sec. 22. It is hereby declared unlawful for any person to have or maintain any private room, hall, booth or compartment, side room, back room, or other apartment, in the same building or another building or buildings connected therewith, in or appurtenant to any candy, confectionery, tobacco or cigar store, female parlor, public restaurant, cafe, or booth, chop house, eating house, coffee room, dining room, saloon, bar, bar-room, tipping place or dram shop or wine cellar, or any place where any vinous, malt, spirituous, fermented or any intoxicating liquors are sold, distributed, or given away, at wholesale or retail, for the use of any patron or patrons of any such place, or any person visiting or being in such place, or to sell, distribute or give away, deliver or serve, or cause or permit to be so sold, distributed or given, served or delivered, any meal or meals, tamales, candy, confectionery, tobacco or cigars, or any spirituous or other intoxicating liquors, or any other thing to be eaten, chewed, or drunk in any such private room, booth, compartment, side room, back room, or other apartment, in the same building or other building connected therewith, or in or appurtenant to any such place of business as in this section mentioned. Nothing herein contained shall be construed as prohibiting the maintenance and use of private offices or store rooms for the use of the

proprietor or his agents, or the employees of any such place, nor shall it apply to any lavatory or toilet or to any hall, nor shall it apply to any booth, compartment or room or other apartment, the entrance and exit to which has no door and is unobstructed by any screen, blind or other thing so as to obstruct the view or prevent free ingress and egress therefrom to the main public room of such place.

Sec. 23. The word "Person," as used herein, shall be construed as including firms, copartnerships, corporations, associations or clubs.

Sec. 24. Upon the trial of any action brought under or arising from the provisions of this Ordinance, the defendant shall be deemed not to have had or procured the required license unless he or she produces it or proves having paid for it to the proper officer.

Sec. 25. Upon the conviction of any person for a violation of any of the provisions of this Ordinance, a certified copy of the Judgment of Conviction shall be filed with the Auditor by the Police Judge, and the license of such person shall then and there be revoked, and the Auditor shall so notify such person.

Sec. 26. Every person who shall, after this Ordinance goes into effect, commence or continue to transact, conduct, pursue, carry on or engage in any business or occupation in The City of Monterey liable to pay a license tax and for the transaction, carrying on, engaging in of which a license is required to be procured under the provisions of this Ordinance, shall for each and every such violation of this Ordinance, pay to The City of Monterey, a penalty equal to the amount of the license tax such person was required to pay under the provisions of this Ordinance, together with the sum of fifteen dollars (\$15.00) as liquidated damages added thereto, and it shall be the duty of the Collector and he is hereby authorized to institute and prosecute to final judgment in any court of competent jurisdiction, a civil suit in the name of The City of Monterey against such person to recover the amount of such license and such liquidated damages.

Sec. 27. In any suit or action brought as provided in Section 26 of this Ordinance, the Collector may make the necessary affidavit for and a writ of attachment may issue without any bond being given on behalf of the plaintiff; said writ may be directed to the sheriff or



any constable of Monterey County, and may be executed in the same manner as is provided by law for the execution of writs of attachment.

Sec. 28. No prosecution or judgment in any civil action, provided for in this Ordinance, is a bar to any criminal prosecution or conviction hereunder, nor is any criminal prosecution or conviction provided for in this Ordinance a bar to such civil action.

Sec. 29. Every person who shall, after this Ordinance goes into effect, continue, transact, operate, pursue, conduct, carry on or engage in any business for the transaction, operation, carrying on, pursuing, conducting, or engaging in of which a license is required to be procured under the provisions of this Ordinance, without taking out or procuring such license as prescribed by this Ordinance, and every person who violates any of the provisions of this Ordinance, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not more than three hundred dollars (\$300.00), and in default of the paying of such fine shall be imprisoned in the County Jail of the County of Monterey until such fine be satisfied in the proportion of one day's imprisonment for each two dollars of said fine, or shall be imprisoned in the County Jail of Monterey County not more than ninety days or by both such fine and imprisonment.

Sec. 30. This Ordinance is to take effect and be in force thirty (30) days from and after its final passage and approval, and all applications for any license or any renewal of any license to be granted on or after this Ordinance shall take effect, must be made and granted in conformity herewith.

Sec. 31. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Passed and approved July 2, 1912.

In effect: August 1, 1912.

## ORDINANCE NO. 31, C. S.

*An Ordinance Levying Municipal Taxes for the City of Monterey for the Fiscal Year Beginning July 1st, 1912.*

The Council of the City of Monterey do ordain as follows:

Section 1. That the rate of tax for the fiscal year beginning July 1, 1912, for general municipal, library, music, entertainment and promotion purposes of the City of Monterey upon real and personal property in the City of Monterey, County of Monterey, State of California, shall be and the same is hereby fixed as follows:

For the General Municipal expenses Ninety and 2-10 (90 2-10) cents on each One Hundred (\$100.00) dollars of assessed valuation of taxable property in said city.

For the maintenance and support of the public library Ten (10) cents on each One Hundred (\$100.00) dollars of assessed valuation of taxable property in said city.

For music, entertainment, and promotion Two (02) cents on each One Hundred (\$100.00) dollars of assessed valuation of taxable property in said city.

Sec. 2. That the rate of taxation to be levied for bond purposes upon real and personal property in said The City of Monterey for the fiscal year beginning July 1, 1912, for the redemption, and interest of Municipal Improvement Bonds of 1909 of The City of Monterey, which were issued and outstanding on the eighth day of November, 1910, is hereby fixed at Thirty and 8-10 (30 8-10) cents on each One Hundred (\$100.00) dollars of assessed valuation of taxable property in said city.

Sec. 3. That the rate of taxation to be levied for bond purposes upon real and personal property in said The City of Monterey for the fiscal year beginning July 1, 1912, for the interest of Municipal Improvement Bonds of 1909 of The City of Monterey which were issued and outstanding subsequent to the eighth day of November, 1910, is hereby fixed at Twelve (12) cents on each One Hundred (\$100.00) dollars of assessed valuation of taxable property in said city.

Sec. 4. That the above described rate of taxation apportioned and segregated as above set forth, is hereby



levied for the fiscal year beginning July 1, 1912, and that the above rate is required and will be sufficient to raise the amounts estimated to be required in the annual budget of the present fiscal year, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 5. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved September 10, 1912.

In effect: October 10, 1912.

#### ORDINANCE NO. 32, C. S.

*An Ordinance Providing for the Counting of All Money in the Treasury of the City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be the duty of the City Attorney, the Commissioner of Finance and Revenue, and the Auditor, in the presence of each other, and all of them, to count all moneys in the City Treasury at least once each month, and they may do so at any other time they may see fit, and to report in writing the result of the count at the meeting of the Council next after the count is completed. Said report shall be verified and be filed with the City Clerk five days after any such count is completed. Said report shall show:

1. The amount of money that ought to be in the Treasury.

2. The amount and kind of money actually therein.

Sec. 2. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Sec. 3. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Passed and approved September 10, 1912.

In effect: October 10, 1912.

### CHAPTER III.

#### FIRE ORDINANCES.

#### ORDINANCE NO. 143.

(See Ord. 343  
Fire Dist. No. 2.)

AS AMENDED BY ORDINANCE NUMBER 172.

*An Ordinance to Establish Fire Limits, and to Provide for the Better Protection Against Fire in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. The fire limits of the City of Monterey shall comprise all that portion of the City of Monterey bounded as follows, to wit:

Beginning at the northwesterly corner of Pearl and Tyler Streets in the City of Monterey as per official map of said City entitled "Map of that portion of the City of Monterey commonly known as the 'Old Town'"; adopted by the Board of Trustees, March 18th, 1902; thence westerly and following the northerly line of Pearl Street to the northeasterly corner of Main and Pearl Streets; thence northerly and following the easterly line of Main Street 122.0 feet; thence westerly and along the northerly line of Jefferson Street to the northeasterly corner of Jefferson and Pacific Streets; thence northerly and along the easterly line of Pacific Street to the northeasterly corner of Jackson and Pacific Streets; thence easterly and along the northerly line of Jackson Street to the northeasterly corner of Jackson and Oliver Streets; thence northerly and following the easterly line of Oliver Street to the southeasterly corner of Oliver and Decatur Streets; thence easterly and along the southerly line of Decatur Street to the westerly line of the Custom House Reservation; thence southerly and along said westerly line of the Custom House Reservation to the southwesterly corner of said Custom House Reservation; thence easterly and along the southerly line of said Custom House Reservation to the southwesterly line of the Southern Pacific R. R. right-of-way; thence south-easterly and along said line of said right-of-way to the westerly line of Tyler Street; thence southerly and



along the westerly line of said Tyler Street to the north-westerly corner of Tyler and Pearl Streets and point of beginning.

Sec. 2. No timber shall hereafter be used in the construction of any outer wall or main partition wall, or any part of such wall of any building erected or constructed within the fire limits, except wall plates to receive the roof and bond timber, and lintels, door cases and window cases, provided however, that in its discretion the Board of Trustees may grant a permit to construct the outer walls of any tower of galvanized iron in which timber may be used for the frame work, and wall plates. All such outer wall and main partition walls shall pass through and extend at least two feet above the roof of such building for the purpose of a fire wall.

Sec. 3. The "outer wall" of any building, within the meaning of the preceding Section, shall be construed to be the front, the rear and the two side walls. The "main partition wall" of any building, within the meaning and intent of the foregoing Section, shall be construed to be the dividing wall or walls between any main apartments of such building.

Sec. 4. In no case shall any studding be allowed against brick, concrete or iron walls, except to intersect interior wooden partition walls. In no building hereafter erected shall any wooden beams, timber or wood-work be placed or maintained within four inches of any stove pipe, chimney or flue, whether the same be a smoke, air, or any other flue, and all such pipes shall extend at least three feet above the surface of the building.

Sec. 5. All brick walls of any building hereafter erected or altered, for a one-story building, shall be at least eight inches in thickness; a two-story building, at least 13 inches in thickness for the first story and eight inches for the second story; for a three-story building at least 17 inches in thickness for the first story, at least 13 inches in thickness for the second story and at least 8 inches in thickness for the third story; and for higher buildings in proportion.

Sec. 6. Walls made of plain concrete mixed in the proportion of one part of Portland cement to six of aggregates or less, consisting of sand and gravel or broken stone of one inch major dimension, may be used

inside the fire limits if made the same thickness as required for brick walls.

Sec. 7. Reinforced concrete may be used in place of brick or ordinary concrete within the fire limits of the City of Monterey, provided that the same be constructed in accordance with the following provisions:

The term "reinforced" concrete, as used in this Ordinance, shall be understood to mean an approved concrete mixture, as described in Section 6 of this Ordinance, reinforced by steel of any shape, so combined that the steel will take up the tensional strain and assist in the resistance to shear.

#### STRESS AND SHEAR.

Reinforced concrete shall be of such nature that the stress can be calculated according to the accepted formulas of modern concrete engineering practice. Reinforced concrete walls, where reinforced columns are not used, may be one-third less in thickness than the required thickness for brick walls. Reinforcements on such walls must not be less than  $\frac{1}{2}$ -inch rods or bars, placed not less than 24 inches on centers each way for 11-inch walls, other thicknesses of walls to have steel reinforcements in proportion.

Sec. 8. No person shall move, or cause to be moved, from the present resting place to any other resting place within the fire limits, whether upon the same, or another lot, or from any part of a lot to another part thereof, within the fire limits, any wooden building.

Sec. 9. No wooden building within said fire limits shall be altered, repaired or added to without permission so to do obtained from the Board of Trustees of said City. Any person desiring to obtain such permit shall file with the City Clerk of the Board of Trustees, a verified petition stating fully the buildings whereon the alterations, repairs or additions are desired to be made; the materials with which the same shall be made, and the permit if issued, shall state fully the alterations, repairs or additions allowed to be made, the material to be used, and such regulations respecting the same as in the judgment of the Board of Trustees may be necessary, which said permit shall be filed with the City Clerk; provided, however, nothing herein contained shall be construed to require the Board of Trustees to grant such permission, but they shall be the sole judges of the



necessity and reasonableness of the alterations, repairs or addition, and their decision granting or refusing the permit shall be final and conclusive.

Sec. 10. Whenever, in the judgment of the Board of Trustees, any building, wall, awning, balcony or porch shall, from any cause whatever, be in a situation or condition to be dangerous to persons and property, or when any wooden building within the fire limits shall, in the judgment of said Board of Trustees, be damaged by fire to the extent of one-half or more of its actual value, the said Board of Trustees shall immediately give notice to the owner or owners of such building, wall, awning, balcony or porch, or to his, her or their agent, or the person having control thereof, if the owner can not be found, to remove the same forthwith, and the person receiving such notice shall, within forty-eight hours after receiving the same, comply with the requirements thereof.

Sec. 11. In event of a dispute between the owner and the Board of Trustees of said City, as to the amount of damages caused to any said building by fire, said dispute shall be determined by arbitration of competent mechanics, the owner to select one arbitrator, and the Board of Trustees the other; they shall select the third, and the decision of the majority shall be final and conclusive; all expenses of the arbitration to be paid by the party against whom the decision shall be rendered.

Sec. 12. Any person violating or willfully non-complying with any of the provisions of this Ordinance is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than \$25.00 or more than \$300.00, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 13. Ordinance No. 115 of the City of Monterey, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 14. This Ordinance shall take effect and be in force from and after its passage and first publication.

Adopted the 15th day of October, 1907.

## ORDINANCE NO. 152.

*An Ordinance to Regulate the Storing of Petroleum and its Products, Gun Powder, Blasting Powder and Other Explosives, in the City of Monterey.*

The Board of Trustees of the City of Monterey do Ordain as follows:

Section 1. Except as provided in Section 5 hereof, it shall be unlawful, and it is hereby declared to be a nuisance, for any person to store, permit the storage of, or keep for sale in the limits of the City of Monterey, any crude petroleum in larger quantities than 150 gallons in any one building or premises, or upon any street, or in other than metal cans or storage tanks or receptacles, therefor approved by the Fire Marshal or Chief of the Fire Department.

Sec. 2. Except as provided in Section 5 hereof, it shall be unlawful, and it is hereby declared to be a nuisance, for any person to store, permit the storage of, or keep for sale within the limits of the City of Monterey, any gasoline, naphtha, distillate, benzine or other refined product of petroleum—excepting kerosene or coal oil prepared for household illuminating purposes—in larger quantities than ONE DRUM not to exceed 120 gallons in any one building or premises, or upon any street, or in any other than metal drums or receptacles therefor approved by the Fire Marshal or the Chief of the Fire Department.

Sec. 3. Except as provided in Section 5 hereof, it shall be unlawful, and it is hereby declared to be a nuisance for any person to store, permit the storage of, or keep for sale within the limits of the City of Monterey, any kerosene or coal oil in larger quantities than two hundred (200) gallons in any one building or premises, or upon any street, or in other than metal cans or storage tanks or receptacles therefor approved by the Fire Marshal or the Chief of the Fire Department.

Sec. 4. Except as provided in Section Five (5) hereof, it shall be unlawful, and it is hereby declared to be a nuisance for any person to store, permit the storage of, or keep for sale, within the limits of the City of Monterey, any gun powder in larger quantities than seventy-



five (75) pounds, or ordinary blasting powder in larger quantities than 100 pounds, in any one building or premises, or on any street, or in any other than metal cans, which cans shall, without exception be clearly marked "POWDER" in letters not less than one inch in size, and kept conveniently close to the outer front door of premises in which the same may be stored; or to keep or store any hercules, dynamite, or giant powder or other explosive material or compound having an explosive power greater than that of ordinary gun powder in larger quantities than One Hundred (100) pounds in any one building or premises; or to store such dynamite, hercules, or giant powder, or other explosive material or compound having an explosive power greater than that of ordinary gun powder within twenty-five (25) feet of the same portion of any building or premises where percussion or detonating caps are stored or kept.

Sec. 5. Any person desiring to store any of the articles herein before mentioned, in larger quantities than hereinabove set out, in Sections 1, 2, 3, and 4, shall present to the Board of Trustees a petition for permission so to do, setting out in said petition a description of the premises whereon it is desired to so store such goods together with a plan of the proposed warehouse, storage tanks, storerooms, or other proposed means of storage and all such details as may be necessary to enable the Board to fully understand the said petition, its objects, extent and scope. The said Board of Trustees shall thereupon, by Resolution, either reject or approve such petition and grant or refuse such permission, in whole or in part, as to said Board may seem best. The City Clerk shall thereupon under his hand and seal of the City of Monterey issue to the party making such application, notice of the action of the Board of Trustees upon his said application, and if such application be granted in whole or in part a certified copy of the Resolution granting such permission.

Sec. 6. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or by im-

prisonment not exceeding ninety days or by both such fine and imprisonment.

Sec. 7. Each day's violation of any of the provisions of this Ordinance shall be regarded as a separate crime and may be prosecuted and punished as such.

Sec. 8. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Sec. 9. This Ordinance shall take effect and be in force from and after its passage.

Passed the 19th day of January, 1909.



## CHAPTER IV.

## POLICE ORDINANCES.

## ORDINANCE NO. 35.

*An Ordinance to Prohibit the Placing, Fastening, Stretching or Maintaining any Barbed Wire, Either for the Purpose of Fencing or Otherwise, Along the Line of any Street, Lane, Alley, or Public Place, Within a Certain Prescribed District Within the City of Monterey, to Prescribe the Notice to Be Given to the Owner or Owners of any Barbed Wire now Placed, Fastened or Stretched Along the Line of any Street, Lane, Alley or Public Place Within Such District, and to Fix the Time Within Which Such Wire Shall Be Removed.*

\* The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person, firm, association or corporation to place, fasten, stretch, or maintain any barbed wire, either for the purpose of fencing or otherwise along the line of any street, lane, alley or public place, within the following described district in the City of Monterey, to wit:

Beginning at the shore of Monterey Bay where the same is intersected by the western limits of the City of Monterey and running thence in a southeasterly direction to the intersection of the west line of Monroe Street with the northerly line of Franklin Street; thence southerly along the west line of said Monroe Street to the intersection of the south line of Madison Street; thence easterly along the south line of said Madison Street to the intersection of the westerly line of Pacific Street; thence southerly along the westerly line of said Pacific Street to the intersection of the northerly line of Martin Street in the Doud tract, hence in a straight line easterly to the intersection of the westerly line of the Carmel Road with the southerly line of Eldorado Street; thence easterly along the southerly line of said Eldorado Street to the easterly line of Emmett Street; thence northerly along the easterly

line of said Emmett Street to the intersection of the southerly line of Fremont Street; thence easterly along the southerly line of said Fremont Street to the easterly limits of the City of Monterey; thence northerly along the eastern limits of the City of Monterey to the intersection of the northerly line of Del Monte Avenue; thence westerly along the northerly line of Del Monte Avenue and Perry Street to the southwesterly corner of the Del Monte Bath House Grounds; thence northerly along the limits of the City of Monterey to the intersection of Monterey Bay; thence westerly along said Monterey Bay to the place of beginning.

Sec. 2. It shall be the duty of the Street Superintendent immediately upon the passage and publication of this Ordinance to serve, or cause to be served, written notice upon all persons, firms, associations, or corporations owning or maintaining any barbed wire, placed, fastened or stretched, either for the purpose of fencing or otherwise, along the line of any street, lane, alley, or public place, within the district in Section 1 hereof described, that such barbed wire or wires must within thirty days thereafter be removed from off the line of such street, lane, alley or public place. All notices so served shall immediately, with a certificate signed by the Street Superintendent showing by whom, upon whom and where served be filed with the City Clerk.

Sec. 3. It shall be unlawful for any person, firm, association, or corporation now owning or maintaining any barbed wire or wires placed, fastened or stretched along the line of any street, lane, alley or public place within the district in Section 1 of this Ordinance described to so maintain the same after the expiration of thirty (30) days from the service upon such person, firm, association, or corporation, of the notice herein in Section 2 of this Ordinance provided.

Sec. 4. It shall be the duty of the Street Superintendent to forthwith remove any barbed wire or wires placed, fastened, or stretched along the line of any street, lane, alley or public place within the district in Section 1 of this Ordinance described, and which shall have remained so placed, fastened, or stretched for the period of thirty days after the service upon the owner, or person maintaining the same, of the notice in Section 2 of this Ordinance provided.



Sec. 5. Any person, firm, association, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of Two Hundred Dollars, and upon failure to pay such fine shall be imprisoned in the City Jail for the period of thirty days.

Sec. 6. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed the 3rd day of February, 1891.

#### ORDINANCE NO. 46.

*An Ordinance Relating to the Preservation of the Peace, Quiet and Good Order of the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful, and it is hereby declared to be a nuisance for any minor child under the age of eighteen years, to visit or loiter about any gambling house, bar, saloon or any place where any spirituous, malt or vinous liquors are sold or dispensed, or to loiter about any public place, alley or street or house of prostitution, or to play upon any public place, alley or street after the hour of eight (8) o'clock p. m., except when in pursuit of some necessary or proper business.

Sec. 2. It shall be unlawful, and it is hereby declared to be a nuisance for any minor child under the age of eighteen years, to play or loiter about any railroad depot, or the cars of any railroad in this City, or to ride upon any railroad car, engine, truck or other vehicle, without the consent of the agent or owner thereof.

Sec. 3. It shall be unlawful for any parent, guardian or other person having the control of minor children, to encourage, counsel or permit such minors to violate the provisions of either of the two preceding sections.

Sec. 4. Any person who shall violate any of the

provisions of this Ordinance, shall, upon conviction, be fined in a sum not exceeding Three Hundred Dollars, or by imprisonment not exceeding ninety days, or by both, in the discretion of the Court.

Sec. 5. It shall be the duty of the Marshal and of every policeman, to arrest and take before the proper magistrate every person committing a violation of any of the provisions of this Ordinance in his presence, and to make complaint before the proper magistrate, of every violation of this Ordinance which shall come to his knowledge.

Sec. 6. Ordinance No. 7 of the City of Monterey, passed by the Board of Trustees on the 3rd day of July, 1899, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed January 5th, 1892.

#### ORDINANCE NO. 48.

*An Ordinance to Prevent Fast Riding and Driving, and the Leaving of Animals Unhitched.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person to ride or drive any horse, mule or other animal, in the streets of the City of Monterey, at a rate faster than six miles an hour; or to ride or drive any animal upon any bridge within the limits of the City faster than a walk.

Sec. 2. No person shall leave any horse, mule or other animal or animals when harnessed to any vehicle, upon any street, alley, public square or other open place within the City, unless such animal or animals be securely tied or fastened to some post, tree or other suitable fastening.

Sec. 3. Any person violating any of the provisions of this Ordinance, shall upon conviction thereof, be fined in a sum not less than Twenty Dollars nor more than One Hundred and Fifty Dollars, or be im-



prisoned not exceeding ninety days, or by both such fine and imprisonment.

Sec. 4. Ordinance No. 15 of the City of Monterey, passed by the Board of Trustees on the 23rd day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and first publication.  
Passed January 5th, 1892.

#### ORDINANCE NO. 49.

##### *To Prohibit the Carrying of Concealed Weapons.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. Every person not being a peace officer, who shall, within the corporate limits of the City of Monterey, carry or wear any dirk, pistol, sword in cane, slung-shot or other dangerous or deadly weapon concealed, except by special permission in writing from the President of the Board of Trustees of said City, shall, upon conviction thereof before any Court of competent jurisdiction be deemed guilty of a misdemeanor and shall be fined in any sum not less than Twenty-five nor more than Three Hundred Dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 2. Ordinance No. 9 of the City of Monterey, passed by the Board of Trustees on the 16th day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage and first publication.  
Passed January 5th, 1892.

#### ORDINANCE NO. 50.

##### *An Ordinance in Relation to the Discharging of Fire Arms and the Kindling of Bonfires Within the City Limits.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall not be lawful for any person, without the permission of the President of the Board of Trustees, or in his absence, of the City Marshal, to discharge or fire off within the City limits, any cannon, firearms, squib, firecrackers or fire works of any kind whatsoever, or to make any bonfire, or burn any straw, hay, shavings or other combustible material on any street, alley or public square.

Sec. 2. Any person violating any provision of this Ordinance, shall, upon conviction thereof, be fined in a sum not less than Twenty-five Dollars, nor exceeding One Hundred Dollars, or by imprisonment, not exceeding ninety days, or by both such fine and imprisonment.

Sec. 3. Ordinance No. 11 of the City of Monterey, passed by the Board of Trustees on the 16th day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and first publication.  
Passed the 5th day of January, 1892.



## ORDINANCE NO. 51.

*An Ordinance to Prevent the Playing of Ball and Other Games Upon the Public Streets Within the Limits of the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person to play ball, ball and catch, baseball or any other game where any ball or other object shall or may be thrown from, to, or at at one or another player, or from one place to another, or to, or against any object or point or place, upon any of the public streets of the City of Monterey.

Sec. 2. Any person violating any of the provisions of this Ordinance, shall upon conviction thereof, be fined in a sum not less than Twenty Dollars, nor more than One Hundred and Fifty Dollars, or be imprisoned not exceeding ninety days, or by both such fine and imprisonment.

Sec. 3. Ordinance No. 14 of the City of Monterey, passed by the Board of Trustees the 23rd day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed January 5th, 1892.

## ORDINANCE NO. 52.

*An Ordinance to Prohibit the Use of Air Guns, Slings, Slingshot, Garabaldi Guns, Elastic and Spring Shooters, Darts, Bows and Crossbows, and Other Similar Weapons or Toys Within the Limits of the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful, and it is hereby declared to be a nuisance, for any person to use any weapon or toy described in Section 2 of this Ordinance, within the limits of the City of Monterey.

Sec. 2. The weapons or toys in Section 1 of this Ordinance referred to, shall include air-guns, slings, elastic or spring guns or slingshots, bows, crossbows, darts, and any implement or mechanical appliance by which any bullet, shot, stone, dart or other projectile shall be propelled, sprung or thrown by any person, from and to another place.

Sec. 3. Any person violating any of the provisions of this Ordinance, shall, upon conviction thereof, be fined in a sum not less than Twenty Dollars, nor more than One Hundred and Fifty Dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 4. Ordinance No. 22 of the City of Monterey, passed on the 21st day of January, 1890, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed January 5th, 1892.



## ORDINANCE NO. 72.

*An Ordinance Prohibiting the Erection or Maintenance of Slaughter Houses Within Certain Portions of the City of Monterey and Declaring All Slaughter Houses Within Said Portions of Said City Nuisances.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. No person or persons shall erect or maintain any slaughter house for the slaughter of cattle, sheep, hogs or other animals within that portion of the City of Monterey which is bounded and described as follows, to wit:

Beginning at a point where the northerly line of the Anguajita Rancho intersects the westerly boundary of the City limits of said City of Monterey; thence following the westerly boundary of said City limits north 24° 10' west to the northwest corner of the City limits; thence along the northerly boundary of said City limits north 58° 45' east to the southerly shore of Monterey Bay; thence following the shore of Monterey Bay southeasterly to its intersection with the easterly line of the City limits; thence following said line of City limits south to its point of intersection with the County Road leading from Monterey to Del Monte Depot; thence along and parallel to said County Road and Del Monte Avenue to the westerly boundary of the Del Monte Hotel grounds; thence following said line of City limits, south 11° 27' east to a point 800 feet southerly from the center of the County Road leading from Monterey to Salinas; thence to the point of beginning.

Sec. 2. No person or persons shall carry on, maintain, or engage in the business of keeping or conducting a slaughter house, or slaughtering cattle, sheep, hogs, or other animals, either for himself or as the employee of or for another within said portion of said City of Monterey which is bounded and described in Section 1 of this Ordinance.

Sec. 3. Every slaughter house and every place kept or maintained for the purpose of slaughtering cattle, sheep, hogs or other animals within said portion of said City of Monterey which is bounded and described

in Section 1 of this Ordinance, is hereby declared to be a nuisance.

Sec. 4. Every person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the County Jail of Monterey County not exceeding two months, or by both such fine and imprisonment.

Sec. 5. The City Clerk of the City of Monterey shall cause this Ordinance to be published by one insertion in "Monterey Cypress," a weekly newspaper published and circulated in said City of Monterey and hereby designated for that purpose.

Sec. 6. This Ordinance shall take effect and be in force from and after the 15th day of April, 1896.

Passed the 3rd day of March, 1896.

## ORDINANCE NO. 110.

*An Ordinance to Prohibit the Conducting of Gambling Games in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain the following:

Section 1. It shall be unlawful for any person, firm or corporation to conduct, or to permit to be conducted, within the premises by them occupied, any game of chance for money, checks, cards, or other representative of value, whether the same be conducted upon percentage or otherwise.

Sec. 2. It shall be unlawful for any person, firm or corporation within the limits of the City of Monterey, to conduct or to permit to be conducted within the premises by them controlled, any game of lotto, keno, stud horse poker, or any other game or character of game wherein there shall be staked money, checks, cards, or any other representative of value.

Sec. 3. It shall be unlawful for any person, firm or corporation within the limits of the City of Monterey, to conduct, or to permit to be conducted within the building or premises by them occupied or controlled, any game of dice wherein or upon there shall be staked



money, checks, cards, or other representative of value.

Sec. 4. Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be fined in a sum not less than \$25 nor more than \$150, or by imprisonment, not exceeding ninety days, or by both fine and imprisonment.

Passed the 23rd day of January, 1903.

#### ORDINANCE NO. 122.

*An Ordinance to Regulate the Conducting of Laundries in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful, and is hereby declared to be a nuisance, for any person, firm or corporation to conduct a public laundry in the City of Monterey, within the following limits, to wit:

That district bounded by Main Street on the west, by Pearl Street on the south, by Tyler Street on the east and by the Bay of Monterey and Scott Street on the north.

Sec. 2. Any person violating any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than \$25 nor exceeding \$300, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 3. This Ordinance shall take effect and be in force from and after the 1st day of January, 1905.

Passed the 2nd day of August, 1904.

#### ORDINANCE NO. 138.

As Amended by Ordinance No. 173.

*An Ordinance to Prohibit and Prevent Certain Domestic Animals From Running at Large Within the City Limits, and to Establish a Pound for Such Animals.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall not be lawful for any horse, mule, ass, kine, hog, sheep or goat, to run at large within the corporate limits of the City of Monterey, or to be staked or tethered out so as to be upon any street, alley, avenue, park or square within the limits of said City of Monterey.

Sec. 2. It is hereby declared to be the duty of the Pound Master to take up and safely keep in a pound to be provided by him, any animal mentioned in the first section of this Ordinance that may be found at large in or upon any street, alley, avenue, public square or open and uninclosed lot or grounds within the City limits, or staked or tethered out so as to be upon any street, alley, avenue, park or square, but he shall not take up any animal that is in the immediate charge of any person who is driving it in, through or from the City.

Sec. 3. The Pound Master shall collect the following fees and charges, costs and expenses, which he shall receive in lawful money of the U. S. from the owners or other persons redeeming animals so impounded, or from the proceeds of the sale thereof; for taking up and impounding each horse, mare, gelding, colt, or filly, bull, steer, cow or calf, mule, ass, sheep, hog or goat, \$2.00; and for keeping and feeding every horse, mare, gelding, colt or filly, bull, steer, cow or calf, mule or ass the sum of 75 cents, and for each sheep or goat the sum of 25 cents, and for each hog the sum of 25 cents, for each day the same shall remain in his custody. For advertising each notice of sale of any such animal \$1.00, together with the cost of publication. For selling (including certificate of sale) any such animal, a commission of fifteen per cent on the gross proceeds of the sale.



Sec. 4. Any impounded animal may at any time before a sale thereof be redeemed and taken away upon the payment to the Pound Master of such fees and charges as may have already accrued.

Sec. 5. Within not less than two nor more than seven days from the impounding of any such animal, the Pound Master shall give notice by publication for at least one week in some newspaper published in the City of Monterey, that such animal or animals are to in the pound, giving a description of each animal impounded, with its natural or artificial brand or marks, if any, and that if such animal or animals be not sooner redeemed the Pound Master will at a time and place named in the notice, sell such animal or animals to pay the charges, which have and shall accrue against it with the costs, and if no redemption be made, the Pound Master shall sell such animal or animals at the time stated. Every such sale shall be for cash in United States gold or silver coin, and shall take place at some place to be designated by the Pound Master in said notice, between the hours of 10 o'clock a. m. and 2 o'clock p. m., on a day not less than seven nor more than ten days after the first publication of the notice; provided, that the Pound Master may postpone any such sale for one day, by verbal notice given on the day of sale, and thereafter from day to day, not exceeding five days in all, when there are no bidders present, or from any cause he may believe that the animal or animals will not bring a reasonable price. Upon receiving the purchase money, the Pound Master shall deliver to the purchaser the animal sold, with a bill of sale therefor, signed by himself as Pound Master, and shall pay the money so received from such sale into the Treasury.

Sec. 6. If at any time within twelve months after any sale made under the provisions of this Ordinance, any person shall prove that he or she was the owner of the animal sold, the Board of Trustees shall allow a claim in favor of such person, payable out of the City Treasury, for the amount paid into the Treasury, less all the legal costs and charges on account of the impounding, keep and sale of said animal or animals; and the owner may also redeem any animal or animals sold under the provisions of this Ordinance, at any time within sixty days after the sale by producing

satisfactory proof of ownership, and paying the purchaser the amount of purchase money in gold coin, with interest at the rate of five per cent per month, but if no redemption or tender of redemption money be made within sixty days, such bill of sale shall be conclusive evidence of title in favor of the purchaser of the animal or animals therein mentioned.

Sec. 7. The Pound Master shall keep a book in which he shall enter in numerical order a description of each animal impounded, with its brands or marks, if any, with the time when and the place where taken up, the date it was redeemed, and by whom the amount paid, the costs and expenses charged against it, the date it was sold, to whom sold and for what price, the paper in which notice of sale was given, and the date and duration of such notice, and the amount paid into the treasury. Such book shall be accessible to all persons desiring to examine or copy the same at all reasonable hours and shall be delivered by the Pound Master to his successor in office; and in any action or proceeding involving the legality of the action of the Pound Master under this Ordinance the entries in such book shall be prima facie evidence of the facts therein registered.

Sec. 8. If any person shall interfere with, oppose or resist the Pound Master or any of his assistants while engaged in performing any duty imposed by this Ordinance, or shall, without the permission of the Pound Master, remove or take away any animal from the pound, or remove any fence, bar or barrier, or open any gate for the purpose of enabling any animal to escape from the pound, he or she shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than three hundred dollars or by imprisonment in the City prison not exceeding ninety days, or by both such fine and imprisonment.

Sec. 9. It shall be the duty of the Board of Trustees by resolution to appoint a Pound Master and to fix his compensation and bond, such Pound Master to hold office at the pleasure of the Board of Trustees of said City.

Sec. 10. Ordinance No. 6 of the City of Monterey, passed by the Board of Trustees of the City of Monterey July 15th, 1899, and all other ordinances and



parts of ordinances in conflict herewith are hereby repealed.

Sec. 11. This Ordinance shall take effect and be in force from and after the first day of April, A. D. 1907.

Passed the 26th day of March, A. D. 1907.

#### ORDINANCE NO. 142.

*An Ordinance to Regulate the Dumping of Refuse, Garbage and Other Waste Matter and to Regulate the Discharge of Sewerage in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. The Board of Health of the City of Monterey shall designate a place or places where all refuse, garbage or other waste matter shall be dumped or placed where such refuse, waste matter or garbage cannot be discharged into, by and through an ordinary sewer.

Sec. 2. It shall be unlawful and is hereby declared to be a nuisance for any person to discharge any sewerage (within the limits of the City of Monterey) into the Bay of Monterey or any arm or branch thereof unless such sewerage be discharged into and through a regularly established sewer.

Sec. 3. It shall be unlawful and it is hereby declared to be a nuisance for any person to place, unload or discharge any garbage, refuse or other waste matter into or upon the Bay of Monterey or into or upon any place within the City of Monterey which has not been designated as the place for such purpose by the Board of Health of the City of Monterey.

Sec. 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 5. This Ordinance shall take effect from and after its passage and first publication.

Passed the 3rd day of September, 1907.

#### ORDINANCE NO. 146.

*An Ordinance to Prohibit the Visiting of Gambling Houses.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a misdemeanor for any reason to visit, be in or loiter about any house, room or place where any game of Faro, Monte, Roulette, Lansquenet, rouge et noir, rondo, tan, fan tan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game is played with cards, dice or any other device, for money, checks, credit or any other representative of value.

Sec. 2. Any person found guilty of a violation of any of the provisions of Section 1 of this Ordinance, shall be punishable by a fine of not less than \$25 nor more than \$300 or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

Sec. 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and first publication.

Adopted the 2nd day of June, 1908.



## ORDINANCE NO. 147.

*An Ordinance to Prohibit the Unauthorized Wearing of a Peace Officer's Badge or Otherwise Falsely Personating a Peace Officer in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a misdemeanor for any person, not lawfully entitled so to do, to wear or expose in the City of Monterey the star, badge or other insignia of a Policeman, a Sheriff, a Deputy Sheriff, a Marshal or a Deputy Marshal, a Constable or a Deputy Constable or of any other Peace Officer.

Sec. 2. It shall be unlawful and it is hereby declared to be a misdemeanor for any person, in the City of Monterey, to falsely represent himself to be a Police Officer, a Sheriff, a Deputy Sheriff, a Marshal, a Deputy Marshal, a Constable or a Deputy Constable or any other Peace Officer.

Sec. 3. Any person guilty of a violation of either of the two preceding sections of this Ordinance, shall, upon conviction thereof be punished by a fine of not less than \$25 nor more than \$300, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and first publication.

Adopted the 2nd day of June, 1908.

## ORDINANCE NO. 166.

*An Ordinance Declaring It to Be a Nuisance to Keep and Maintain Any Hive or Colony of Honey Bees, or Bees of any Kind, in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a nuisance for any person, firm or corporation to keep or maintain any hive or colony of honey bees or of bees of any kind whatsoever, within the corporate limits of the City of Monterey.

Sec. 2. Every person, firm or corporation, violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment for a term of not less than ten days nor more than ninety days or by both such fine and imprisonment.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This Ordinance to take effect and be in force from and after its passage.

Passed the 7th day of June, 1910.

## ORDINANCE NO. 167.

*An Ordinance Making the Defrauding of Owners of Automobile Garages a Misdemeanor.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a misdemeanor for any person to obtain any automobile hire or other accommodation at any automobile garage kept for profit, in the City of Monterey, without paying therefor, with intent to defraud the proprietor or manager thereof, or to obtain credit at any such automobile garage by the use of any false pretense; or after obtaining an automobile, or other



property at such garage, to willfully abuse the same in any manner, by willful or malicious conduct; or after obtaining such automobile or other property with intent to defraud the owner, manager or proprietor of such automobile garage, to keep the same for a longer period, or to take the same to a greater distance than contracted for; or to allow a storage bill or other charges to accumulate against said property, or abandon or leave the same.

Sec. 2. This Ordinance shall be construed as applying to offenses committed within the corporate limits of the City of Monterey.

Sec. 3. Any person violating any of the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), or by imprisonment for not less than ten (10) days or more than ninety (90) days, or by both such fine and imprisonment.

Sec. 4. This Ordinance to take effect from and after its passage.

Passed the 30th day of August, 1910.

#### ORDINANCE NO. 169.

*An Ordinance Declaring It to Be a Nuisance to Post, Paste or Paint any Signs or Notices of any Kind Whatsoever on any Telegraph, Telephone or Power Line Pole, Standing or Erected on any Street in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a nuisance for any person, firm or corporation to post, paste or paint any sign or notice of any kind whatsoever, on any telegraph, telephone or power line pole, standing or erected on any street in the City of Monterey; provided however, that this Ordinance shall not apply to notices or signs painted on such poles by the person, firm or corporation owning the same for the purposes of warning or identification.

Sec. 2. Every person, firm or corporation, violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than three hundred dollars, or by imprisonment for a term of not less than ten days nor more than ninety days, or by both such fine and imprisonment.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This Ordinance to take effect and be in force from and after its passage.

Passed the 20th day of September, 1910.

#### ORDINANCE NO. 171.

*An Ordinance Concerning Dogs Running at Large, to Provide for the Appointment of a Pound Master and Repealing Ordinance Number 129, and all Conflicting Ordinances.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It is hereby declared to be a nuisance for any dog or dogs to be at large in any public street, alley, square or place in the City of Monterey, or to be upon any public street, alley, square or place in said City without being securely fastened or held by a leash, chain, rope or cord and led or held by some person.

Sec. 2. A City Pound Master shall be appointed by a resolution of the Board of Trustees of said City, whose duty it shall be to enforce all of the provisions of this Ordinance.

Sec. 3. Every dog found at large in any public street, alley, square or place in the said City of Monterey, or in or upon any public street, alley, square or place in said City without being securely fastened or held by a leash, chain, rope or cord and led or held by some person, shall be taken up and impounded by the City Pound Master.

The City Pound Master shall keep every such animal supplied with water and confined for the space of forty-eight hours, unless the owners shall sooner re-



deem it by paying the City Pound Master the sum of two and 50/100 (\$2.50) dollars pound fees.

If such dog be not redeemed within forty-eight hours, the City Pound Master shall kill the same or cause it to be killed.

Sec. 4. Interference with Pound Master while in discharge of his duties shall be a misdemeanor.

If any person shall interfere with, oppose or resist the City Pound Master or any of his assistants while engaged in performing any duty imposed or authorized by this Ordinance, he or she shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than three hundred (\$300) dollars, or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Sec. 5. Removal of dog from pound shall be a misdemeanor.

Every person who shall, without the consent of the City Pound Master, remove any dog from the pound, or cause or enable any dog to escape therefrom, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than three hundred (\$300) dollars, or imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 6. Ordinance No. 129, entitled "An Ordinance Concerning Dogs Running at Large, and to Provide for the Appointment of a Pound Master," and all conflicting ordinances are hereby repealed.

Sec. 7. This Ordinance to take effect and be in force from and after July 1, 1911.

Passed and adopted the 1st day of November, 1910.

## ORDINANCE NO. 175.

*An Ordinance to Prevent the Admission of Minors to any Public Pool Room or Billiard Hall, or to any Pool Room or Billiard Hall Owned or Maintained by or for any Club in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a misdemeanor for any proprietor, keeper, manager, conductor, or person having the control of any pool room or billiard hall, in the City of Monterey, to admit in any such pool room or billiard hall, or in any pool room or billiard hall owned or maintained by or for any club or association, whether incorporated or not, any minor of either sex under the age of 16 years, or to allow any such minor to loiter about, remain in or visit any such place, whether games are actually being played therein or not.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars or more than three hundred dollars, or imprisoned for not less than five days nor more than ninety days, or by both such fine and imprisonment.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This Ordinance shall take effect and be in force from and after its first publication.

Passed the 28th day of February, 1911.



## ORDINANCE NO. 176.

*An Ordinance Declaring It to Be a Nuisance to Place or to Suffer or Allow to Remain, Boats of any Kind, Rubbish, Debris, or other Material or Thing Upon the Shores of the Bay of Monterey, Below Ordinary High Water Mark.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful, and it is hereby declared to be a nuisance for any person, firm or corporation to place, or to suffer or allow to remain, boats of any kind, rubbish, debris, or other material or thing upon the shore of the Bay of Monterey, and within the corporate limits of said City, below ordinary high water mark.

Sec. 2. Every person, firm or corporation, violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars or by imprisonment for a term of not less than ten days nor more than ninety days or by both such fine and imprisonment.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This Ordinance to take effect and be in force from and after its passage.

Passed the 7th day of March, 1911.

## ORDINANCE NO. 4, C. S.

*An Ordinance Prohibiting the Depositing on Certain Public Streets of Oil Drippings From Mobiles, Automobiles, Locomobiles and Motor Cycles or Other Machines Driven by Motive Power, or Other Vehicles.*

The Council of the City of Monterey do ordain as follows, to wit:

Section 1. It shall be unlawful for any person owning, controlling or operating any mobile, automobile, locomobile, motor cycle, or any machine or apparatus using electricity, gasoline, or any product of petroleum for its motive power, or other vehicle, to drain off from the crank case, gear case, or from any other part of said machine or vehicle upon any public street of the City of Monterey paved or improved with bitumen or asphalt pavement, any oil, gasoline, petroleum or product of petroleum.

Sec. 2. It shall be unlawful for any person to drive, operate or to allow to remain standing upon any public street of the City of Monterey, which has been improved or paved with bitumen or asphalt pavement, any mobile, automobile, locomobile, motor cycle, or any machine or apparatus using electricity, gasoline, or any product of petroleum for its motive power or other vehicle, unless there is attached thereto a suitable device or devices for the purpose of preventing deposits from leaks or drippings of oil, gasoline, petroleum or product of petroleum being made upon the pavements of such public streets.

Sec. 3. Any violation of this Ordinance shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred (\$100) dollars, or imprisonment in the County Jail of Monterey County not exceeding fifty (50) days, or by both such fine and imprisonment. Any judgment imposing a fine may provide for its collection by imprisonment in the County Jail of Monterey County for the time, at the rate, and in the manner provided by law.

Sec. 4. This Ordinance is to take effect and be in force thirty (30) days from and after its final passage and approval.

Passed and approved the 11th day of September, 1911.



## ORDINANCE NO. 5, C. S.

*An Ordinance Regulating the Hitching and Control of Horses, Mules and Other Animals Upon Public Streets and Prohibiting the Tying of Such Animals to Electrolier Standards or Fire Hydrants, and Regulating the Standing of Automobiles or Vehicles and Animals in and Upon Alvarado Street in the City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person who has any horse, mule, or other animal in his possession, his charge or under his control in the City of Monterey to allow any such horse, mule, or any animal to be or remain standing on the streets, avenues, alleys, or public grounds of the City of Monterey unless such animal is under the control of some person of suitable age or unless such animal is securely hitched or fastened to a post or pole, or by a weight of not less than seven pounds, or by a rope or other line attached to a ring in the sidewalk or curb. Provided, however, that any such animal may be securely checked by rein or line attached by a ring to a hook firmly fastened to the seat of the vehicle drawn by such animal and by having at the same time a good and sufficient brake attached to such vehicle and firmly set.

Sec. 2. It shall be unlawful for any person who has any horse, mule or other animal under his control or charge, or who has any automobile or vehicle of any kind whatsoever under his control or charge, to allow any such horse, mule or other animal, or automobile or vehicle to remain standing upon Alvarado Street in the City of Monterey for a longer period than thirty (30) minutes at any one time.

Sec. 3. It shall be unlawful for any person to hitch or tie any animal to a fire hydrant or an electrolier standard in the City of Monterey.

Sec. 4. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty (\$50.00) Dollars or by imprisonment of not more than twenty-five days or by both such

fine and imprisonment. Any judgment of fine may provide for its collection by imprisonment in the County Jail of Monterey County at the rate, for the time, and in the manner required by law.

Sec. 5. Ordinance No. 15 and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Sec. 6. This Ordinance shall take effect and be in force thirty (30) days from and after its final passage and approval.

Passed and approved the 11th day of September, 1911.

## ORDINANCE NO. 8, C. S.

*An Ordinance Relating to the Dumping, Depositing, Placing, or Throwing Certain Refuse in, Into, or Upon Any Navigable Waters, Slough, or Any Other Body of Water Within The City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person to place, deposit, dump, or throw any dead fish, fish entrails, or any part of any fish, or the carcass of any dead animal, or the offal from any slaughter pen, butcher shop, fish cannery, or fish packing house, in, into, or upon any navigable waters, slough, or any other body of water within the corporate limits of the City of Monterey, or to place, deposit, or load the same upon any scow, barge float, hulk, or any steam or sailing vessel, or any vessel of any kind, with intent that the same shall be placed, deposited, dumped, or thrown therefrom in, into, or upon any navigable waters, slough, or any other body of water within the corporate limits of the City of Monterey, and it shall be unlawful for any person in charge of any vessel of any kind to permit the same to be loaded with any dead fish, fish entrails, or any part of any fish, or the carcass of any dead animal, or the offal from any slaughter pen, butcher shop, fish cannery, or fish packing house, with intent that the same shall be placed, dumped, deposited, or thrown therefrom, in, into, or upon any navigable waters, slough, or any other body of water within the corporate limits of the City of Monterey.



Sec. 2. Any violation of any of the provisions of this ordinance shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment for not more than ninety (90) days in the County Jail of Monterey County, or by both such fine and imprisonment. Any judgment imposing a fine may provide for its collection by imprisonment at the rate, in the manner, and for the time provided by law.

Sec. 3. This ordinance shall take effect and be in force in thirty (30) days after its final passage and approval.

Passed and approved October 17, 1911.

In effect: November 16, 1911.

#### ORDINANCE NO. 22, C. S.

*An Ordinance to Promote the Safety of Employees and Travelers Upon Street Railways in the City of Monterey by Compelling the Proper Manning of Street Railway Cars.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person, firm or corporation operating street railway cars upon the streets of The City of Monterey and within said City, to run or permit to be run any street railway car propelled by electricity or other artificial power that has not at least the following named employees thereon, to wit: One conductor and one motorman.

Sec. 2. Nothing in this Ordinance contained shall apply to the operating of any street railway car during times of strikes or walkouts participated in by any of the hereinbefore mentioned employees of any person, firm or corporation operating street railway cars upon the streets of The City of Monterey.

Sec. 3. Any violation of this Ordinance is hereby declared to be a misdemeanor and shall be punishable, upon conviction, by fine not to exceed three hundred dollars (\$300.00) or by imprisonment in the County Jail of Monterey County not to exceed ninety (90) days, or by both such fine and imprisonment. The judgment imposing a fine may provide for its collection by imprison-

ment in the County Jail of Monterey County at the rate, in the manner, and for the time provided by law.

Sec. 4. This Ordinance shall take effect and be in force thirty (30) days from and after its final passage and approval.

Passed and approved March 15, 1912.

In effect: April 14, 1912.

#### ORDINANCE NO. 34, C. S.

*An Ordinance Relating to the Keeping of Swine and Cows, and the Keeping, Establishment and Maintenance of Pig-Pens, Pigstys, and Other Places Where Swine Are Kept and Certain Cow Stables and Cow Corrals Within the City of Monterey and Imposing a Penalty for Violations Hereof and Repealing All Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared a nuisance for any person or persons to keep or cause to be kept any swine whatsoever, or more than one cow within three hundred feet of any church or school house, or within three hundred feet of any residence or dwelling house of any other person or persons within The City of Monterey.

Sec. 2. It shall be unlawful and it is hereby declared a nuisance for any person or persons to keep, establish or maintain any pigpen, pigsty, or any place where swine are kept, or any cow stable or cow corral where more than one cow is kept within three hundred feet of any church or school house or within three hundred feet of any residence or dwelling house of any other person or persons, within The City of Monterey. Any place where cows are regularly, habitually, or accustomed to be milked although such cows are kept at such place only a portion of the day shall be deemed to be a cow corral or cow stable within the meaning of this Ordinance.

Sec. 3. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misde-



meanor and upon conviction thereof shall be punished by imprisonment in the County Jail of Monterey County not exceeding ninety days or by a fine not exceeding Three Hundred Dollars (\$300.00) or by both such fine and imprisonment. The judgment imposing the fine may provide for its collection by imprisonment at the rate of one day for each Two Dollars (\$2.00) of the fine.

Sec. 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 5. This Ordinance shall take effect and be in force thirty days after its final passage and approval.

Passed and approved November 6, 1912.

In effect: December 6, 1912.

## CHAPTER V.

### HEALTH ORDINANCES.

#### ORDINANCE NO. 47.

*An Ordinance Regulating Privy Vaults, and for the Prevention of Nuisances Connected Therewith.*

The Board of Trustees of the City of Monterey do Ordain as follows:

Section 1. It shall be unlawful for any owner, lessee or occupant of any lot of land or premises within the corporate limits of the City of Monterey, to maintain, permit or allow thereon, any privy or privy vault wherein the contents thereof shall fill the same to a point nearer than one foot from the surface of the ground.

Sec. 2. It shall be the duty of the Marshal, in case the lessee, owner or occupant of such premises, on being notified by him, neglect, fail or refuse to remove the contents of such privy or vault, to cause the same to be removed, and shall receive a fee therefor of ten (\$10.00) dollars, and may recover the amount of such fee, together with all expenses by him incurred in removing the same, from the said owner, lessee or occupant, or either of them, by suit in any Court of competent jurisdiction, and if judgment be given for the Marshal, there shall be taxed against the defendant in addition to other costs, an Attorney fee of ten (\$10.00) dollars, which shall be paid to the City Attorney for his services; and judgment rendered in such suit shall not be a bar to any criminal conviction under the provisions hereof.

Sec. 3. Any person violating the provisions of section one of this ordinance, shall, upon conviction thereof in a Court of competent jurisdiction, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the City prison not exceeding thirty days, or by both such fine and imprisonment.

Sec. 4. Ordinance No. 13 of the City of Monterey, passed by the Board of Trustees on the 16th day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.



Sec. 5. This ordinance shall take effect and be in force from and after its passage and first publication.

Passed: January 5th, 1892.

#### ORDINANCE NO. 88.

*An Ordinance to Prohibit the Sprinkling by Means of Water or Other Liquid Ejected From the Mouth of Any Person or Persons Engaged in Laundrying, Either as Principal or Employee, Upon Any Clothing or Other Articles in His or Their Care or Custody, Within the Limits of the City of Monterey.*

The Board of Trustees of the City of Monterey do hereby ordain as follows:

Section 1. It shall be unlawful and is hereby declared to be a nuisance for any person or persons within the limits of the City of Monterey, while engaged in laundrying, either as principal or employee, to sprinkle any clothing or other articles in his or their care or custody for laundrying, by means of ejecting water or other liquid from the mouth.

Sec. 2. Any person violating any provision of this ordinance shall, upon conviction thereof, be fined in the sum of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars, or be imprisoned not exceeding ninety (90) days, or by both such fine and imprisonment.

Sec. 3. This ordinance shall take effect and be in force from and after its passage and first publication.

Passed the 9th day of June, 1899.

#### ORDINANCE NO. 148.

*An Ordinance to Prohibit the Drying of Squid in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and is hereby declared to be a nuisance for any person, firm or corporation to dry any squid, in the open air within the limits of the City of Monterey.

Sec. 2. Any person violating any of the provisions of this ordinance shall on conviction thereof be fined in the sum of not less than \$25.00 nor exceeding the sum of \$300.00, or by imprisonment not exceeding a term of three months, or by both such fine and imprisonment.

Sec. 3. All Ordinances, or parts of Ordinances, in conflict herewith are hereby repealed.

Sec. 4. This Ordinance will take effect and be in force from and after its passage and first publication.

Adopted the 9th day of June, 1908.

#### ORDINANCE NO. 11, C. S.

*An Ordinance to Provide for and Regulate the Inspection by the Health Officer of Certain Dairies, of Certain Market Food and Dairy Products Sold or Offered for Sale in the City of Monterey, and Providing Regulations in Regard to the Same, Granting the Health Officer Certain Powers in Relation Thereto, and Making it His Duty to Enforce the Provisions of a Certain Act of the Legislature of the State of California, and to Provide for the Enforcement of the Provisions Hereof, and Repealing Ordinance No. 126.*

The Council of The City of Monterey do ordain as follows:

Section 1. It is hereby made the duty of the Health Officer of The City of Monterey, and he is hereby empowered to enforce the provisions of an act of the Legislature of the State of California, entitled, "An Act



to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and olemargarine; to license the manufacture and sale of renovated butter and olemargarine; to regulate the business of producing, buying and selling dairy products, olemargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor, and to repeal section 17 of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, and all acts amendatory thereof or supplementary thereto, and all acts or parts of acts which may amend, supplement or repeal the same within The City of Monterey, and in the enforcing of said act to inspect all dairy products or other products in said act mentioned, offered for sale or sold within The City of Monterey, and all dairies within or without The City of Monterey that offer for sale or sell any of their products in The City of Monterey. In the inspection of such dairy products or other products in said act mentioned, and all of such dairies, the said Health Officer shall be governed by the provisions of the said act of the Legislature of the State of California.

Sec. 2. Every person, firm or corporation operating any dairy where more than four cows are milked within or without The City of Monterey that offers for sale or sells any of its products in The City of Monterey, shall on or before the first day of January of each year cause to be registered with the Health Officer of The City of Monterey, a statement showing the full name and address of such person, firm or corporation so operating the same, and also the full name and address of the owner or owners of the business so being operated, in case the person operating the same is not the owner, and the number of cows then being milked.

Sec. 3. Any violation of this ordinance is hereby declared to be a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00). The judg-

ment imposing the fine may provide for its collection by imprisonment in the County Jail of Monterey County, at the rate, time and in the manner provided by law. Provided, however, that nothing in this section shall be construed as applying to any violation of the said act of the Legislature of the State of California, referred to in Section 1 hereof.

Sec. 4. Ordinance No. 126 and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. 5. This ordinance to take effect and be enforced thirty (30) days after its final passage and approval.

Passed and approved November 21, 1911.

In effect: December 21, 1911.

#### ORDINANCE NO. 33, C. S.

*An Ordinance Regulating the Collection and Disposal of Garbage, Rubbish, and Waste Matter in the City of Monterey, Relating to Garbage, Rubbish, Waste Matter and Dead Animals, Authorizing and Directing the Council of the City of Monterey to Provide for and Cause Garbage, Rubbish and Waste Matter and Manure Produced in the City of Monterey to be Gathered, Collected and Carried Away From Said City or Otherwise Disposed of by Private Contract, Establishing Rates for the Collection of Garbage, Rubbish and Waste Matter and Removal of Dead Animals and Defining Certain Nuisances and Repealing All Conflicting Ordinances.*

The Council of The City of Monterey do ordain as follows:

Section 1. The word garbage as used in this Ordinance shall be deemed to mean and include table refuse, and offal, swill, and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowls, fruits and other foods of whatsoever character, and shall include all animal and vegetable refuse from kitchens and all household waste that shall have been prepared for or intended to be used as food, or shall have resulted from the preparation of food. Dead ani-



mals over ten pounds in weight, dish or waste water are not included under garbage.

The word rubbish as used in this Ordinance shall be deemed to mean and include leaves, chips, wooden ware, paper, paste board, grass, rags, straw, boots, shoes, hats, sawdust, packing materials, shavings, trimmings from lawns and flower gardens and boxes, as well as tin cans and bottles.

The words waste matter as used in this Ordinance shall be deemed to mean and include brickbats, plaster, cement, broken crockery, broken glass, broken bottles, earth and ashes, cinders, shells, metals and other non-combustible materials.

Sec. 2. All garbage accumulated in any boarding house, restaurant, hotel, eating house, market, grocery store, or store selling fruits or vegetables or at any other place of business where there is an accumulation of garbage shall be kept upon the premises in a water tight receptacle with tight fitting metal cover and said metal cover shall at all times except when garbage is being deposited in or taken from said receptacle be placed in proper position as a cover of said metal receptacle and said metal receptacle shall be of sufficient size to hold all garbage that may accumulate at such place between the times when the same shall be removed. No rubbish or waste matter shall be placed in such garbage receptacle nor shall garbage be placed in receptacle for rubbish or waste matter. All of such garbage receptacles shall be emptied no less than twice a week and such garbage removed from the premises and disposed of in such a manner as not to become a nuisance or menace or danger to public health.

Sec. 3. It shall be unlawful for any person occupying a private dwelling in said City to permit or allow any garbage to accumulate at such dwelling without keeping the same in a water tight metal receptacle and there shall be used in connection with said metal receptacle a tight fitting metal cover and said metal cover shall at all times except when garbage is being deposited in or taken from said receptacle be placed in proper position as a cover on said receptacle, and causing such garbage to be removed from the premises at least once each week and disposed of in such manner as not to become a nuisance or menace or a danger to public health; or for any person to throw, place or scatter any

garbage upon the surface of any premises without causing the same to be securely covered by earth immediately thereafter; or to throw, place or scatter any garbage upon the surface of any premises or bury the same upon any premises in said City after being notified by the Health Officer of said City that such practice is a menace to health and to cease such practice.

Sec. 4. Every person having charge or control of any restaurant, hotel, eating house, boarding house, office building, apartment house, fruit stand, store or other place of business within the fire limits of said City where rubbish or waste matter accumulates shall provide a metal receptacle to be kept upon the premises for the storage of such rubbish and waste matter and the same shall be placed therein.

Sec. 5. It shall be unlawful for any person to permit or allow any rubbish or waste matter to be thrown or scattered about in his yard or upon his premises or the premises of any other person or upon any of the streets, alleys or other public places of said City.

Sec. 6. All such rubbish and waste matter as mentioned in Section 4 hereof shall be removed and disposed of at least once each week, and in such manner as not to become a nuisance or menace to public health or safety.

Sec. 7. No person shall permit or allow any manure to accumulate, be or remain in or about any stable, barn, shed, or corral for a longer period than 3 days, except the same be kept in a tight box or receptacle with a close fitting top or cover so that flies or insects cannot get into or have access to said receptacle, provided, that this section shall not apply where the accumulation of such manure is not within 100 feet of an occupied dwelling, church or school.

Sec. 8. All manure so kept in any such box or receptacle shall be removed and disposed of at least once each month. Any manure so removed must not be stored or gathered into piles within said City unless for immediate use thereon and when so stored or gathered must be used within two days thereafter, provided that the provisions hereof relating to storing or gathering of manure shall not apply to any person keeping the same distant more than 300 feet from any dwelling of any person other than the person keeping such manure.

Sec. 9. No person shall use any cart or vehicle for



the conveyance or removal of swill, garbage, filth, offal of any kind or any offensive or ill smelling matter or any admixture of swill, garbage, offal of any kind or any offensive or ill smelling matter unless such cart or vehicle is staunch, tight and closely covered with a wooden or metal cover so as to wholly prevent leakage or smell; nor use any cart or vehicle for the conveyance or removal of manure unless said cart or vehicle be provided with a canvas cover securely fastened on the top thereof and be so constructed as to prevent the deposit of such manure or any portion thereof in or upon the streets through which said cart or vehicle may be drawn. All of such vehicles in this section mentioned shall be constructed and maintained to the satisfaction of the Commissioner of Public Health and Safety.

Sec. 10. Whenever any horse or other animal shall die within the limits of said City of Monterey, the owner thereof or the person in whose possession the same might be at the time of its death, shall dispose of its carcass in such manner, that the same shall not become a nuisance, provided that the mode and manner of its disposal is to be at all times subject to the sanitary regulations and control of the Council of the said City and the Health Officer thereof, or notify the City Scavenger within 4 hours where such carcass might be found, and it shall be unlawful for any person other than the City Scavenger or the person owning or having possession of any animal at the time of its death to remove or dispose of the carcass of such animal unless the said City Scavenger shall fail to remove the same within 24 hours after receiving notice thereof.

Sec. 11. The Council of The City of Monterey shall employ a person to be known as the City Scavenger. It shall be the duty of the said Scavenger to call as frequently as required by this Ordinance at the place of residence or business of any party engaging him for the purpose of removing garbage, waste matter or rubbish, offal or other refuse for such parties and remove all such garbage, waste matter or rubbish, offal or other refuse that may be there collected and shall dump or deposit such garbage, waste matter, rubbish, offal or other refuse as soon after collected as is reasonably possible at the place provided therefor by The City of Monterey.

Sec. 12. The City Scavenger shall be entitled to

charge and receive from each person so employing him the following maximum fees, to wit:

Residences, \$ .50 per month. Removals to be made weekly.

Stores, \$2.00 per month. Removals to be made daily.

Saloons, \$1.00 per month. Removals to be made weekly.

Restaurants, \$2.00 per month. Removals to be made daily.

Hotels, \$5.00 per month. Removals to be made daily.

Office buildings, \$ .50 per month. Removals to be made weekly.

For the removal and disposition of each horse or cow \$4.00.

For the removal and disposition of each sheep or swine \$2.00.

Provided, that said Council may, at any time, when it may deem after a hearing given the City Scavenger that such fees have become exorbitant, or excessive, or insufficient for the services performed either increase or decrease the rate of such maximum fees, and provided also that the Council may at any time fix a rate for any class or classes of services not herein provided for and change the same as herein provided.

Sec. 13. The Council of The City of Monterey is hereby directed and authorized to provide for the collection and gathering and to cause to be removed from The City of Monterey, all garbage, rubbish, waste matter and manure produced in The City of Monterey and there disposed of and destroyed by incineration or other means or to be carried away from The City of Monterey by means of barge, vessel or schooner and deposited in the Pacific Ocean. The Council may likewise provide for the disposition and destruction of such garbage and rubbish within said City by incineration and for the disposition therein of waste matter by other means.

Sec. 14. The Council of The City of Monterey is hereby authorized and directed to enter into contract for collecting, gathering, the receiving or carrying away from The City of Monterey of said garbage, rubbish, waste matter and manure produced in The City of Monterey and under such terms, provisions and conditions as The Council of The City of Monterey may deem for the best interests of said City, there to be disposed of by incineration or otherwise to the satisfaction of the Commissioner of Public Health and Safety, provided



that no such contract or contracts shall be made for a period exceeding five years, and provided further that such receiving, carrying away and disposition of such garbage, rubbish, waste matter and manure shall at all times be done under the direction and to the satisfaction of the Commissioner of Public Health and Safety of said City. Such contract or contracts may in the discretion of the Council provide for the disposition and destruction of such garbage, rubbish, and waste matter within said City by lawful means.

Sec. 15. The City of Monterey, its duly authorized servants, officers or employees, shall have the exclusive right to gather and collect garbage within said City and it shall be unlawful for any other person, firm or corporation to collect or gather garbage within said City, provided that nothing herein contained shall be construed as prohibiting the disposition of such garbage by the person producing the same, or by the person in possession of, occupying or owning the premises on which such garbage is produced or situated.

Sec. 16. It shall be the duty of the Commissioner of Public Health and Safety and of the Health Officer to enforce the provisions of this ordinance. The Commissioner of Public Health and Safety, the Health Officer, the agents and inspectors appointed by the Health Officer and the Commissioner of Public Health and Safety shall have power and authority to enter all premises at and during reasonable hours for the purpose of determining whether or not the provisions of this Ordinance are being obeyed.

Sec. 17. No person, firm or corporation shall have or permit upon any premises owned, occupied or controlled by him or it any nuisance detrimental to health or any accumulation of filth, garbage, decaying animal or vegetable matter or any animal or human excrement or any rubbish, or waste matter contrary to the provisions of this Ordinance and it shall be the duty of the Health Officer of The City of Monterey to cause any such person, firm or corporation to be notified to abolish and abate such nuisance and remove said matter. In case said person, firm or corporation shall fail, neglect or refuse to remove the same within 24 hours after receiving said notice such nuisance may be abolished and abated and said matter removed under and by the order of the Health Officer and the person, firm or corporation so

failing, neglecting or refusing to abolish or abate said nuisance or to remove said matter in addition to incurring penalties as provided in this Ordinance, shall become indebted to the City of Monterey for all damages, costs or charges incurred by The City of Monterey by the reason of the nuisance and the order of the Health Officer.

Sec. 18. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$300.00 or by imprisonment for not more than ninety days or by both such fine and imprisonment. The judgment imposing the fine may provide for its collection by imprisonment at the rate of one day for each Two Dollars (\$2.00) of the fine.

Sec. 19. Ordinance No. 116, entitled "An Ordinance providing for the appointment of a public scavenger and regulating his charge for removing garbage," and all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 20. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved November 6, 1912.

In effect: December 6, 1912.



## CHAPTER VI.

## BUILDING AND CONSTRUCTION.

## ORDINANCE NO. 12.

As Amended by Ordinance No. 84.

*Relating to the Preventing of Damage by Fire.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. No stove pipe shall be placed or kept within one foot of any woodwork or other combustible material of which any building may be wholly or partially constructed, except when such pipe passes through the ceiling, wall or partition of the building, when it need not be at a greater distance than four inches from the woodwork or other combustible material; provided the pipe is surrounded or guarded with a tin, zinc or earthen guard; and every stove pipe discharging itself otherwise than into a brick or stone flue or chimney, shall extend at least three feet and six inches beyond the roof of the building from which it issues, and shall in no case extend through the outside wall of a building, and it shall in all cases be so fixed as not to come within two feet six inches of any other building constructed of wood or other combustible material; and either the Fire Marshal, the Chief of the Fire Department, the City Marshal, or any policeman of said City may order any stove pipe to be altered and changed in any manner necessary to prevent danger of damage from fire in accordance with the provisions of this Ordinance.

Sec. 2. It shall be unlawful for any owner, occupant, agent, or other person having the control of any land or premises in the City of Monterey, to allow any combustible rubbish, refuse, offal or garbage of any kind or character whatever, to accumulate or to remain upon said premises; and either the Fire Marshal, the Chief of the Fire Department, the City Marshal, or any policeman of said city, may, whenever necessary, enter upon any premises in said city, to examine the same, and when satisfied that there is thereon any combustible rubbish, ref-

use, offal or garbage contrary to the provisions of this section, shall serve a written notice upon the owner, occupant, agent, or other person having the control of the said premises, to remove the same within twenty-four hours thereafter, and any person or persons not so removing same within twenty-four hours thereafter, shall, upon conviction, be punished as provided in Section 3 hereof.

Sec. 3. Any person violating the provisions of this ordinance, or any person, failing or neglecting forthwith to comply with any reasonable request of the Fire Marshal, the Chief of the Fire Department, the City Marshal, or any policeman of said city, in relation to the alteration or change of any such stovepipe in accordance with the provisions of this ordinance, or any person failing or neglecting to remove said combustible rubbish, refuse, offal or garbage, within twenty-four hours after notice given in accordance with the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine of not less than \$25.00 nor more than \$250.00, or by imprisonment not exceeding 30 days.

Passed the 16th day of July, 1889.

## ORDINANCE NO. 76.

*An Ordinance Prescribing the Character and Regulating the Erecting of Awning, Sign, Telegraph, Telephone and Other Supports, Poles, Masts or Shafts in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful to erect any awning, sign, telegraph, telephone or other support, pole, mast or shaft in any alley, street, park or square within the limits of the City of Monterey, without first having obtained the written permission of the President of the Board of Trustees of said City so to do, which permission shall state the character, size and location of the support, pole, mast or shaft, so to be erected.

Sec. 2. All telegraph, telephone, electric light, heat or power poles, and all poles for any similar or kindred purpose to be hereafter erected in any alley, street, park



or square in the City of Monterey, whether newly and originally placed or substituted in place of poles now erected, shall be so erected that the lowest wire strung therefrom, where the same passes along the sides of streets, shall not approach nearer to the surface of the street or sidewalk than twenty (20) feet; and where the same crosses a street so that such wire shall not approach the surface of the street or sidewalk nearer than twenty-five (25) feet.

Sec. 3. All poles to be hereafter erected in the City of Monterey, for any of the purposes indicated in Section 2 hereof shall, if of wood, be not less than ten inches square at the base, and shall be surfaced upon all sides. If of metal, the same shall be of a size and form suitable to the purpose for which it is intended, and which shall have been approved by the Street Committee of the Board of Trustees, and all supports, poles, masts or shafts, whether of wood or iron, shall be properly and neatly painted with not less than two coats of good exterior paint.

Sec. 4. The erection of any supports, poles, masts or shafts of the character herein referred to in any alley, street, square or park in the City of Monterey, not in conformity with the provisions of this Ordinance, is hereby declared to be a misdemeanor, and shall be punished by a fine of not less than Twenty (\$20.00) Dollars nor more than One hundred and fifty (\$150.00) Dollars, or by imprisonment in the City Jail not exceeding three months, or by both such fine and imprisonment.

Sec. 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 6. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed the 5th day of October, 1897.

## ORDINANCE NO. 112.

*An Ordinance to Regulate the Erection of Buildings and the Obstructions of Streets and Sidewalks, in the City of Monterey.*

Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person, firm or corporation to erect any building or other structure in the City of Monterey, unless the person, firm or corporation erecting such building or structure, shall have first submitted to the Street Committee, of the Board of Trustees of said City, plans and specifications of the building or structure proposed to be erected, and shall have obtained from such Committee written permission to so erect such building or structure.

Sec. 2. Whenever by reason of building, moving buildings, grading, sewerage or other work, any part of any street or sidewalk will be obstructed, the person, firm or corporation prosecuting such work, shall before obstructing any street or sidewalk, or any part or portion thereof obtain, from the Street Committee of the Board of Trustees of the City of Monterey written permission to so obstruct such street or streets, sidewalk or sidewalks, the extent of which obstruction, and the period for which the same may be maintained shall be definitely set out in such permission. The person, firm or corporation so permitted to maintain such obstruction, shall at all hours between dusk and daylight maintain upon such obstruction so that the same may be clearly seen from approach in every direction, red lights.

Sec. 3. Any person violating any of the provisions of this Ordinance, shall upon conviction thereof be fined in the sum of not less than \$25.00 nor more than \$300.00, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.

Sec. 4. This Ordinance shall take effect from and after its passage and first publication.

Adopted the 24th day of March, 1903.



## ORDINANCE NO. 132.

*An Ordinance Relative to Churches, Schools, Halls, Ball-rooms, Theatres, Skating Rinks and Other Places Used for Public Assemblies.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. All churches, schools, halls, ballrooms, theatres, skating rinks and other places used for public assemblies shall have at least two separate exits therefrom, and all such exits shall be at least four feet in width from door jamb to door jamb, and shall in all instances open outward.

Sec. 2. All chairs, stools, benches or other seating appliances which shall be used in the main body or galleries of any church, school, hall, ballroom, theatre, skating rink or other place used for public assemblies shall be securely fastened to the satisfaction of the Chief of the Fire Department.

Sec. 3. No license to conduct any theatrical exhibition or exhibitions, negro minstrel shows, or other entertainments, or to conduct a skating rink shall be issued, nor shall any building, room or hall be used as a church or other place of assembly, meeting room or ball room until the owner, lessee or tenant of the premises proposed to be used for such purpose, shall have obtained permission for the issuance to him of such license, or for the use of such premises for such purpose.

No license to conduct any theatrical exhibition or exhibitions, negro minstrel shows, skating rink or other entertainment for the conducting of which a license is required by Ordinance No. 92 of the City of Monterey, shall be issued nor shall any building, hall or room be used for any purpose mentioned in Section 2 of this Ordinance until permission shall have been obtained for such use of such building, room or hall from the Fire and Water Committee of the Board of Trustees of the City of Monterey.

Sec. 4. Any owner, tenant or lessee of any building, room or hall, who desires to obtain permission for the issuance to him of a license, or permission for the use by him of said building, hall or room, for any of the purposes mentioned in Section 2 hereof, shall present to

the Fire and Water Committee of this Board of Trustees a certificate signed by some recognized, competent engineer or architect, certifying that said premises in all respects comply with the requirements of this Ordinance, and that the said premises are safe and fit for the use proposed, or shall by other competent evidence have satisfied said Fire and Water Committee of such compliance with the provisions of this Ordinance and the safety of such building. If such Committee be satisfied from such certificate or other competent evidence, that said premises are safe and fit for the use proposed, the said Committee shall grant permission for the issuance of the license applied for, or for the use of said premises in the manner and for the purpose proposed. If such Committee be not satisfied, it shall refuse such permission.

The owner, tenant or lessee to whom permission to obtain such license or to so use such building, hall or room has been refused by said Fire and Water Committee of this Board of Trustees, may appeal from such refusal to the Board of Trustees of the City of Monterey, who shall, at their next regular meeting, or upon some day following such regular meeting, to which the Board may adjourn, to which adjournment the appellant shall receive at least five days' notice unless he be present before the Board at the time such adjournment is made, in which event no further notice than the action of the Board taken in his presence shall be required: after due hearing given to such appellant, at such regular or adjourned meeting, the Board of Trustees shall grant or refuse permission for the issuance of such license, or for the proposed use of such premises, as in their judgment may seem best.

Sec. 5. In case of any material structural change in any building, room or hall used for any of the purposes set out in Section 1 hereof, either under license or permission, such license or permission shall be immediately suspended, and until the Fire and Water Committee of the Board of Trustees shall have examined, and become satisfied with, such changes and granted permission for the resumption of such use of such building, room or hall, as provided for in Section 4 of this Ordinance, such building, hall or room shall not be used for any of the purposes or uses set out in Section 1 hereof.

Sec. 6. All churches, schools, halls, ball rooms, the-



atres, skating rinks and other places used for public assemblies shall, when open for use, being used, or about to be used, be open to the inspection of any Marshal, police officer, fire warden or the Chief of the Fire Department of the City of Monterey, and if upon inspecting such church, school, hall, ball room, theatre, skating rink or other place used for public assemblies shall not conform to the requirements of this Ordinance, it shall be the duty of the Marshal, police officer, fire warden or the Chief of the Fire Department, to whose notice such fact shall be called, or to whom such fact shall become apparent, to order such church, hall, ball room, theatre, skating rink or other place used or to be used for public assemblies, to be closed, and to close the same, and the same shall thereupon be and remain closed and shall not again be opened for public use until the same shall have been made to conform with the requirements of this Ordinance.

Sec. 7. In all buildings, halls or rooms used for any of the purposes mentioned in Section 1 hereof, aisles and pass-ways shall be provided for, both as to number, width and location, to the satisfaction of the Fire and Water Committee of this Board, and in no case shall any seats be permitted in any of such aisles or pass-ways.

Sec. 8. Anyone violating any of the provisions of this Ordinance or using or attempting to use any building, hall or room for any of the purposes hereinabove set out without first having obtained license or permission so to do as herein provided, or refusing to close the same when so ordered shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not to exceed three months or shall be fined in a sum of not less than \$25.00 nor more than \$300.00, and in case such fine be not paid, then by imprisonment at the rate of one day for every two dollars of the fine so imposed, or by both such fine and imprisonment.

Sec. 9. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 10. This Ordinance shall take effect and be in force from and after the 1st day of January, A. D. 1907.

Passed the 30th day of November, 1906.

## ORDINANCE NO. 12, C. S.

*An Ordinance Providing for the Registration of Plumbers and the Issuance of Licenses to Plumbers and Establishing Rules and Regulations for the Plumbing and Drainage of Buildings and the Installation, Maintenance and Use of Sewers in the City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. The sanitary sewer system of The City of Monterey consists of main and lateral conduits of salt-glazed, vitrified earthenware, known in commerce as first-class, with necessary accessories. They are designed to carry off all liquid house waste and are known herein as sanitary sewers. The sewers in the streets passing in front of the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to the property on either side are called house sewers.

Sec. 2. All connections of house sewers, or plumbing work with the sanitary sewer system of The City of Monterey, shall be made in accordance with these rules and regulations.

Sec. 3. No person, firm or corporation shall make any connection with the sanitary sewer system of The City of Monterey unless regularly licensed by the Council of said city, except in case of laying vitrified iron stone pipe on private property and then only under the supervision of the Sewer Inspector, and in accordance with these rules and regulations.

Sec. 4. Any person desiring to do business as a master plumber or sewer pipelayer in connecting with the sanitary sewer system shall file in the office of the Health Officer a petition giving the name of the individual or firm and the place of business, and asking to be licensed as a master plumber or sewer pipe-layer. Said petition must be signed by two responsible citizens of The City of Monterey, vouching for the business capacity and the reputation of the applicant; that he is a master of his trade and willing to be governed in all respects by the rules and regulations which are or may be adopted therefor by the Board of Health or by The



Council of said City of Monterey. Each applicant for a license shall execute and deposit in the office of the City Clerk, with his application, a bond with two or more resident sureties, to be approved by said Council and filed with the City Clerk in the sum of five hundred (\$500.00) dollars, conditioned that he will indemnify and save harmless the City of Monterey from all accidents and damages caused by any negligence in protecting his work, or any unfaithful, imperfect or inadequate work done by virtue of his license, and that he will also replace and restore sidewalk, pavement or street surface over any opening he may have made to as good state and condition as he found it, to the satisfaction of the Sewer Inspector and the Street Superintendent, and that he will pay all fines imposed upon him for a violation of any of these rules and regulations. On receiving his license he shall have recorded in the office of the City Clerk his actual place of business, the name under which the business is transacted, and shall immediately notify the City Clerk of any change in either thereafter. No license will be granted for more than one year, and all licenses will be granted to expire one year from date of issue. A fee of ten dollars (\$10.00) shall accompany the application for license. Said fee to be returned if application is refused. Upon the expiration of the yearly license every master plumber or sewer pipe-layer carrying on the business of plumbing or sewer pipe-laying in The City of Monterey shall be required to take out a new license, again register and file new bond as above required.

Sec. 5. No license shall be granted to any person making application to become registered as master or journeyman plumber unless said person shall have first passed a satisfactory examination by the Board of Health of his qualifications to conduct the business of master plumber, or to practice his trade as a journeyman plumber. And all applications for license and all licenses issued shall state the name in full, age, nativity and place of residence of the applicant or person so licensed.

Sec. 6. Application for permits to connect with the sewer system, or do plumbing work to be connected therewith, must be made in writing by the owner of the property to be drained, or his authorized agent. Such application shall give a precise location of the property,

the name of the owner, and the name of the person employed to do the work, and shall be made on blanks furnished for the purpose. No permit shall be deemed to authorize anything not stated in the application, and for any misrepresentation in such application the plumber shall be suspended, and if such misrepresentation appears to be willful his license shall be revoked. Permits to make connection with the sewer system will be issued only when the plumbing in the house or building to be connected has been inspected and approved by the Sewer Inspector, or, in case of new buildings, when a proper plan for the plumbing has been approved by the Board of Health. The Inspector will designate the position of the "Y" branch in the street, as shown by the records in his office. All connections made with the sanitary sewers and all plumbing connecting therewith shall be made under the direction of the Inspector.

Sec. 7. Before a permit shall be issued for doing plumbing or drainage work in a building, or before any additions are made, excepting necessary repairs, suitable drawings and descriptions of the said drainage and plumbing shall in each case be submitted to the Board of Health and placed on file in the Health Office, that is, filed with the Health Officer. The drainage and plumbing of all buildings, both public and private, hereafter erected in said City, shall be executed in accordance with the plans previously approved in writing by the Board of Health of the City of Monterey.

Sec. 8. The Inspector is to be given notice when any work is ready for inspection, and all work must be left uncovered and convenient for examination until inspected and approved. Such inspection shall be made within twenty-four hours after such notification. The plumber shall remove or repair any defective material or labor when so ordered by the Inspector.

Sec. 9. The plumber shall, on the completion of the work, file in the office of the Health Officer, on blanks furnished for the purpose, a correct statement of the work done under the permit.

Sec. 10. No open gutter, cesspool or privy vault shall be connected with any sewer. Cellar and cistern overflows may be connected with the sewer only when they can be trapped in such a manner that the water seal cannot be destroyed.

Sec. 11. No person, firm or corporation shall injure,



break or remove any portion of any man-hole, lamp-hole, flush tank, catch basin, or any part of the sewer system, or throw or deposit, or cause to be thrown or deposited, in any sewer opening or receptacle connecting with the sewer system, any garbage, offal, dead animals, vegetable parings, ashes, cinders, rags or any other matter or thing whatsoever, except faeces, urine, the necessary water-closet paper, liquid, house or mill slops.

Sec. 12. Any person, firm or corporation desiring to lay pipes for water, gas, steam, oil or any purpose in any street or alley upon which sewers are laid, shall give notice to the Street Superintendent before opening the street, and the manner of excavating, for laying and backfilling over such pipe shall be subject to the approval of the Street Superintendent. All such work shall be planned and executed so that no injury shall occur to any public sewer or to any house sewer connected therewith.

Sec. 13. The Sewer Inspector shall have the power to stop and prevent from discharging into the sewer system any private sewer through which substances are discharged which are liable to injure the sewers or obstruct the flow of the sewage.

Sec. 14. Before any private sewer shall be connected with the sewer system, the owner of the private sewer shall prove to the satisfaction of the Sewer Inspector that it is clean and conforms in every respect with these rules and regulations.

Sec. 15. The house sewer trench shall be dug so as to meet the public sewer at the position of the "Y" branch as located by the Sewer Inspector. The material thrown from the trench shall be placed so as not to obstruct, and so as to cause the least inconvenience to the public. Proper barriers and lights must be maintained on the banks of the trench to guard the public against accidents during the progress of the work. In backfilling the earth shall be carefully rammed or flooded, so as to keep the pipe in proper position and avoid settling, and no stone shall be used in filling until there has been a depth of one foot of fine earth or gravel placed over the pipe.

Sec. 16. The house sewer from a point one foot outside of the house to the street sewer shall be of standard first quality, salt-glazed, vitrified earthenware

pipe, one-half inch thick, weighing not less than nine pounds per lineal foot, unless laid less than one foot deep, when it shall be of standard cast-iron, its inside diameter shall be four inches. Outside the curb line all house sewers shall be four inches inside diameter, unless carrying eight or more toilets, in which case it shall be six inches inside diameter.

Sec. 17. The cover of the "Y" branch of the sewer shall be carefully removed so as not to injure the socket. The first length of pipe attached to the "Y" branch shall be curved and set so as to give a good fall into the sewer.

The pipe shall be laid on as even grade as possible of not less than one-eighth of an inch to the foot, unless by special permission of the Sewer Inspector, in which case provision must be made for regular and efficient flushing.

Curved pipe shall be used for every deflection from a straight line of more than two inches in two feet.

All joints in earthenware house sewers shall be made with mortar of the following proportion: One part of some well known brand of artificial Portland cement, and two parts of clean, sharp sand free from loam or clay, which shall be pressed into the bell of pipe until it is equally and thoroughly filled, and the face of the bell must be covered with mortar and a rounding joint of same built up extending one inch from face of bell on to next pipe. A swab or disc must be drawn at least two joints preceding the one last laid to remove all dirt or mortar.

The ends of all private sewers not immediately connected with plumbing fixtures shall be securely closed by water-tight imperishable material. If lead pipe, the end must be soldered; if cast-iron pipe, a cast-iron plug must be caked in with lead; if earthenware, with stopper of same material.

Sec. 18. All materials used must be of good quality and free from defects; the work must be executed in a thorough and workmanlike manner.

From a point one foot outside the house line of a building no material shall be used within or under building and connecting with the sewer for soil, waste, or vent pipes other than galvanized wrought iron screw pipe, or cast-iron pipes with securely leaded joints, or lead pipes with wiped joints. Cement or putty joints,



tin or sheet-iron pipes, whether galvanized or not, shall not be used.

Slop hoppers shall not be placed inside of houses or inclosed porches. No wooden sinks or sink lined with metal, or wooden wash trays, shall be hereafter put inside of any residence or tenement which is to be used as a dwelling. Wooden urinals are strictly prohibited in all cases. All urinals must have a supply of water from faucets to properly flush them. Lined or wooden sinks may be used in restaurant or hotel kitchens or pantry.

Sec. 19. All cast-iron pipes must be sound, free from holes or cracks and of the grade known in commerce as standard coated with tar, asphaltum or porcelain. The following weights, and none other, per lineal foot will be accepted as standard:

- 2 inches, 3½ pounds per lineal foot.
- 3 inches, 4½ pounds per lineal foot.
- 4 inches, 6½ pounds per lineal foot.

All wrought iron galvanized pipe must be of standard weight.

All fittings used in connection with such pipe shall correspond with it in weight and quality. Where lead pipe is used to connect fixtures with vertical soil or waste pipes, or to connect traps with vertical vent pipes, it must not be lighter than "E" lead pipes.

Sec. 20. The soil and waste pipes and traps should, if practicable, be exposed to view at all times for ready inspection, and for convenience of repairing. When necessarily placed within partitions or in recesses of walls, soil and waste pipes should be covered with wood work so fastened with screws as to be readily removed.

All drain, soil and waste pipes to extend beyond foundation walls not less than one foot.

The arrangement of all drain, soil and waste pipes must be as direct as possible and must have a fall of not less than one-eighth of an inch per foot, unless otherwise permitted by the Sewer Inspector.

All work to be secured with heavy wrought iron straps or wire.

All changes in direction must be made with curved pipes, and in no case shall a one-fourth bend be used where possible to use one-sixth, one-eighth or one-sixteenth bends, and all connections to be made with "Y"

branches and one-eighth, one-sixth or one-sixteenth bends.

No common "T's" of any kind allowed, but sanitary "T's" may be used in vertical pipes.

Sanitary "T's" may be used in horizontal pipes only, when the same is used to receive a vent, provided the branch of said "T" is placed at an angle of not less than sixty degrees.

All joints on cast iron soil, waste and vent pipes to be made with oakum and molten lead, well caulked and made water tight. Cleanouts with cast-iron body and brass screw plugs must be placed at the ends of each horizontal run of five feet or over of cast-iron soil and waste pipes and to be of same size as pipes which they serve. Cleanouts under basement and first floor to be placed where they will be accessible at all times. Extra cleanouts must be provided if called for by the Sewer Inspector.

The diameter of soil and waste pipes shall not be less than those given in the following tables:

Main soil pipes, 4 inches.

Branch soil pipes, 4 inches.

Main soil pipes leading to eight or more water closets, 6 inches.

Branch waste pipe for slop sinks, 3 inches.

Main waste pipes leading to two or more fixtures other than slop sinks, 2 inches.

Main waste pipes leading to eight or more fixtures other than slop sinks, 3 inches.

Main waste to more than 4 slop sinks, 4 inches.

Two basins may be connected to a double tapped "T" but no other fixtures shall be so connected.

Every safe under a fixture or tank must be drained by a cast-iron or galvanized wrought iron or steel pipe and must discharge outside of building.

#### LEAD WORK.

Sec. 21. No lead pipe shall be used except in the short branches of soil and waste pipes, bends and traps.

Slop hoppers, slop sinks and water closet bowls must be connected to soil and waste pipes with lead, wiped to a brass ferrule and the same to be caulked.

All joints on lead must be wiped.

All connections between lead and iron must be made



by means of a brass ferrule or solder nipple wiped to the lead and screwed or caulked into the iron.

#### VENT PIPES.

Sec. 22. All traps must be protected from syphonage by special air pipes of cast iron or galvanized wrought iron or steel, connected to soil or waste pipes as close to trap as possible and in no case more than two feet from trap it serves, extending up to and through the roof not less than one foot. Vent pipes to be run as direct as possible.

No square bends allowed in vent pipes when it is possible to use forty-five or sixty degree angles.

Every house or building containing a water closet must have a four-inch vent, connected as near the water closet trap as possible and carried through roof.

When two or more water closets are located on basement or first floor the water closet at end of run must be vented with a four-inch vent.

Other water closets located on same floor may be vented with a pipe not less than two inches in diameter.

Water closets on basement or first floor located in a position where they may be back vented into stack above water closets on or above second floor may be back vented with a pipe not less than two inches in diameter, provided not more than three water closets are so back vented and branched together; in such case the back vent must be increased to three inches in diameter.

When more than three vents, other than water closet vents, are branched together, vent must be increased one size.

When branch venting is done, the connection must be made not less than one foot above the top of all connecting fixtures.

No brick, sheet metal or earthen ware flue shall be used as sewer ventilators.

No vent pipe shall open less than two feet above or ten feet away from the top of any window or door on the side or roof of the house where the vent pipe is placed, or the top of any window or door on the side or roof of any adjoining house.

The diameter of vent pipes shall not be less than those given in the following table:

Main vent for water closets, 4 inches.

Back vent for water closets, 2 inches.

Vents for slop sinks, 2 inches.  
Vents for slop hoppers, 2 inches.  
Vents for kitchen sinks,  $1\frac{1}{2}$  inches.  
Vents for bath tubs,  $1\frac{1}{2}$  inches.  
Vents for wash trays,  $1\frac{1}{2}$  inches.  
Vents for urinals,  $1\frac{1}{2}$  inches.  
Vents for basins and pantry sinks,  $1\frac{1}{2}$  inches.  
Vents for two basins connected to a double tapped "T",  $1\frac{1}{2}$  inches.

#### TRAPS.

Sec. 23. Every fixture must be separately trapped by a water-sealing trap placed as close to the fixture as possible.

No traps under sink shall be enclosed.

A range of basins or a range of wash-trays containing not more than three sections will be considered one fixture.

Bell or bottle traps are strictly prohibited.

The discharge from any fixture shall not pass through more than one trap before entering house drain.

No slip joint or rubber connections will be allowed between traps and waste pipes.

The diameter of traps must be not less than those given in the following table:

Traps for water closets, 4 inches.

Traps for slop sinks, 3 inches.

Traps for slop hoppers, 2 inches.

Traps for kitchen sinks,  $1\frac{1}{2}$  inches.

Traps for wash trays,  $1\frac{1}{2}$  inches.

Traps for bath tubs,  $1\frac{1}{2}$  inches.

Traps for urinals,  $1\frac{1}{2}$  inches.

Traps for basins and pantry sinks,  $1\frac{1}{4}$  inches.

#### FIXTURES.

Sec. 24. All water closets must have earthenware or enameled iron flushing rim bowls and must be supplied from separate tanks.

This does not apply to flusho-meters.

A group of water closets may be supplied from one tank provided they are located on same floor.

Pan, plunger or hopper closets are strictly prohibited.

Urinals must be earthenware or enameled iron.

Apartments containing urinal or water closet must have an opening to the outer air for ventilation.



Sec. 25. All breweries connected with the sewer must be suitably trapped and vented. No exhaust or steam pipe from boilers shall be connected with sewers.

Sinks in all packing houses, butcher shops, canneries, lard rendering establishments, hotels, restaurants, boarding houses and laundries shall be provided with a suitable grease trap of not less than five gallon capacity. All wash rooms for carriage or automobiles connected with the sanitary sewer system must be provided with proper means for intercepting mud, by placing catch-basins under wooden grating, which catch-basin shall be made of brick and concrete, as shown in plans and details of same, on file in the office of the Secretary of the Board of Health.

Sec. 26 (a). All rain water leaders inside of a house or building must be constructed of cast iron or galvanized wrought iron or steel.

When leaders are connected to a house drain or sewer they must be properly trapped and vented.

Rain water leaders must not be used as soil, waste or vent pipes, nor shall any such pipe be used as a leader.

(b)

#### DRAINS FOR DECKS.

All deck drains when connected to sewer should be properly trapped and vented and suitably supplied with water from the nearest suitable fixture.

A cleanout shall be provided on the sewer side of trap for deck drains.

(c) All outside leaders connected to sewer shall be constructed of cast iron for a distance of five feet above the ground line, at foot of stack.

The connection between the cast iron and sheet iron leader pipe should be made by brass caulking ferrule.

Sec. 27. The Sewer Inspector shall apply the water test and the plumber shall furnish all necessary water tools, labor and assistants for such test.

The plumber shall remove or repair any defective material or labor when so ordered by the Sewer Inspector.

#### REPAIRS.

Sec. 28. Repairs may be made without the approval of the Inspector but said repairs shall not be construed

to include cases where new vertical or horizontal lines of drain, soil, waste or vent pipes are used.

Repairs are defined to consist of leaks in soil, waste or vent pipes, leaks in faucets, valves and water pipes.

An old fixture may be removed and a new fixture set in its place, provided the soil, waste or vent pipes are not disturbed or altered in any manner.

Sec. 29. When any changes are made in waste, soil or drain pipes in old houses, the said waste, soil or drain pipes shall in all cases be run and vented in accordance with the provisions of this Ordinance. Plans and specifications for this work shall be submitted to the Board of Health and the proper permit shall be given and the plans and specifications shall be filed with the Health Officer.

Sec. 30. Buildings raised, moved, or altered.

When a building is removed from one part of the city to the other, or when an addition is made to a building or to any sewer in connection therewith (except in case of repairs, which are herein defined to consist of leaks in drains, soil, waste or vent pipes and repairs on faucets, valves or water supply pipes) the rules and regulations herein set forth must be followed.

#### CONDEMNED WORK.

Sec. 31. When any old plumbing has been inspected and found unsanitary or defective and has for good cause been condemned by the Sewer Inspector, the new work or alteration must be executed in accordance with this Ordinance.

Sec. 32. All licensed plumbers shall be held strictly responsible for any and all acts of agents or employees done under this Ordinance by virtue of his or their licenses, and upon being notified by the Sewer Inspector or the Building Inspector of any defect in the plumbing system of a building or violation of this Ordinance, the person or persons having charge of the work shall immediately correct the same.

#### FEEES.

Sec. 33. Fee for inspecting, one per cent of cost price of plumbing or sewerage; minimum fee, two dollars.

All fees to be paid into the City Treasury.

Sec. 34. The Health Officer shall exercise all func-



tions and powers and perform all duties herein assigned to the Board of Health until such time as a Board of Health may be created and appointed by the Council. If at any time there is no qualified and acting Board of Health in and for the said City, the health officer shall exercise all functions and powers and perform all duties herein assigned to the Board of Health.

Sec. 35. Every person violating any of the provisions of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than ninety (90) days, and in case such fine be not paid, then by imprisonment at the rate of one day for every two dollars of the fine imposed.

Sec. 36. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall take effect and be in full force in thirty (30) days from and after its final passage and approval.

Passed and approved November 21, 1911.

In effect December 21, 1911.

## CHAPTER VII.

### PUBLIC SERVICE CORPORATIONS AND THEIR REGULATION.

#### ORDINANCE NO. 13, C. S.

*An Ordinance to Enable the Council of the City of Monterey to Obtain Data and Information From Any Corporation, Firm or Person Supplying Water, Heat, Light, Power, or Telephone Service to the Said City or Its Inhabitants, and Requiring Said Council to Perform Certain Duties in Relation Thereto, and Relating to Rates for the Supplying Thereof.*

The Council of the City of Monterey do ordain as follows:

Section 1. The Council of the City of Monterey is hereby authorized and empowered and it is hereby made its official duty to fix the rates or compensation that shall be charged and collected by any person, firm or corporation for the use of water, heat, light, power or telephone service supplied to the said City of Monterey, or to the inhabitants thereof. Such rates or compensation shall be fixed and determined by Ordinance in the month of February in each year, and shall take effect on the first day of July thereafter and shall continue in full force and effect for the term of one year, and no longer.

Sec. 2. The Council of the City of Monterey is hereby authorized and it is hereby made its duty, at least thirty (30) days prior to the 15th day of January of each year, to require by Resolution any corporation, firm or person supplying water, heat, light, power or telephone service to the City of Monterey, or to the inhabitants thereof, to furnish to said Council in the month of January in each year a detailed statement verified by the oath of the President and Secretary of such corporation or firm or of such person, as the case may be, showing the name of each rate payer or party supplied with water, heat, light, power or telephone service, his or her place of residence



and the amount paid for water, heat, light, power or telephone service by each of such rate payers or parties so supplied with water, heat, light, power or telephone service during the year preceding the date of such statement, and also showing all revenue derived from all sources and an itemized statement of expenditures made for supplying water, heat, light, power or telephone service during said time.

Sec. 3. Accompanying the first statement made, as prescribed in Section 2 hereof, each such corporation, firm or person shall furnish a detailed statement, verified in like manner as the statement made in Section 2 hereof, showing the amount of money actually expended annually since commencing business in the purchase, construction and maintenance, respectively, of the property necessary to the carrying on of its business, and also, the gross cash receipts annually for the same period from all sources.

Sec. 4. The Council may prescribe the form of either of said statements herein provided for, and the proper entries or charges to be made under each heading of said statement.

Sec. 5. Every corporation, firm or person who shall refuse, fail or neglect to furnish the statements mentioned in Sections 2 and 3 hereof, or either of them, or who shall furnish any false statement in relation thereto within thirty (30) days after having been required or requested to furnish the same, as prescribed in Sections 1, 2 and 3 of this Ordinance, shall be deemed guilty of a misdemeanor, punishable as hereinafter prescribed, provided that the Act of the Council of the City of Monterey in passing Resolutions similar to the ones herein provided for on the 5th day of December, 1911, are hereby ratified and confirmed, and every corporation, firm or person who shall refuse or neglect to furnish the statements mentioned in said Resolutions, as herein required, or who shall furnish any false statement in relation thereto, after the taking effect of this Ordinance and within fifty (50) days after having been required or requested to furnish the same shall likewise be deemed guilty of a misdemeanor and punishable as hereinafter prescribed.

Sec. 6. Rates for the furnishing of water, heat, light, power or telephone service shall be equal and uniform. There shall be no discrimination made be-

tween persons, or between persons and corporations and firms, or as to the use of water, heat, light, power or telephone service for private and public and municipal purposes, provided, that nothing herein shall be so construed as to allow any person, firm or corporation to charge any person, firm or corporation anything for water, heat, light, power or telephone service furnished them when by any present law such water, heat, light, power or telephone service is free.

Sec. 7. It shall be unlawful for any person, firm or corporation to take, collect or accept any charge for water, heat, light, power or telephone service in excess of the rate, fees or compensation fixed as hereinbefore provided.

Sec. 8. Any person, firm or corporation charging or attempting to collect from the persons, firms or corporations of this municipality using water, heat, light, power or telephone service, any sum in excess of the rate or compensation fixed as hereinbefore designated, shall upon the complaint of said Council, or of any rate payer, and upon conviction before any court of competent jurisdiction, forfeit the franchise and water works, power plants, telephone, power or other lines and other property used in and about supplying the said City, or the inhabitants thereof, with water, heat, light, power or telephone service.

Sec. 9. A violation of any of the provisions of this Ordinance shall be deemed a misdemeanor, punishable by a fine not exceeding Three Hundred Dollars (\$300) or by imprisonment in the County Jail of Monterey County not to exceed ninety (90) days, or by both such fine and imprisonment.

This Ordinance shall take effect and be in force 30 days from and after its final passage and approval.

Passed and approved December 19, 1911.

In effect January 18, 1912.



## ORDINANCE NO. 17, C. S.

*An Ordinance Fixing the Water Rates in the City of Monterey, for the Year 1912-1913, and Imposing a Fine for the Violation Thereof, and Repealing All Conflicting Ordinances.*

WHEREAS, under the Charter of the City of Monterey, it is made the duty of the Council of the City, during the month of February of each year, to annually fix the rates that shall be charged and collected by any person, firm or corporation for water furnished to the city or the inhabitants thereof, the rates so fixed to take effect on the first day of July thereafter, therefore:

The Council of the City of Monterey do ordain as follows, to wit:

Section 1. The maximum rates to be charged and collected by any person, firm or corporation for water furnished the City of Monterey or the inhabitants thereof, for the term of one year commencing the first day of July, 1912, and ending the 30th day of June, 1913, shall be and are hereby established and fixed as follows:

All water is to be supplied by meter measurement, except as hereinafter provided for, by meters set at the expense of the person, firm or corporation furnishing the water. The following rates shall be charged for each building, wharf, lawn or garden supplied by any service, it being understood that the term "building" shall include in this connection any barn, stable, outhouse, or other structure, lawn or garden appurtenant to said "building" and used exclusively by the occupants of said "building."

(1) Water used for any purpose other than those for which a rate is hereinafter provided shall be paid for at the rate of 27 cents per 100 cubic feet or 36 cents per thousand gallons, payable monthly, provided that there shall be no charge less than \$1.25 per month.

(2) Water used for schools, public parks, public fountains, public water troughs, or buildings used exclusively by the authorities of the City of Monterey shall be paid for at the rate of 18¾ cents per 100 cubic feet or 25 cents per thousand gallons.

(3) Water used for sprinkling streets and roads, by the City of Monterey, or those contracting with the City for the work of sprinkling said streets and roads, and used by persons authorized by the City or its officers shall be paid for at the rate of 18¾ cents per 100 cubic feet or 25 cents per thousand gallons, the quantity so used to be determined by meters, or by an accurate monthly account kept by the Street Superintendent, or the officer of the City of Monterey in charge of the maintenance of the streets and roads, of the number of casks or sprinkling wagon loads used during the month, and the quantity of water each cask or sprinkling wagon holds, correct copies of said account to be furnished by the Street Superintendent, or the officer of the City of Monterey in charge of the streets and roads, monthly at the end of each calendar month, to the person, firm or corporation supplying or furnishing said water.

(4) Water used in bathing pavilions shall be paid for at the rate of 18¾ cents per 100 cubic feet or 25 cents per thousand gallons, provided that the monthly bill shall not be less than \$1.00.

(5) Water used by the City of Monterey, its officers or employees, or persons authorized by the City of Monterey, for flushing sewers or cleaning sewers, shall be supplied and charged to the City of Monterey at the rate of \$2.00 per hour, for each stream from a 2½-inch fire hose used for this purpose.

(6) Water used by the City of Monterey, its officers or employees, or persons authorized by the City or its officers, for fire fighting purposes shall be furnished to the City of Monterey free of charge.

(7) Water for use of each party of campers, including water for a team of two horses or less, shall be paid for at the flat rate of \$1.00 per month or fraction thereof. For each additional horse the rate shall be 50 cents per month or fraction thereof. Water for use of circuses shall be paid for at the rate of \$2.50 to \$5.00 per day.

(8) Water for use in churches, not including water for use in any building connected therewith and which is used as a residence or school, in charitable institutions, and in the "Old Custom House" shall be furnished free of charge.

Sec. 2. Municipal and metered rates shall be due and



payable on the last day of each month at the offices of the person, firm or corporation furnishing water. Water rates will be collected for each service from the time said service is turned on until the owner gives written notice to the person, firm or corporation to turn off said service.

Sec. 3. Where a rate is fixed by subdivisions (1), (4) and (7) of Section 1 hereof and water is not used for the entire month, or has ceased to be used before the expiration of the month, the full monthly minimums shall be charged for the fraction of the month, provided that the bill, for the actual amount of water used, at the rates fixed in said sections, does not exceed said minimum.

Sec. 4. If any bill for water shall not be paid on or before the tenth day after the date of becoming due the water supply may be turned off, provided five days' written notice is given thereof, and the water shall not be turned on again, either for the present or any other tenant, owner or occupant, except upon the payment of the amount due, together with the sum of \$2.00 for the expense of shutting off and turning on the water.

Sec. 5. All persons supplied with water shall keep their water service pipes and fixtures on the premises and up to the curb line of the sidewalk in good repair at their own expense.

Sec. 6. In case any consumer believes his meter to be inaccurate, the accuracy of the same shall, at the request of the consumer, be tested by the person, firm or corporation furnishing the water. If it shall appear that said meter is over registering, the cost of such testing and examination shall be paid by said person, firm or corporation, and the meter corrected, or a correct meter supplied. If it shall appear that said meter is over registering, said person, firm or corporation shall repay said consumer on his last bill according to the percentage shown by said examination. If, however, it shall appear that said meter is not over registering, said consumer shall pay the sum of \$2.00 as the cost of said examination.

Sec. 7. Any person may have a private fire service upon the payment of a flat monthly rate of \$1.00 and the cost of installing all necessary fittings, valves and pipe for connecting same to the water main, provided

that no water is to be used through it except for the purpose of extinguishing a fire and for the purpose of testing the fire protection system. All tests are to be carried out only in the presence of a representative of the person, firm or corporation supplying water, who shall have received notice two days before the test, that such test is to take place, said notice to be in writing.

Sec. 8. Any person, firm or corporation supplying water to the City of Monterey, or its inhabitants, willfully violating any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$300, or by imprisonment in the County Jail of Monterey County not to exceed ninety days or by both such fine and imprisonment; the judgment imposing the fine may provide for its collection by imprisonment in the County Jail of Monterey County at the rate, in the manner, and for the time provided by law.

Sec. 9. This Ordinance shall take effect and be in full force on the 1st day of July, A. D. 1912.

Passed and approved February 29, 1912.

In effect July 1, 1912.



## ORDINANCE NO. 18, C. S.

*An Ordinance Governing Electric Light Service and Establishing Maximum Rates to Be Charged for Electricity Supplied to the City of Monterey and Its Inhabitants, and Fixing the Penalty for the Violation Thereof.*

The Council of The City of Monterey do ordain as follows:

Section 1. The minimum charge for electricity consumed by consumers, independent of reading is hereby fixed at the sum of One Dollar per horse power per month for 0-5 H. P.; at seventy five cents per horse power for 5-25 H. P.; at fifty cents per horse power per month for 25 H. P. and up, for heating and power and One Dollar per month for each meter installed for lighting purposes.

Sec. 2. It shall be unlawful for any person, firm or corporation selling electricity to consumers in the City of Monterey to make or collect any sum in excess of said minimum charges unless the meters which shall be furnished by said Company show that the company is entitled to a larger sum for the actual amount of electricity supplied, at the rates fixed by Ordinance.

Sec. 3. For the purpose of fixing and establishing rates for electric energy sold or furnished in the City of Monterey by any person, firm or corporation for lighting, power, and heating, shall be classed as follows:

## LIGHTING.

First 50 K. W. Hrs. 10 cents per K. W. Hrs.  
 Second 50 K. W. Hrs. 9 cents per K. W. Hrs.  
 Third 50 K. W. Hrs. 8 cents per K. W. Hrs.  
 Fourth 50 K. W. Hrs. 7 cents per K. W. Hrs.  
 Fifth 50 K. W. Hrs. 6 cents per K. W. Hrs.  
 250-500 K. W. Hrs. 5 cents per K. W. Hrs.  
 500-1000 K. W. Hrs. 4 cents per K. W. Hrs.  
 1000-2000 K. W. Hrs. 3½ cents per K. W. Hrs.  
 Over 2000 K. W. Hrs. 3 cents per K. W. Hrs.

## FOR DAY POWER AND ELECTRIC COOKING OR HEATING.

0-250 K. W. Hrs. 5 cents per K. W. Hrs.  
 250-1000 K. W. Hrs. 4 cents per K. W. Hrs.  
 1000-2000 K. W. Hrs. 3½ cents per K. W. Hrs.

2000-4000 K. W. Hrs. 3 cents per K. W. Hrs.  
 4000-6000 K. W. Hrs. 2½ cents per K. W. Hrs.  
 6000-10000 K. W. Hrs. 2 cents per K. W. Hrs.

## FOR LIGHTING STREETS, ALLEYS, COURTS OR PARKS, ELECTROLIERS.

First 500 K. W. Hrs. per month, 5 cents per K. W. Hrs.

Second 500 K. W. Hrs. per month, 4 cents per K. W. Hrs.

All over 1000 K. W. Hrs. per month, 3 cents per K. W. Hrs.

## ARC LAMPS.

First 25 lamps, \$8.00 each per month.

All over 25 lamps, \$7.00 each per month.

Sec. 4. It shall be unlawful for any person, firm or corporation, or any officer, agent, collector or employee of any such person, firm or corporation, directly or indirectly, by the use of false or inaccurate meters, or by false or inaccurate reading of meters, or by any special rebate, drawback or other device, or in any manner or form to charge, demand, collect or receive any rate or rates, or payment or compensation or consideration for its furnishing electric energy for lighting, power, or heating purposes in the City of Monterey, any greater rate or rates than the rates herein fixed.

Sec. 5. It shall be unlawful for any person, firm or corporation furnishing electric energy to consumers in the City of Monterey to require any deposit from consumers who are tax payers of and in the City of Monterey.

Sec. 6. It shall be unlawful for any person, firm or corporation to turn back or change the dial of any meter unless same is done in the presence of the consumer or his agent.

Sec. 7. It shall be unlawful for any person, firm or corporation to remove any meter from the house, store, factory or premises of any consumer of electric energy, in this City, against the will and consent of any such consumer of electric energy who is willing to pay for electricity furnished him, and tenders the amount due at the price estimated and fixed by Ordinance of this City and in accordance with this Ordinance.

Sec. 8. Upon application in writing on the part of



the owner or occupant of any building or premises, distant not more than three hundred feet from any underground conduit or any pole line of the person, firm or corporation furnishing electric energy, and upon payment by the applicant of all money due from him, the person, firm or corporation supplying electric energy must within seven days thereof, supply electric energy as required for such building or premises, and cannot refuse on the ground of any indebtedness of any former owner or occupant thereof, unless the applicant has undertaken to pay the same.

Sec. 9. Any person, firm or corporation violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the County Jail not exceeding ninety days, or by both such fine and imprisonment. And the judgment imposing the fine may provide for its collection by imprisonment in the County Jail of Monterey County, at the rate, for the time, and in the manner required by law.

Sec. 10. This Ordinance shall take effect and be in force on the first day of July, A. D. 1912.

Sec. 11. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Passed and approved February 29, 1912.

In effect July 1, 1912.

## ORDINANCE NO. 19, C. S.

*An Ordinance Governing Gas Service and Establishing Maximum Rates to Be Charged for Gas Supplied to the City of Monterey or Its Inhabitants, and Fixing the Penalty for the Violation Thereof.*

The Council of The City of Monterey do ordain as follows:

Section 1. The minimum charge for gas consumed by consumers, independent of reading, is hereby fixed at the sum of fifty cents per month, and it shall be unlawful for any person, firm or corporation selling gas to consumers in the City of Monterey to make or collect any sum in excess of said minimum charge unless the meters which shall be furnished by said person show that the said person is entitled to a larger sum for the actual amount of gas consumed at the rates fixed by ordinance.

Sec. 2. The maximum rates that shall be charged by any person, firm or corporation for supplying gas to the City of Monterey or its inhabitants is hereby fixed as follows:

First 2000 cu. ft. per month, \$1.50 per 1000 cu. ft.

Second 2000 cu. ft. per month, \$1.25 per 1000 cu. ft.

All over 4000 cu. ft. per month, \$1.00 per 1000 cu. ft.

Sec. 3. Any person, firm or corporation furnishing gas to consumers in the City of Monterey shall install meters at the request of the consumer within five days after receiving written notice requesting said installation; provided that this rule shall not apply where new pipes have to be laid on streets or avenues and until existing bills for gas against the applicant have been paid.

Sec. 4. It shall be unlawful for any person, firm or corporation furnishing gas to consumers in the City of Monterey to require any deposit from consumers who are tax payers of and in the City of Monterey.

Sec. 5. It shall be unlawful for any person, firm or corporation to make a greater charge than fifty cents for the installation of any meter in any house after the first installation in said house has been made.

Sec. 6. It shall be unlawful for any person, firm or corporation to turn back or change the dial or dials



of any meter unless same is done in the presence of the consumer or his agent.

Sec. 7. It shall be unlawful for any person, firm or corporation supplying gas for light or fuel purposes to the City of Monterey, or any of the inhabitants thereof, or any consumer therein, to charge for making any connection between his, their or its pipes, and to those of any person applying for gas, more than the actual cost of doing the same. Gas shall be delivered into the consumer's pipes at an even pressure, which shall not be less than two inches water pressure, and such gas shall be supplied promptly and in sufficient quantity to all paying consumers thereof and to all persons applying therefor on or adjacent to any street, avenue or alley along which the mains of said person, firm or corporation, shall have been extended, or within one hundred feet thereof.

Sec. 8. The owner of any premises in the City of Monterey shall have the right upon obtaining a permit from the Commissioner of Public Works so to do, to lay gas pipes from his premises to the curb in any street, avenue or alley in this City. After said pipes have been so laid by said owner, and he has had the same properly inspected by the City Engineer and received a certificate from the City Engineer to the effect that said pipes have been properly and safely laid, it shall then be unlawful for any person, firm or corporation supplying gas in said City, to refuse to connect said pipes with his, their, or its main and deliver gas to said owner or consumer requesting the same.

Sec. 9. It shall be unlawful for any person, firm or corporation to remove any meter from the house, store, factory or premises of any consumer of gas, in this City, against the will and consent of any such consumer of gas, who is willing to pay for gas furnished him, and tenders the amount due at the price estimated and fixed by ordinance of this City and in accordance with this Ordinance.

Sec. 10. It shall be unlawful for any person, firm or corporation to take, collect or accept any charge for gas or meters which does not comply herewith or with the ordinances of this City, fixing the charge per thousand feet for the use of gas for the fiscal year.

Sec. 11. Any person, firm or corporation violating

the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, nor not less than one hundred dollars (or by imprisonment not exceeding ninety days or by both such fine and imprisonment). And the judgment imposing the fine may provide for its collection by imprisonment in the County Jail of Monterey County, at the rate, for the time, and in the manner required by law.

Sec. 12. This Ordinance shall take effect and be in force on the first day of July, A. D. 1912.

Sec. 13. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Passed and approved February 29, 1912.

In effect July 1, 1912.

#### ORDINANCE NO. 20, C. S.

*An Ordinance Fixing the Maximum Rates for Telephone Service and Regulating Such Service and Providing for any Violation Thereof and Repealing All Conflicting Ordinances.*

The Council of the City of Monterey do ordain as follows:

Section 1. The maximum rates or compensation to be collected by any person, firm or corporation for telephone service supplied to the City of Monterey or to the inhabitants thereof subject to change by the Council shall be as follows, to wit:

##### BUSINESS AND PROFESSIONAL RATES.

The following maximum charges shall be made for business and professional service:

For a single party line telephone, business or professional, including all exchange switches and unlimited service, as per present schedule of The Pacific Telephone and Telegraph Company, three dollars (\$3.00) per month, payable monthly in advance.

For a two-party line telephone, business or professional, including all exchange switches and unlimited service, as per present schedule of The Pacific Telephone



and Telegraph Company, two and 50-100 dollars (\$2.50) per month, payable monthly in advance.

For an extension set of telephone, including one insertion in Telephone Directory, business or professional, if a member of the firm, one dollar per month, payable monthly in advance.

#### RESIDENCE RATES.

For a single party line residence telephone, including all exchange switches and unlimited service, as per present schedule of The Pacific Telephone and Telegraph Company, two and 50-100 dollars (\$2.50) per month, payable monthly in advance.

For a two-party line residence telephone including all exchange switches and unlimited service, as per present schedule of The Pacific Telephone and Telegraph Company, two dollars per month, payable monthly in advance, for a wall set, and two and 25-100 dollars (\$2.25) per month for a desk set, payable monthly in advance.

For a four-party line residence telephone including all exchange switches and unlimited service, as per present schedule of The Pacific Telephone and Telegraph Company, one and 50-100 dollars (\$1.50) per month for a wall set, and one and 75-100 dollars (\$1.75) per month for a desk set, payable monthly in advance.

For each extension for a residence telephone, without bell, the maximum charge shall be not to exceed fifty cents, and with bell not to exceed sixty-five cents, for a wall set, and without bell not to exceed 75-100 dollars, and with bell not to exceed one dollar, for a desk set, payable monthly in advance.

Sec. 2. The term "telephone" as used in this Ordinance is hereby defined to mean both a transmitter and a receiver.

It shall be optional with a person demanding telephone service, to elect to take or use either desk or wall telephone apparatus and set, and it shall be the duty of the persons, firm or corporation supplying telephone service in the City of Monterey to furnish such apparatus without additional cost, except as in this Ordinance provided.

Sec. 3. Upon the application in writing on the part of the owner or occupant of any building or premises, distant not more than three hundred feet from any underground conduit or any pole line of the person,

firm or corporation furnishing telephone service, and upon payment by the applicant of all money due from him, the person, firm or corporation supplying telephone service must within seven days thereof, supply telephone service as required for such building or premises, and cannot refuse on the ground of any indebtedness of any former owner or occupant thereof, unless the applicant has undertaken to pay the same.

Sec. 4. Any person, firm or corporation furnishing telephone service as aforesaid, may require the subscriber to sign a contract for the term of one (1) year, provided, that the contract may be canceled after such telephone service has been installed three (3) months, upon the payment of the sum of five dollars (\$5.00) in addition to the rental.

Sec. 5. Where a contract for telephone service has expired, no charge shall be made for moving any telephone or telephones, provided, that the subscriber signs a new contract, but where such contract has not expired, the maximum charges for moving the same shall be as follows, to wit:

Moving from one location to another in the same room, one dollar (\$1.00); moving from one room to another room, two dollars (\$2.00); moving from one address to another, three and 50-100 dollars (\$3.50); changing instruments from desk to wall set, or vice versa, one dollar (\$1.00), unless a contract is signed for higher rental.

Sec. 6. No deposit shall be required for service requested by any tax payer of and in the City of Monterey, nor shall a deposit greater than the sum of five dollars (\$5.00) be required of any other subscriber. Such deposit to bear interest at the rate of six per cent per annum, and to be refunded at the end of one year from the date of deposit.

Sec. 7. It shall be unlawful for any person, firm or corporation furnishing telephone service in the City of Monterey, to refuse to give service to any applicant or subscriber upon any party line herein designated, or to charge a greater monthly rental than that provided by this Ordinance for any service given, or to maintain or operate any telephone line with more than four parties on such line.

And it shall be unlawful for any such person, firm or corporation to discontinue any service upon any party



line herein designated so long as any demand for said service is made by any inhabitant or inhabitants of the said City, provided, that the rates herein established and fixed for service on any of the party lines herein designated are expressly fixed at said maximum charge, on the consideration that said rate shall include the free exchange telephone and switch service with Pacific Grove and Carmel by the Sea, and all other points to which free exchange is now given to the City of Monterey, and to the inhabitants thereof.

Sec. 8. Any person, firm or corporation, or any officer or agent of any such person, firm or corporation, violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than one hundred dollars (\$100) and not to exceed three hundred dollars (\$300), or by imprisonment in the County Jail of Monterey County not to exceed ninety days or by both such fine and imprisonment. The judgment imposing the fine may provide for its collection by imprisonment at the rate, or the time, and in the manner provided by law, and such person, firm or corporation, or officers or agents of any such firm or corporation, shall be guilty of such offense for each separate day that they violate such provisions of this Ordinance, and shall be punished for each separate offense as above described.

Sec. 9. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Sec. 10. This Ordinance shall take effect and be in force on the first day of July, A. D. 1912.

Passed and approved February 29, 1912.

In effect July 1, 1912.

## CHAPTER VIII.

### STREETS AND SEWERS.

#### ORDINANCE NO. 37.

*An Ordinance to Prohibit the Obstruction and Improper Use of Sidewalks in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person, persons, company or corporation to place any box, bale, package, lumber or other thing upon any sidewalk in the City of Monterey by reason of which any such sidewalk is obstructed, provided that merchants, tradesmen and persons while engaged in receiving or forwarding goods or any other commodity may use a portion of the sidewalk in front of where the goods or other commodity is to be received or shipped, for a period not exceeding four hours in any one day and provided further that at all times and in all instances of such necessary obstruction at least four feet in the clear of such sidewalk so obstructed, shall be left free and open to the unobstructed use of pedestrians.

Sec. 2. It shall be unlawful for any person, persons, company or corporation to ride, drive or lead any horse or other animal on any sidewalk within the limits of the City of Monterey, provided, however, that in passing to and from stables or yards or other places where the crossing of sidewalks shall be necessary, the act of so crossing shall not be a violation of the Ordinances.

Sec. 3. It shall be unlawful for any person to use roller skates or to ride upon any bicycle, tricycle or machine propelled by other than hand power upon sidewalks within the limits of the City of Monterey.

Sec. 4. Any person who shall be guilty of a violation of any of the provisions of this Ordinance shall on conviction thereof be punished by a fine of not less than (\$25.00) nor more than (\$100.00) or by imprisonment not exceeding thirty (30) days or by both fine and imprisonment.

Passed the 30th of June, 1891.



## ORDINANCE NO. 40.

*To Prevent the Discharge of Sewage and Wastage Into or Upon Open Gutters, Cesspools, Streets or Alleyways, and for the Protection of Sewers.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. The sewage and drainage of premises fronting on those portions of streets where permanent sewers are laid, must not discharge into the street gutters, streets or alleyways or into any open gutter or ditch or cesspool, and all owners or agents of such premises who shall permit the premises held or controlled by them to be connected by pipes or otherwise, so as to discharge sewage or wastage into the streets, gutters, streets or alleyways, or into any open gutter, or ditch or cesspool, shall be deemed guilty of a misdemeanor.

Sec. 2. All owners or occupants of premises fronting on any street, alley or lane, in the City, wherein permanent sewers have been laid, shall within twenty days after receiving written or printed notice from the Street Superintendent, connect said premises with said sewer. And it shall be the duty of the Street Superintendent to give written or printed notice to all owners or occupants of premises fronting on any street, alley, or lane, wherein permanent sewers have been laid, to connect within twenty days said premises with said sewer, at the proper charge and expense of said owner or occupant.

Sec. 3. No person shall cut, tap, bore, break or in any way make any apperture in any sewer upon a public street, lane or alley, unless he shall first have procured the permission of the Street Superintendent. In all cases of tearing up or disturbing a street in the construction or repairing of a branch sewer, or drain, that portion of the street torn up or disturbed shall on the completion of the work, be placed in as good condition as it was before the commencement of the work; and all depressions occurring or repairs which may be necessary during a period of one year thereafter shall be immediately performed by the party or parties who obtained a permit to tear up or disturb the street.

Sec. 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the City Prison not exceeding thirty days.

Sec. 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Sec. 6. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed the 10th day of September, 1891.

## ORDINANCE NO. 95.

*An Ordinance Accepting Streets, Lanes, Alleys, Cul-de-Sacs and Places of and Within the Corporate Limits of the City of Monterey, and Declaring the Same to Be for the Public Use.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. All streets, lanes, alleys, cul-de-sacs and places of and within the corporate limits of the City of Monterey, which have been dedicated by the owners thereof for the use of the public, are hereby accepted as such, and are hereby forever dedicated to the public for such purposes.

Sec. 2. All streets, lanes, alleys, cul-de-sacs and places of and within the City of Monterey, which have been used as such for more than five years last past, and are now used as such, are hereby accepted as such and declared to be public highways and places and forever dedicated to the public.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the 12th day of October, 1900, and approved the same date.



## ORDINANCE NO. 111.

*An Ordinance to regulate the moving of houses and Other Buildings, and the Cutting Of, or Other Interfering With Telegraph, Telephone, Electric Light or Power Wires and Lines.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any firm, person or corporation to move any house, building or other structure into, through, on, along or across any public street, alley, square or place in the City of Monterey, without first having obtained written permission of the Street Committee of the Board of Trustees of the City of Monterey, and have complied with the requirements herein after set out.

Sec. 2. It shall be unlawful for any person, firm or corporation to move any house, building or other structure into, through, on, along or across any public street, alley, square or place in the City of Monterey, after having obtained the permission required by Section 1 hereof, where such moving will necessitate the cutting or other interfering with any line or wire of any telegraph, telephone, electric light or power company, until there shall have been deposited with the City Clerk of said City, money sufficient to defray, cover and pay the expenses incident to such cutting and interfering with such wires or lines, said expenses to include, where necessary, the establishment of temporary connections and the restoration after the completion of such moving of the said lines or wires to their former positions.

The permit to move such building or structure shall be deposited with the City Clerk, together with the deposit of money.

Sec. 3. It shall be the duty of the City Clerk immediately upon the deposit with him of the permit provided for in Section 1, and the money provided for in Section 2, to notify the person, firm or corporation whose line or lines, wire or wires, are to be cut or interfered with in such moving or interference, of such permit, and of the date when such moving or interference will take place.

Such notice must be served at least thirty-six hours

before such moving, cutting or interference with said lines, will be commenced or become necessary.

Sec. 4. It shall be unlawful for any firm, person or corporation to cut or interfere with any telegraph, telephone, electric light or power lines or wires, for the purpose of moving any house, building or any other structure, until the thirty-six hours' notice herein above provided shall have been given, and shall have expired.

Sec. 5. No permit to move any house, building, or other structure into, through, along or across any public street, alley, square or place shall issue unless such street, alley, square or place shall be mentioned and described in the permit, provided for in Section 1 hereof; and such moving shall be performed and carried on in a manner and time so as not to wholly obstruct wagon or vehicle traffic upon such street, alley, square or place, or obstruct the regular running of street cars upon any established street car line during the regular hours wherein such cars are run.

Sec. 6. Any person violating any of the provisions of this Ordinance shall on conviction thereof be fined in the sum not less than \$25.00, nor more than \$300.00, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed: February 24th, 1903.



## ORDINANCE NO. 123.

*An Ordinance for the Preservation of the Public Health of the City of Monterey.*

The Board of Trustees of the City of Monterey, do ordain as follows:

Section 1. It shall be unlawful, and it is hereby declared to be a nuisance, for any person owning or occupying any real property within the limits of the City of Monterey, which property fronts upon a street, in which there shall have been laid a sewer, to maintain, keep or use, or to permit to be maintained, kept or used any privy, privy-vault or cesspool, which is not so connected with such sewer, as to drain such privy, privy-vault or cesspool into such sewer, in a sanitary manner.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25.00 or more than \$300.00, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.

Sec. 3. This Ordinance shall take effect and be in force on and after the first day of October, A. D. 1904.

Passed the 13th day of September, A. D. 1904.

## ORDINANCE NO. 133.

*An Ordinance to Prohibit the Obstruction and Improper Use of Sidewalks in the City of Monterey.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person, persons, company or corporation to place any box, bale, package, lumber or other thing on any sidewalk in the City of Monterey by reason of which any such sidewalk shall be obstructed, provided that merchants, tradesmen and persons, while engaged in receiving or forwarding goods or any other commodity, may use a portion of the sidewalk in front of where the goods or other commodity is to be received or shipped, for a period not exceeding

four hours in any one day, and provided further, that at all times and in all instances of such necessary obstructions at least four feet in the clear of such sidewalk so obstructed shall be left free and open to the unobstructed use of pedestrians.

Sec. 2. Any person violating the provisions of Section 1 herein shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five dollars nor more than three hundred dollars, and in case such fine be not paid then the person or persons so fined shall be imprisoned at the rate of one day for each two dollars of the fine so imposed and not paid, or be imprisoned for a term of not less than three months, or by both such fine and imprisonment.

Sec. 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This ordinance shall take effect and be in force from and after its passage.

Passed the 13th day of November, 1906.

## ORDINANCE NO. 157.

*An Ordinance Regulating the Construction, Reconstruction or Repair of Sidewalks, Curbs or Gutters on Alvarado Street.*

The Board of Trustees of the City of Monterey, do ordain as follows:

Section 1. It shall be, and is hereby declared to be unlawful, for any person, firm or corporation to construct, or reconstruct, any sidewalk, curb or gutter, on Alvarado Street in the City of Monterey, unless the construction, or reconstruction, thereof, is in compliance with the general Plans and Specifications for Cement Sidewalks, as adopted by the Board of Trustees of the City of Monterey, by "Resolution No. 632," March 19th, 1907, and the general Specifications for Concrete Curbs and Gutters, as adopted by the said Board, by "Resolution No. 603," February 5th, 1907; or to repair any sidewalk, curb or gutter on said street, unless the said sidewalk, curb or gutter is constructed in compliance



with the above mentioned plans and specifications for sidewalks, and specifications for curbs and gutters.

Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance shall, on conviction thereof, be fined in not less than the sum of Twenty-five (\$25.00) Dollars and not to exceed the sum of Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding three months or by both such fine and imprisonment. Each day's maintenance of any sidewalk, curb or gutter, which is hereafter constructed or reconstructed, in violation of the provisions of this ordinance, or the repairs thereof hereafter made in violation of the provisions of this ordinance, shall constitute a separate offense.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 4. This ordinance will take effect and be in force from and after its passage and first publication.

Adopted the 19th day of October, 1909.

#### ORDINANCE NO. 159.

As Amended by Ordinance No. 25, C. S.

#### *An Ordinance Regulating the Digging or Tearing up and the Excavating of Improved Streets and Sidewalks in the City of Monterey.*

The Board of Trustees of the City of Monterey, do ordain as follows:

Section 1. It shall be unlawful for any person, firm or corporation, to dig up or tear up the surface of any street or sidewalk, in the City of Monterey, for the purpose of making connections with sewer, water or gas mains, or for any other purpose, after any such street or streets, such sidewalk or sidewalks, have been improved by the placing thereon of macadam, bitumen, asphaltum or cement, except upon permission granted as hereinafter provided for.

Sec. 2. Any person, firm or corporation desiring to dig up or tear up or disturb the surface of any street, curb, gutter or sidewalk, which shall have been improved by the placing thereon of macadam, cement,

concrete, bitumen, asphaltum or other kindred surfacing shall make written application to the Street Superintendent for permission so to do, describing the work desired to be done, the place, character and object of the same.

Sec. 3. The Street Superintendent may grant or deny such application as to him may seem wise. If such application be granted the person, firm or corporation, to whom such permission has been granted, shall deposit with the City Clerk the sum of Fifty (\$50.00) Dollars and an amount sufficient to defray the expenses of an inspector (to be appointed by The Council) during the progress of such work, which last said amount shall be estimated by the City Engineer, which sum shall be deposited with the City Clerk before such permit becomes operative. Upon such deposit being made the City Clerk shall issue to the party, to whom such permission has been granted, a certificate stating that the requisite security has been deposited. Upon presentation of such certificate to the Street Superintendent, the party having received such permission, shall be authorized to proceed with the improvement set out in his permission.

Sec. 4. All work done under the permit mentioned in Section one hereof, shall be done under the supervision of the Superintendent of Streets and the surface of all streets or sidewalks disturbed during the progress of such work, shall be restored to its former condition, both as to material and workmanship, and so maintained for one year.

Sec. 5. Any person, firm or corporation so electing, in place and stead of making the deposit provided for in section three of this Ordinance, may file with the City Clerk of the City of Monterey, a bond in the sum of Five Hundred (\$500.00) Dollars, signed by such person, firm or corporation, and two good and sufficient sureties worth double the penal sum of such bond over and above all liabilities and statutory exemptions in property situate within the State of California, and which bond shall be approved by the Board of Trustees of the City of Monterey, conditioned that such person, firm or corporation will, upon demand by the City Clerk, pay the amount certified by the Street Superintendent as "inspectors' fees" and that he or it will do and will maintain, for the period of one year after the



completion thereof, the work by him or it to be performed under the permit or permits to him or it granted, in the manner and up to grade in all respects as provided in Sections four and five of this Ordinance and that in event of he or it not so doing within ten days after notice or demand by the City Clerk, as aforesaid, that the said bond and the whole sum thereof shall be forfeited to the City of Monterey. Such bond shall be in lieu of all cash deposits that would be required under Secs. 1, 2 and 3 of this Ordinance, was such bond not filed with the City Clerk, for any work permitted (while such bond is in force) under this Ordinance and shall remain in force for a period of one year after its execution.

Sec. 6. The money deposited with the City Clerk, as provided for in Section three, shall be used in manner following:

Upon the completion of the work the Street Superintendent shall certify to the number of days the inspector shall have been employed thereon. The clerk shall thereupon deposit with the City Treasurer a sum sufficient to pay the salary of the inspector, as shown by the certificate of the Street Superintendent, fifty (\$50.00) dollars of the remainder of the money remaining in the hands of the City Clerk shall be by him retained for a period of one year after the completion of the said work, as a guarantee that the work, performed in such improvement, shall remain in good condition and up to grade during such period. If such work shall not so remain in good condition and up to grade, and the person having caused such work to be done, shall upon notice, fail to restore the same, to good condition and grade, the Street Superintendent shall cause such restoration to be made and certify the expense thereof to the Clerk, who shall deposit the amount as certified to him by the Street Superintendent, in the City Treasury. The remainder of the fifty (\$50.00) dollars shall, after the expiration of the said year, be returned by the Clerk to the party making such deposit.

Sec. 7. If the expense of the inspection shall be less than the amount estimated by the City Engineer and deposited with the City Clerk, for the purpose of defraying expenses, the over plus thereof shall be paid, upon completion and acceptance of the work, to the depositor.

Sec. 8. It is expressly provided, however, that any

person, firm or corporation having water, gas or other mains laid in any of the streets, avenues, places, lanes, courts, squares, parks or other public places in the City of Monterey, and shall have filed with the City Clerk of the said City a bond in the sum of Two Hundred Fifty (\$250.00) Dollars, signed by such person, firm or corporation and two good and sufficient sureties which bond shall have been approved by the Board of Trustees of said City of Monterey, conditioned that such person, firm or corporation will pay the cost of inspectors during the progress of said work, and will restore the surfaces of the street or sidewalk by him or it disturbed in the work, and will restore such surfaces to the same condition as before such work, as to material, workmanship and grade and will in all such respects so maintain the work for a period of one year after it shall have been completed, shall be permitted, in case of breaks, leaks or other accident calling for immediate repair, to dig or tear up so much of any street or sidewalk as may be necessary to enable it to make such repairs as may be needed without awaiting the issuance of the permit mentioned in Section two of this ordinance; provided, however, that such person, firm or corporation shall immediately notify the Street Superintendent upon discovery of such break or leak and his or its intention to repair the same.

Sec. 9. Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Sec. 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 11. This ordinance shall take effect and be in force from and after its passage and first publication.

Passed the 19th day of October, 1909.



## ORDINANCE NO. 177.

*An Ordinance Relating to Certain Poles, Posts and Wires in, on, Along and Across Alvarado Street and Portions of Franklin Street in the City of Monterey, Making Certain Acts and Omissions in Relation Thereto Misdemeanors, and Providing for the Punishment Thereof.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. It shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, or corporation to place, install or plant, or cause to be placed, installed or planted, or to allow to remain, on and after the day and date set forth in section two (2) hereof, so placed, installed or planted any telephone, telegraph, electric light or other light pole or poles, post or posts, or any pole to which is attached any kind of a wire for the transmission of electrical energy, or any sign or hitching post or posts of any kind or description, in, upon, or along Alvarado Street or Franklin Street within fifty (50) feet of Alvarado Street in the said City of Monterey; provided, however, that hitching posts may be so placed, installed or planted, in, upon or along the curb of said Alvarado Street and the said portions of Franklin Street subject to such general rules and regulations as the Board of Trustees, or other governing body, of said City may by resolution or ordinance hereafter adopt and under the direction and to the satisfaction of the Superintendent of Streets of said City, or those hitching posts now placed, installed or planted thereon may so remain if in conformity to said rules and regulations and satisfactory to the said Superintendent of Streets.

Sec. 2. All of said poles or posts or poles and posts now placed, installed or planted, in, upon, or along the said Alvarado Street and said Franklin Street within fifty (50) feet of Alvarado Street shall be removed by the person, firm or corporation owning or having control of the same before the 15th day of August, A. D. 1911.

Sec. 3. Any and all telephone, telegraph or electric light wires or other wires for the transmission of electrical energy now suspended upon posts, poles or other objects in, upon, along or across said Alvarado Street

and said Franklin Street within fifty (50) feet of Alvarado Street in said City of Monterey shall be removed by the person, firm or corporation owning or having control of the same before the said 15th day of August, A. D. 1911; any and all of said wires may be placed underground in properly constructed insulated conduit or conduits under the direction and to the satisfaction of the Superintendent of Streets of said City in, upon, along or across said Alvarado Street and said portions of Franklin Street; and on and after the said 15th day of August, A. D. 1911, it shall be unlawful for any person, firm or corporation to suspend or cause to be suspended any of said wires in, along, upon or across the said Alvarado Street and the said portion of Franklin Street.

Sec. 4. Nothing in this ordinance shall apply to or be construed as applying to, or affect or be construed as affecting any system of street lighting that the Board of Trustees of the said City, or other governing body of said City, has adopted or may hereafter adopt for the lighting of the said Alvarado Street and the said Franklin Street within fifty (50) feet of Alvarado Street, or to any iron pole not exceeding eight inches in diameter used for the support of an electric railway trolley wire, or to any electric railway trolley wire.

Sec. 5. It shall be the duty of the Superintendent of Streets of said City to remove any and all of said poles and posts or poles or posts so planted, installed or placed or remaining so planted, installed or placed, and any and all telephone, telegraph, or electric light wire or wires or other wire or wires for the transmission of electrical energy suspended or remaining so suspended in, along, upon or across the said Alvarado Street and the said Franklin Street within fifty (50) feet of Alvarado Street in violation of the provisions of this ordinance on or after the 15th day of August, A. D. 1911.

Sec. 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$300.00 or by imprisonment for not less than ten (10) days nor more than sixty (60) days. The installation, placing, or planting of any one of said poles or posts or poles and posts, or the allowing any one of said poles or posts or poles and posts to remain so installed, placed



or planted, or the suspension of any one of said wires or the allowing any one of said wires to remain so suspended contrary to the provisions of this ordinance shall constitute a separate offense.

Sec. 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 8. This ordinance to take effect and be in force from and on the said 15th day of August, A. D. 1911.

Sec. 9. The City Clerk is hereby instructed to cause this ordinance to be immediately published once in the "Monterey New Era," a newspaper of general circulation printed, published and circulated in said City.

Adopted the 16th day of May, 1911.

#### ORDINANCE NO. 9, C. S.

*An Ordinance Requiring the Removal of All Porches, Verandas and Wooden Awnings and Certain Signs Extending Over Any Sidewalk or Portion of Any Sidewalk on or in Alvarado Street in the City of Monterey, and Declaring Any Such Porches, Verandas, Wooden Awnings or Signs a Public Nuisance and Making it Unlawful to Erect Any Such Porch, Veranda, Wooden Awning or Sign.*

The Council of The City of Monterey do ordain as follows:

Section 1. It is hereby declared to be unlawful for any person to erect or maintain any porch, veranda or wooden awning which shall extend over any sidewalk or portion of any sidewalk, on or in Alvarado street in The City of Monterey.

Sec. 2. It is hereby declared to be unlawful for any person to erect or maintain any sign which shall extend over any sidewalk or portion of any sidewalk on or in Alvarado street in The City of Monterey, more than two feet, provided that nothing in this Ordinance shall be deemed to be a prohibition of the erection and maintenance of swinging electric sign or signs.

Sec. 3. It is hereby made the duty of the owner of any porch, veranda or wooden awning, extending over any sidewalk or portion of any sidewalk, or of any sign

extending over any sidewalk or portion of any sidewalk, more than two feet, on or in Alvarado street in The City of Monterey, to remove the same within thirty (30) days after the final passage and approval of this ordinance.

Sec. 4. Any such porch, veranda, wooden awning or sign which shall be maintained contrary to the provisions of this ordinance is hereby declared to be a public nuisance and may be removed by The City of Monterey, or any of its officers, at the expense of the person who shall erect or maintain the same, and the said expense of the removal thereof shall be a lien upon the premises and building to which said porch, veranda, wooden awning or sign is attached.

Sec. 5. Any violation of the provisions of this ordinance shall be a misdemeanor, punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the County Jail of Monterey County for not more than ninety (90) days, or by both such fine and imprisonment. Any sentence of fine may provide for its collection by imprisonment for the time, in the manner, and at the rate provided by law.

Sec. 6. This ordinance shall be in force and take effect from and after thirty (30) days after its final passage and approval.

Passed and approved October 17, 1911.

In effect: November 16, 1911.

#### ORDINANCE NO. 10, C. S.

*An Ordinance Prohibiting the Sweeping, Throwing, Depositing, or Placing of Any Sweepings, Paper, Waste, Trash, or Rubbish Upon or Into Any Sidewalk, Street, Alley, Public Place, Court, Park, or Square in The City of Monterey.*

The Council of The City of Monterey do ordain as follows, to wit:

Section 1. It shall be unlawful for any person, firm or corporation to sweep, throw, deposit, or place any sweepings, paper, waste, trash, or rubbish of any kind upon or into any sidewalk, street, alley, public place, court, park, or square in The City of Monterey.



Sec. 2. Any violation of the provisions of this ordinance is hereby declared to be a misdemeanor punishable by a fine of not more than fifty (\$50.00) dollars, or by imprisonment in the County Jail of Monterey County for not more than twenty-five (25) days, or by both such fine and imprisonment. A judgment imposing a fine may provide for its collection by imprisonment for the time, in the manner, and at the rate provided by law.

This ordinance shall take effect in thirty (30) days from and after its final passage and approval.

Passed and approved October 17, 1911.

In effect: November 16, 1911.

#### ORDINANCE NO. 24, C. S.

*An Ordinance Providing for the Removal of Grass, Weeds, Poison Oak and Other Noxious Growths and Rubbish From the Sidewalks Along Any Improved Street in the City of Monterey, and for the Trimming of Trees and Hedges, and Providing a Penalty for any Violation Hereof.*

The Council of The City of Monterey do ordain as follows:

Section 1. It shall be unlawful for any person owning or occupying any building, lot or grounds fronting upon any sidewalk, along any improved street in The City of Monterey, to suffer, allow or permit to remain upon said sidewalk and immediately in front of said building, lot or grounds, any indigenous grass, weeds, poison oak, thistles or mustard, or noxious trees or brush, or other noxious growths or rubbish. For the purposes of this Ordinance an improved street is defined to be a street upon which the official grade has been established and which has been improved by the placing thereon of gravel, macadam, asphaltum or bitumen from gutter line to gutter line.

Sec. 2. Any owner or occupant of any building, lot or grounds in The City of Monterey shall keep all sidewalk trees and hedges properly trimmed in such manner that the same shall not interfere with the free use of the sidewalks.

Sec. 3. Whenever the owner or occupant of any build-

ing, lot, or grounds in The City of Monterey fails to remove grass, weeds, poison oak, thistles, mustard, noxious trees or brush, or other noxious growths, or rubbish or to trim trees and hedges as hereinbefore provided, it shall be the duty of the Street Superintendent of said City to give written notice of such failure to comply with the provisions of this Ordinance to the owner, if known, or to the occupant, if there shall be any, or if the owner is not known and there is no occupant to post such notice conspicuously upon said property. Providing, that if the known owner is not a resident of this City, such notice may be deposited in the Postoffice in The City of Monterey, with postage prepaid, and addressed to such known owner at his last known place of residence, and a notice posted on the property as hereinbefore provided, and such notice shall be deemed to have been served on the day of the posting and mailing of same. Said notice shall briefly describe the work to be done and shall refer to this Ordinance, and shall contain a notification that unless said work shall be done within ten days after service or posting of said notice, as aforesaid, the Street Superintendent will do the same and that the costs and expenses shall be charged up and made a lien against said building, lot or grounds.

Sec. 4. If said work is not done within ten days after the serving or posting of said notice, as aforesaid, it shall be the duty of the Street Superintendent, forthwith to proceed to do the same and to put said property in the condition required by this Ordinance. The Street Superintendent shall keep a record of such notice, and the time of serving, and shall also keep a separate record of the work done in front of said building, lot or grounds and the cost of same.

Sec. 5. As soon as the said work is completed the Street Superintendent shall render a statement showing the cost thereof, and deliver the same to the Assessor of said City, who shall note the amount thereof on the Assessment Roll against the property charged, and thereafter said amount shall be a lien against said property, and it shall be the duty of the Collector to collect the same at the same time that the City taxes are collected. Providing, however, that if the owner or occupant of such building, lot or grounds refuses, fails or neglects to pay the same on or before the third Monday of December of each year, it shall be the duty of the City



Attorney upon notification thereof and a request from the Mayor of said City, to cause to be instituted on behalf of said City, an action in assumpsit in the Police Court of said City for the recovery of the amount due the City for work performed for the owner or occupant of said building, lot or grounds, and when said action is reduced to a judgment to cause to be filed in the Recorder's office in the County of Monterey, an abstract of such judgment.

Sec. 6. Any person willfully failing to comply with or enforce the requirements of Sections 1, 2, or 3 of this Ordinance, or allowing any building, lot or ground owned or occupied by him to be in a condition contrary to the provisions of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars, or by imprisonment in the county jail of the County of Monterey for not more than ninety days, or by both such fine and imprisonment. The judgment imposing a fine may provide for its collection by imprisonment in the County Jail at the rate, for the time, and in the manner required by law.

Sec. 7. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 8. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

Passed and approved April 9, 1912.

In effect: May 9, 1912.

## CHAPTER IX.

### FRANCHISES.

#### ORDINANCE NO. 4 (Old Series).

*An Ordinance Authorizing and Empowering the Monterey Extension Railroad Company to Construct and Maintain a Steam Railroad Track With Necessary Bridges, Trestles, Culverts and Crossings Over, Along and Upon Certain Streets, Courts and Alleys in the City of Monterey, and Over, Along and Upon Certain Lands and Tide Waters Thereof.*

Passed 1st of February, A. D. 1888.

#### ORDINANCE NO. 5 (Old Series).

*An Ordinance Authorizing and Empowering the Monterey Extension Railroad Company, to Construct, Maintain and Operate a Steam Railroad Track, With Necessary Bridges, Trestles, Culverts and Crossings, Over, Along Upon and Across Certain Streets, Courts, Alleys and Parks in the City of Monterey and Over, Along, Upon and Across Certain Lands and Tide Waters Thereof.*

Passed 6th day of March, 1888.

#### ORDINANCE NO. 117.

*An Ordinance Granting to The National Oil and Transportation Company, a Corporation, the Right of Way, Permission and Privilege to Lay, Construct, Maintain, Operate, Inspect, Repair, Renew and Remove Pipe Lines for the Transportation of Oil, Petroleum and Kindred Substances, Also Water Pipe Line in Connection Therewith, and to Erect, Maintain and Operate Telegraph or Telephone Lines,*



*But Only in Connection With and as a Part of Said Oil Business, Through, Under or Along Certain Routes and Highways in the City of Monterey, County of Monterey, State of California.*

Adopted 15th day of March, 1904.

#### ORDINANCE NO. 120.

*An Ordinance Granting to William Matson, Successors and Assigns, the Franchise for the Period of Fifty Years. From and After the Granting Thereof, to Lay, Construct, Operate and Maintain, Pipe Lines for the Transportation of Oil and Petroleum, Under, Along and Across Certain Streets, Avenues, Roads and Highways in the City of Monterey, Monterey County, State of California, and to Erect, Maintain and Operate Telegraph and Telephone Lines in Connection Therewith.*

Passed the 5th day of July, 1904.

#### ORDINANCE NO. 154.

*Ordinance Granting to William Matson, His Successors and Assigns a Lease of a Portion of the Water Front, Located About 300 Feet Southerly From the Southerly Line of Spence Street in the City of Monterey, State of California, for a Period of Fifty (50) Years From and After the 11th day of October, A. D. 1904. Together With the Right, Privilege and Franchise to Erect and Maintain a Wharf Upon Said Leased Property and to Collect Dockage and Wharfage for the Use of Said Wharf and Authorizing and Directing the President of the Board of Trustees for and on Behalf of Said City of Monterey and Under Its Corporate Name and Seal to Execute a Lease to Said William Matson, His Successors and Assigns of Said Portion of Said Water Front.*

Passed the 6th day of April, 1909.

#### ORDINANCE NO. 36, C. S.

*An Ordinance of the City of Monterey Granting to Monterey and Pacific Grove Railway Company, a Corporation, a Franchise to Construct, Maintain and Operate an Electric Railroad in and Upon Certain Streets, Highways, Lanes and Avenues, in the City of Monterey.*

The Council of The City of Monterey do ordain as follows:

Section 1. That a franchise be and it is hereby granted to Monterey and Pacific Grove Railway Company, a corporation, hereinafter designated as "Grantee," for itself, and with the express consent of the City for its successors and assigns, to construct, maintain and operate over, along and upon the public streets, highways, avenues and lanes of The City of Monterey hereinafter described, a single or double track street railroad as hereinafter particularly designated by means of the overhead electric trolley system or by such other means as may be sanctioned by law, over, upon and along the route described as follows, to wit:

(a) A single track beginning at the point where Salinas County Road crosses the line marking the extreme easterly boundary of the City of Monterey; thence westerly along Salinas County Road to the intersection of Salinas County Road and what is commonly known as County Road (which latter County Road extends along the extreme eastern boundary of the City of Monterey from Salinas County Road to Del Monte avenue); thence northerly along said County Road to the intersection of Seventh street; thence westerly along Seventh street to Ocean avenue; thence northerly along Ocean avenue to Del Monte avenue; thence northwesterly along Del Monte avenue to Perry street; thence northwesterly along Perry street to Figueroa street; thence southerly along Figueroa street to Webster street; thence westerly along Webster street to California street; thence northwesterly along California street to Alvarado street; thence northerly along Alvarado street to Decatur street; thence northwesterly along Decatur street to Pacific street; thence northerly along Pacific street to Lighthouse avenue;



(b) A single or double track from the last mentioned point northerly along Lighthouse avenue to the boundary line between the City of Monterey and the City of Pacific Grove;

(c) A single track commencing at the intersection of the center lines of Figueroa and Perry streets; thence along Perry street northwesterly to Washington street; thence southerly along Washington street to Franklin street; thence northwesterly along Franklin street to High street; thence northerly along High street to the boundary of the United States Reservation known as The Monterey Presidio;

Provided, however, that over, upon and along any of the streets hereinabove designated which may be now sixty feet in width from property line to property line, and over, upon and along any of the streets hereinabove designated which may be hereafter widened so that the width of said street from property line to property line thereof shall be not less than sixty feet, the grantee, its successors and assigns, may install with the consent of the Council or other governing body of the City, on any such street or portion thereof, or on any such street or portion thereof thus widened, a double track for the purpose herein set forth, at any time during the life of this franchise; together with the right to construct and maintain all wires, poles, appliances, proper constructions and attachments as may be necessary for the purpose of operating said street railroad and all necessary and convenient sidetracks, switches, turnouts, curves and connections with street intersections as may be approved by the Council of The City of Monterey, provided, however, that all railway tracks, switches, turnouts, curves and connections which have been laid down, and now being laid down, and now being operated by said railway company upon any of said streets, shall be taken, considered and accepted as having been laid down under and by virtue of the rights herein granted, and as having been so laid down and constructed in strict compliance with the provisions of this ordinance and the laws of the state of California; provided further, however, that the Council or other governing body of The City of Monterey may by ordinance prohibit the use of motive power by said grantee, its successors and assigns, other than the overhead electric trolley system.

It is further clearly understood and agreed that the said grantee accepts such franchise with the full understanding that the United States of America may claim that that portion of Lighthouse Avenue and Pacific Street upon which the Military Reservation of the Presidio of Monterey fronts is under the jurisdiction of the said United States of America as a government road and that the said grantee accepts this franchise with the understanding that the City of Monterey grants only such interest in said portion of said streets as the said City of Monterey may have.

It is further understood and agreed that the grantee, its successors and assigns are hereby granted the right, privilege and franchise to carry, convey and transport mail matter, express matter or freight or other property of whatsoever kind over and by means of said street railroad, provided however, that the Council of the City of Monterey may by ordinance prescribe and regulate the hours of the day during which freight cars may be operated over the route herein granted.

The terms and conditions upon which said franchise is granted are as follows, to wit:

# 1.

The time for which the aforesaid franchise is granted shall be fifty (50) years from the date of the final passage and approval of this ordinance, provided that at the expiration of the period for which this franchise is granted or at any time after thirty (30) years from the date of the final passage and approval of this Ordinance, the City of Monterey at its election may purchase and take over to itself the property and plant of the grantee in its entirety; provided, however, that said City shall pay to said grantee as hereinafter provided, the fair value of its property and plant, said valuation to be arrived at by agreement between the said City and the grantee herein, its successors and assigns, if possible, and if such agreement is not possible, said valuation shall be fixed by a Board of Arbitrators, three in number, one to be appointed by the City, one by the grantee, its successors or assigns, and one to be selected by the two appointed as hereinabove set forth. Forthwith, after agreement on the said valuation as aforesaid, or fixation thereof by arbitration as aforesaid, the City must pay the grantee, its



successors or assigns, in gold coin of the United States of the present standard of weight and fineness, the said value so agreed upon or fixed as hereinabove stated. It is further provided that in so agreeing upon or fixing said value, the value of this franchise shall not be considered. It is further provided that upon payment by the City of said fair valuation the property and plant of the grantee shall thereupon become the property of the City by virtue of the grant and without execution of any instrument or conveyance.

## II.

Work under this franchise not already completed, and excepting double track installation herein permitted, shall be commenced in good faith within not more than four (4) months after the date of the final passage of this Ordinance and completed within not less than three (3) years from said date, and if work shall not be so commenced or completed this franchise shall be forfeited; provided, however, that if good cause be shown the Council may by Resolution extend the time for completion thereof, not exceeding three (3) months.

## III.

The tracks of said railroad on those portions of the streets above designated, except where otherwise already installed, shall be constructed as nearly as possible in the middle thereof; and must not be more than five (5) feet wide between the rails and must have a space between them sufficient to allow the cars to pass each other freely.

## IV.

The grantee of said franchise, or its successors or assigns, shall at its own cost and expense sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track and for a space of two (2) feet outside of said tracks, and keep the same constantly in repair up to the official grade, flush with the street and with good crossings. In the event that the grantee of this franchise, or its successors or assigns, shall fail or neglect to keep its roadbed, tracks and rails in reason-

able repair, then and in that event, after thirty days' written notice the City may provide for the doing of said work at the expense of the grantee, or its successors or assigns, either by the doing of said work by the City and the recovery of the cost thereof or by the letting of a contract therefor and the issuance of a warrant which shall represent the said cost and which shall be a lien upon the tracks, roadbed, rails, poles and wires of said grantee, or its successors or assigns.

## V.

The rights and privileges herein granted are granted by the City of Monterey and are accepted by the grantee upon the condition that the City of Monterey may at any and all times make use upon a proper division of the expense incident to such joint use of any and all poles which the grantee, its successors or assigns, may erect by virtue of the rights and privileges herein granted, for the support of any fire alarm or police alarm wires owned by the said City of Monterey, but the use of the same by the City shall be such, however, as not to interfere with the use of said poles by the said grantee, its successors or assigns, and provided further that said grantee, its successors or assigns, shall be held harmless for any damage to person or property caused directly or indirectly by the presence upon such poles of any such wires owned by the said City of Monterey.

## VI.

All United States mail carriers and all official policemen and firemen of the City shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of the grantee within the boundaries of the City of Monterey without paying therefor and with all rights of other passengers.

## VII.

The City expressly reserves the right to prescribe and regulate the rates, fares, and rentals or charges made for service rendered under this franchise and until the Council of said City shall change the same, the rate and fare for any passenger, for any distance over said road or its branches, within said City, one way, shall not exceed five (5) cents for one passenger.



## VIII.

The grantee of said franchise shall and will at all times upon and after the completion of said road, during the operation of same and without extra charge at the place where any of its lines intersect, transfer its passengers from one to the other of the intersecting lines for a continuous passage in one general direction, provided, however, that said grantee shall not be required to transfer passengers from one of its lines to another which reaches a section of the City within one block of that reached by the first line, and provided further that said grantee may make and enforce proper and reasonable rules, regulations and conditions for the transfer of passengers to and from its different lines.

The provisions of this section shall apply equally to the successors or assigns of said grantee and to any street railroad in which said grantee has a controlling interest, operating within the City of Monterey.

## IX.

The City expressly reserves the right to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of this franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

## X.

The said grantee herein, its successors or assigns, shall during the first five (5) years succeeding the date of the final passage and approval of this Ordinance pay to the City of Monterey, one per cent of the gross receipts of said company arising out of the use, operation or possession of the said franchise; provided that after expiration of said five (5) years said grantee, its successors or assigns, shall pay to said City two per cent, of the gross receipts of said company received or arising out of the use, operation or posses-

sion of said franchise. At the expiration of one (1) year from the date of granting this franchise and at the expiration of each and every year thereafter during the term of this franchise, it shall be the duty of the grantee of said franchise and its successors or assigns, or persons or corporations operating any business under this franchise, to file with the City Auditor a report in writing, verified by the affidavit of the grantee, or its successors or assigns or by the oath of the manager or presiding officer of said grantee, or its successors or assigns, or by the oath of the person or of the managing or presiding officer of any corporation, operating any business under this franchise, in such form and detail as shall from time to time be prescribed by the Council, of all gross receipts arising from all the business done by said grantee, its successors or assigns, or such person or corporation operating under this franchise, within the City of Monterey, during the preceding twelve (12) months from all traffic, over any part of the line for the construction and operation and maintaining of which said franchise is granted or used; such report shall contain such further statements as may be required by the Council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and at the request of the Council, also the amount expended for new construction, repairs, and betterment during said year, and at the time for filing the aforesaid statement, it shall be the duty of said grantee, its successors or assigns, or such person or corporation operating cars over said road by virtue of this franchise to pay to the City Treasury of the City of Monterey, the aggregate sum of said percentage upon the amount of the gross annual receipts arising from the use, operation or possession of said franchise.

## XI.

The City of Monterey by its Auditor, Deputy Auditor, or accountants authorized by the Auditor, or by the Council, shall have the right at all reasonable times to examine all the books, vouchers and records of the grantee, its successors or assigns or of any person, firm or corporation exercising or enjoying any of the privileges granted by this franchise, for the purpose of veri-



fyng any of the statements of gross receipts, provided for, and for any other purpose whatsoever connected with the duty or privilege of the City or of the grantee, its successors or assigns, arising from the ordinance granting this franchise, and may audit the same at the end of each year.

## XII.

The said grantee, its successors or assigns, shall not lease, assign, sell or otherwise alienate any of the rights or privileges granted by this franchise without the expressed consent of the City, and no dealings with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent, provided that nothing herein shall be construed to prevent the grantee of such franchise, from including it in a mortgage or trust deed executed for obtaining money for corporate objects.

## XIII.

In granting this franchise the City (without admitting or recognizing in any way that it is not already vested with the powers hereinafter reserved), hereby expressly reserves the right to grade, sewer, pave, macadamize, alter, repair or otherwise make or provide for the making of local improvements in the streets along which said franchise is granted; also to enact and enforce all reasonable ordinances in the exercise of its police power, regulating the rails, tracks, roadbeds, poles and wires of the grantee or its successors or assigns and also to enact and enforce all reasonable ordinances or resolutions relating to its power to make and provide for the making of local improvements by special assessment, and nothing herein or in such franchise contained shall ever be construed or taken to exempt, or as a contract right exempting the grantee, or its successors or assigns, from complying with any such ordinances or resolutions now in force or which may hereinafter be adopted. The enumeration herein of specific rights reserved shall not be taken as exclusive or as limiting the general reservations here made.

## XIV.

Any breach or failure to comply with any of the terms, limitations or conditions of this Ordinance shall work a termination and forfeiture thereof and in all such cases the Council shall have power to declare the termination and forfeiture of such franchise or privilege the same as though in each instance such power was expressly reserved.

Sec. 2. This Ordinance shall take effect and be in force thirty (30) days from and after its final passage and approval.

Sec. 3. Said grantee in this Ordinance named shall, upon its acceptance of the franchise, right, privilege and permission herein granted, file with the City Clerk of the City of Monterey, a waiver of all its rights obtained under any other franchise heretofore granted to it or its predecessors in interest by any prior governing Board of the City of Monterey; said waiver to state that it is to take effect when this Ordinance becomes a valid Ordinance of the City of Monterey.

Introduced this 26th day of November, 1912.

Passed and approved December 10, 1912.



## CHAPTER X.

## MISCELLANEOUS.

## ORDINANCE NO. 63.

*An Ordinance to Conditionally Accept Ocean Avenue in Oak Grove Sub-Division as an Improved Street of the City of Monterey.*

Passed the 7th day of February, 1893.

## ORDINANCE NO. 155.

*An Ordinance Calling a Special Election, Submitting to the Qualified Electors of the City of Monterey, the Proposition of Incurring Municipal Indebtedness for the Purpose of the Construction and Completion of Municipal Improvements, consisting of Stormwater Drains and Conduits, Bridges and Culverts, Sewer-drains and Conduit Outlets, Building Sites in New Monterey and in Oak Grove for Fire Houses, the Installation of a Fire Alarm System and the Acquisition of a Fire Alarm Apparatus, and the Erection of Proper Houses for the Protection of Such Apparatus, and the Macadamizing and Bituminizing of Certain Streets, in and for Said Municipality.*

Passed the 11th day of May, 1909.

## ORDINANCE NO. 156.

*An Ordinance Providing for the Issuance, Sale and Redemption of Bonds for the City of Monterey to the Amount of \$150,000.00 for the Construction and Completion of Municipal Improvements.*

Adopted the 8th day of June, 1909.

## ORDINANCE NO. 174.

*An Ordinance Prescribing the Method and Conditions by Which Burial Lots May Be Sold in Cemeterio El Encinal, in the City of Monterey and Authorizing the City Clerk of Said Municipality to Execute Conveyances in Behalf Thereof.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. That the form of deed hereinafter mentioned, be, and the same is hereby declared to be the official form of deed for all persons desiring lots or plots in the Cemeterio El Encinal, in the City of Monterey.

Sec. 2. That the City Clerk of the City of Monterey, be, and he is hereby authorized to execute a deed or deeds in favor of any party or parties desiring a lot or lots in the said cemetery, upon their paying to the City Clerk of the City of Monterey, the purchase price for said lot or lots, which has heretofore or which may hereafter be adopted as the purchase price for said lot or lots, upon their complying with all rules, regulations and conditions and by-laws which may be hereafter adopted in regard to the purchase of lots in said cemetery.

Sec. 3. The following is the form of deed adopted as the official form for lots in said cemetery, to wit:

"THIS INDENTURE made this..... day of..... in the year of our Lord, one thousand nine hundred and..... between the City of Monterey, a municipal corporation of the State of California, the party of the first part, and..... the part.... of the second part.

## WITNESSETH:

That the said party of the first part for and in consideration of the sum of..... Dollars, lawful money of the United States of America, to the said municipal corporation in hand paid by the said part.... of the second part, the receipt whereof is hereby acknowledged, does by these presents grant and convey unto the said part.... of the second part,



all that certain lot of land in the Cemeterio El Encinal, situate in the City of Monterey, County of Monterey, State of California, and described as follows:

Lot..... in Block....., as per map of the said cemetery adopted therefor by the Board of Trustees of the City of Monterey, on the 15th day of November, A. D. 1910, and now on file in the office of the City Clerk of the City of Monterey, and of record in the Recorder's Office of the County of Monterey, State of California.

TO HAVE AND TO HOLD, all and singular, the said premises for burial purposes only, unto the said part..... of the second part forever, subject to the rules, regulations, conditions and by-laws of the said City of Monterey, adopted for said cemetery, and such as may hereafter be adopted, and to the laws of the State of California.

IN WITNESS WHEREOF, the said City of Monterey, a municipal corporation, has caused these presents to be signed for it by its City Clerk and its corporate seal hereunto affixed in the City of Monterey, County of Monterey, State of California, this..... day of..... A. D. 191.....

CITY OF MONTEREY,

By.....

Sec. 4. The purchase price of lots in said cemetery is hereby fixed as the amounts named for each respective lot, as set forth in the official lot book of said cemetery, adopted by this Board on the 15th day of November, A. D. 1910, which is hereby referred to, which said purchase prices may be changed at any time by this Board of Trustees, or the other governing body of said City.

Sec. 5. Said form of deed may be changed at any time by an Ordinance of the Board of Trustees or other governing body of the City of Monterey.

Sec. 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 7. This Ordinance to take effect from and after its passage, and is to be published in the "Monterey Daily Cypress," a daily newspaper printed, published and circulated in the said City of Monterey.

Sec. 8. This Ordinance introduced and read for the first time this 6th day of December, A. D. 1910.

Passed the 3rd day of January, A. D. 1911.

## ORDINANCE NO. 6, C. S.

*An Ordinance Ordering the Construction of a Storm Sewer in and Along Certain Portions of Tyler Street in the City of Monterey.*

Passed the 3rd day of October, 1911.

## ORDINANCE NO. 14, C. S.

*An Ordinance Changing the Name of the Aguajita Dairy Road, or Espinosa Road, to Major Sherman Lane.*

Passed the 2nd day of January, 1912.

## ORDINANCE NO. 21, C. S.

*An Ordinance Calling and Providing for a Special Election to Be Held in the City of Monterey on the 25th Day of March, A. D. 1912, for the Purpose of Obtaining the Consent of the People of the Said City to Use Certain Money Raised by the Sale of Bonds for Some Other Specified Municipal Purpose Than the Purpose for Which Said Bonds Were Voted.*

Passed the 6th day of March, 1912.

## ORDINANCE NO. 26, C. S.

*An Ordinance Providing for the Repair of the Oak Grove Sanitary Sewer and Sewer Outfall.*

Passed the 23rd day of April, 1912.



CHARTER OF THE CITY OF MONTEREY, 1910.

Assembly Concurrent Resolution No. 10, approving the charter of the City of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

(Adopted March 2, 1911.)

WHEREAS, The City of Monterey, a municipal corporation of the County of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 25th day of July, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said the City of Monterey; and

WHEREAS, Said charter was on the 13th day of October, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the Board of Trustees of the City of Monterey, and the other copy with the County Recorder of the said County of Monterey and filed in the office of the said County Recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Monterey Daily Cypress," a daily newspaper of general circulation in said the City of Monterey, for a period of twenty days and more, the first publication thereof, having been made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the Board of Trustees of the City of Mon-



terey to the qualified electors of said City at a special election, previously duly called and therein held on the 12th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said the City of Monterey, voting at said special election, voted in favor of the ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said Board of Trustees, after canvassing the returns of said last mentioned special election, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California, and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR  
THE CITY OF MONTEREY BY THE BOARD  
OF FREEHOLDERS, ELECTED ON THE  
25TH DAY OF JULY, A. D. 1910.

## CHARTER OF "THE CITY OF MONTEREY."

### ARTICLE I.

#### NAME AND RIGHTS OF THE CITY.

##### NAME OF THE CITY.

Section 1. The municipal corporation now existing and known as The City of Monterey shall remain and continue a body politic and corporate in name and in fact, by the name of The City of Monterey, and by such name shall have perpetual succession.

##### RIGHTS AND LIABILITIES.

Sec. 2. The City of Monterey shall remain vested with and continue to have, hold and enjoy all property,

rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

### ARTICLE II.

#### BOUNDARIES.

Sec. 3. The boundaries of The City of Monterey shall be as follows:

Beginning at a point near Point Aulones on the S. W. Shore line of Monterey Bay where the same is intersected by the S. E. boundary line of the Point Pinos Rancho; thence following said S. E. line of said Rancho S. 58 degrees, 45 seconds W. 5,280 feet; thence leaving said rancho line and running S. 24 degrees, 10 seconds, E. 12,568 feet; thence N. 73 degrees 15 minutes E. 7,445 feet; thence N. 11 degrees 27 minutes W. 2,916.5 feet to the S. W. corner of the Del Monte Hotel grounds; thence following the western boundary line of said grounds N. 11 degrees 27 minutes W. 2,363.5 feet to the northerly side of the county road; thence along the north side of said road N. 88 degrees 03 minutes W. 1,458.85 feet; thence N. 89 degrees 15 minutes W. 1,094 feet; thence N. 0 degrees 45 minutes E. 475 feet to the shore line of Monterey Bay; thence north into said Monterey Bay 1 marine league; thence in a western direction to the intersection of a line drawn north from the place of beginning (the said Point Aulones); thence south to said place of beginning.

6080.2  
3  
18240.50

### ARTICLE III.

#### ELECTIONS.

##### GENERAL AND SPECIAL MUNICIPAL ELECTIONS.

Sec. 4. A municipal election shall be held in the city on the second Monday in April, A. D. 1911, and on the second Monday in April in every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.



## NOMINATION AND ELECTION OF CITY OFFICERS.

Sec. 5. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

Sec. 6. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

## FORM OF NOMINATION PETITION.

Sec. 7. The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows:

## INDIVIDUAL CERTIFICATE.

Sec. 8.—

## PETITION OF NOMINATION.

State of California, County of Monterey, City of Monterey, ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of Precinct No. \_\_\_\_\_ of The City of Monterey, and I hereby join in a petition for nomination of \_\_\_\_\_, whose residence is at No. \_\_\_\_\_ Street, Monterey, for the office of \_\_\_\_\_ to be voted for at the municipal election to be held in The City of Monterey on the \_\_\_\_\_ day of \_\_\_\_\_ and I further declare that I am not at this time a signer of any other petition for the above named office, or in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary or Verification Deputy.

The petition of nomination of which this certificate forms a part shall if found insufficient, be returned to \_\_\_\_\_ at No. \_\_\_\_\_ Street, Monterey, California.

## FORMS TO BE SUPPLIED BY CITY CLERK.

Sec. 9. It shall be the duty of the City Clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

## REQUIREMENTS OF CERTIFICATE.

Sec. 10. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of the signer thereto and no more. (Each certificate shall contain the name of one candidate and no more.) Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

## VERIFICATION DEPUTIES.

Sec. 11. Verification deputies, under this article, must be qualified electors of the city and shall be appointed by the City Clerk upon application in writing signed by not less than five qualified electors of the City. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed by the City Clerk.



## DATE OF PRESENTING PETITION.

Sec. 12. A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the City Clerk not earlier than forty-five days nor later than thirty days before the election. The Clerk shall endorse thereon the date upon which the petition was presented to him.

## EXAMINATION OF PETITIONS BY CITY CLERK.

Sec. 13. When a petition of nomination is presented for filing to the City Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary the Council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

## WITHDRAWAL OF SIGNATURE.

Sec. 14. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the City Clerk a verified revocation of his signature before the filing of the petition by the Clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

## WITHDRAWAL OF CANDIDATE.

Sec. 15. Any person whose name has been presented under this article as a candidate, may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

## FILING OF PETITIONS.

Sec. 16. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election. When a petition of nomination shall have been filed by the clerk, it shall not be withdrawn, nor added to, and no signature shall be revoked thereafter.

## PRESERVATION OF PETITIONS.

Sec. 17. The City Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article.

## ELECTION PROCLAMATION.

Sec. 18. Immediately after such petitions are filed, the Clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by the Charter of The City of Monterey, and the Council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in The City of Monterey. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections now or hereafter in force, except as above required.

## FORM OF BALLOTS.

Sec. 19. The City Clerk shall cause the ballots to be printed and bound and numbered as provided for by the State law, except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

Sec. 20.—

General (or Special) Municipal Election, The City of Monterey.

(Inserting date thereof.)

INSTRUCTIONS TO VOTERS: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made



are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot return it to the inspector of election, and obtain another.

#### REQUIREMENTS OF BALLOT.

Sec. 21. All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for Charter amendments or other questions to be voted upon at the municipal elections, as provided for under this Charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

#### EVERY NOMINEE TO BE ON BALLOT.

Sec. 22. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

#### ARRANGEMENT OF OFFICES ON BALLOT.

Sec. 23. The offices to be filled shall be arranged in separate columns, in the following order:

"For Mayor (if any) vote for one.

"For Councilman (if any) vote for (giving number.)"

#### SPACE FOR VOTING CROSS.

Sec. 24. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

#### BLANK SPACE FOR ADDITIONAL CANDIDATES.

Sec. 25. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

#### SAMPLE BALLOTS.

Sec. 26. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the elec-

tion and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

#### VOTE NECESSARY FOR ELECTION.

Sec. 27. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

#### FAILURE OF PERSON ELECTED TO QUALIFY.

Sec. 28. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

#### INFORMALITIES IN ELECTION.

Sec. 29. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

#### GENERAL ELECTION REGULATIONS.

Sec. 30. The provisions of the State law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect to the management of elections so far as they may be applicable, shall govern all municipal elections, provided that the Council shall meet as a canvassing board and duly canvass the election returns within four days after a municipal election.

#### ARTICLE IV.

#### INITIATIVE, REFERENDUM AND RECALL.

##### Initiative.

##### PROCEDURE RELATING THERETO.

Sec. 31. (1) Any proposed ordinance may be submitted to the Council by a petition signed by registered voters of the city equal in number to the percentages hereinafter required.

(2) 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.

(3) One of the signers of such 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.

(4) Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall within ten days after such amendment make like examination 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 Clerk shall submit the same to the Council without delay.

(5) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Section 32 of this Charter), but if the ordinance shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the Clerk shall attach to the

petition accompanying such ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

(6) If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the Council 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 clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(7) The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general 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 binding and valid 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.

(8) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; provided that there shall not be held under this section of the Charter more than one special election within a period of six months.

(9) The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal 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. Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the city at any election, the City Clerk 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 City Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Council are required to be 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 ballot as first above provided.

#### THE REFERENDUM.

Sec. 32. No ordinance passed by the City Council (except when otherwise required by the general laws of the State or by the provisions of this 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 two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance and if the same is not entirely repealed, the Council shall submit the ordinance as is provided in Section 31 of this Charter, 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 ordinances 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 said Section 31, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

#### THE RECALL.

Sec. 33. The holder of any elective office may be removed at any time by the electors qualified to vote

for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

(1) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the City Clerk; provided that the petition sent to the Council shall contain a general statement of the grounds for which the removal is sought.

(2) 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 of each such 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.

(3) Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

(4) If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

(5) The Clerk shall, within ten days after such amendment, make like examination 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.

(6) If the petition shall be found to be sufficient the clerk shall submit the same to the Council without delay.

(7) If the petition shall be found to be sufficient the City Council shall order and fix a date for holding the said election not less than thirty days nor more than



forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

(8) The City Council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

(9) The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

(10) Any person sought to be removed may be a candidate to succeed himself and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected.

(11) At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(12) In case the party who received the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant.

(13) If the incumbent receives the highest number of votes he shall continue in office.

Sec. 34. If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared in the same manner as herein provided for other elections.

## ARTICLE V.

### ELECTIVE OFFICERS.

Sec. 35. The elective officers of The City of Monterey shall be a Mayor and four Councilmen.

The Council shall consist of the Mayor and four Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

### ELECTED AT LARGE.

Sec. 36. The Mayor and Councilmen shall be elected at the general municipal election on a general ticket from the city at large.

### ELIGIBILITY OF MAYOR AND COUNCILMEN.

Sec. 37. To be eligible for the office of Mayor or Councilman, a person must be a citizen of the United States and a qualified elector of the State of California, and of The City of Monterey for at least three years next preceding his election.

### VACANCY IN COUNCIL.

Sec. 38. If a vacancy shall occur in the office of Mayor or Councilman, the Council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 37 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term.

### MAYOR'S TERM OF OFFICE.

Sec. 39. The Mayor shall hold office for a term of two years from and after the first Monday in May after his election and until his successor is elected and qualified; provided, that a Mayor shall be elected at the first municipal election held under this Charter, and said Mayor shall take office on the first day of July succeeding his election and his term of office shall cease and determine upon the election and qualification of the Mayor elected at the general municipal election in 1913.

### COUNCILMEN'S TERM OF OFFICE.

Sec. 40. The Councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; provided, that four Councilmen shall be elected at the first general municipal election held under this Charter and shall take office on the first day of July succeeding their election; and provided, further, that the Councilmen first elected under this Charter shall so classify themselves by lot that the terms of two of said Councilmen shall cease and determine upon the election and qualification of the two Councilmen elected at the general



municipal election in 1913, and that the term of office of the other two of said Councilmen elected at the first general municipal election held under this Charter shall cease and determine upon the election and qualification of the two Councilmen elected at the general municipal election in 1915.

At each general municipal election after the first, held under this Charter, there shall be elected two Councilmen and a Mayor.

#### OFFICIAL BOND.

Sec. 41. The Council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the Clerk's bond, which shall be filed with the Mayor, when approved, shall be filed with the City Clerk. All the provisions of any law of this State, relating to officials' bonds, not inconsistent with this Charter, shall be complied with.

#### OATH OF OFFICE.

Sec. 42. Every officer of the city before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State and shall file the same with the City Clerk.

#### COMPENSATION OF MAYOR AND COUNCILMEN.

Sec. 43. The Mayor shall receive a compensation of Two Hundred and Fifty (\$250.00) Dollars per annum and the Councilmen shall receive a compensation of Two Hundred (\$200.00) Dollars per annum, each, unless the electors by ordinance proposed and adopted shall otherwise provide.

#### ADMINISTERING OATHS, SUBPOENAS.

Sec. 44. Every elective officer, every chief official and every member of any Board or Commission provided for in this Charter, or by ordinance, adopted according to the provisions of this Charter, shall have the power to administer oaths and affirmations, and every such Board or Commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such Board or Commission.

If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such Board or Commission, or to answer any question which a majority of such Board or Commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such Board or Commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The Chief of Police must, on request of any member of such Board or Commission, detail a police officer or police officers to serve such subpoena.

#### THE MAYOR.

##### THE CHIEF EXECUTIVE.

Sec. 45. The Mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

##### MAYOR PRO TEMPORE.

Sec. 46. During the temporary absence or disability of the Mayor, the Vice-President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both the Mayor and Vice-President, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of the Mayor the Vice-President of the council shall act as Mayor until such vacancy can be filled as provided in this Charter.

##### MAYOR'S REPORTS.

Sec. 47. The Mayor shall annually and from time to time give the Council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

##### MAYOR TO HAVE CITY'S BOOKS EXAMINED.

Sec. 48. The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least once each year the books, records and reports of the Auditor and of all officers and employees who receive or disburse city moneys, and the books, records and



reports of such other officers and departments as the Mayor may direct, and make triplicate reports thereof, and present one each to the Mayor and Auditor and file one with the City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Council shall provide for the payment of the services of such accountant and fix the time at which such report shall be made and filed.

#### SUPERVISION OF PUBLIC UTILITY COMPANIES.

Sec. 49. The Mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted to the city are faithfully observed.

The Mayor may on his own motion, and must upon a resolution passed by the Council directing him to do so, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the City Attorney, upon demand of the Mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, and he may report thereon at such other and different times as he may deem proper.

#### POWERS AND DUTIES PRESCRIBED BY ORDINANCE.

Sec. 50. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law, or by ordinance, or by resolution of the Council.

## THE COUNCIL.

#### THE COUNCIL, THE GOVERNING BODY.

Sec. 51. All powers herein granted to and vested in The City of Monterey shall, except as herein otherwise provided, be exercised by a Council to be designated The Council of the City of Monterey. Said Council shall be the governing body of the city, and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

#### PRESIDENT AND VICE-PRESIDENT.

Sec. 52. The Mayor shall be President of the Council and shall preside at its meetings when present. The Council shall elect one of its number to be Vice-President.

#### MEETINGS OF COUNCIL.

Sec. 53. The Council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

#### MEETINGS TO BE PUBLIC.

Sec. 54. All legislative sessions of the Council, whether regular or special, shall be open to the public.

#### QUORUM.

Sec. 55. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

#### RULES OF PROCEEDING.

Sec. 56. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the Council meetings.

#### ORDINANCES AND RESOLUTIONS.

Sec. 57. (1) The Council shall act only by ordinance or resolution.

#### AYES AND NOES.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.



Upon the request of any member the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

#### MAJORITY VOTE OF COUNCIL.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the Council.

#### TITLE.

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

#### ENACTING CLAUSE OF ORDINANCES.

(5) The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Monterey do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Section 31 of Article IV shall be, "The people of the City of Monterey do ordain as follows."

#### REQUIREMENTS OF ORDINANCES.

(6) No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the City of Monterey at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

#### ORDINANCE REQUIRED IN CERTAIN CASES.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; or for establishing or changing fire limits; or for the imposing of any penalty; shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

#### RECONSIDERATION.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made.

#### SIGNING AND ATTESTING.

(9) All ordinances shall be signed by the Mayor and attested by the City Clerk.

#### REVISION AND AMENDMENT.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

#### REPEAL.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

#### RECORD OF CITY ORDINANCES.

(12) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

#### PROTECTION OF ABSENT COMMISSIONER.

Sec. 58. No final action shall be taken in any matter concerning the special department of any absent Councilman unless such business has been made a special order of the day by action at a previous meeting of the Council or such action is taken at a regular meeting of the Council.



## WHEN OFFICES BECOME VACANT.

Sec. 59. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 33 of Article IV, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

## EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

## THE FOUR MUNICIPAL DEPARTMENTS.

Sec. 60. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments as follows:

1. Department of Finance and Revenue.
2. Department of Public Health and Safety.
3. Department of Public Works.
4. Department of Public Supplies.

## COUNCIL TO ASSIGN DUTIES TO THE DEPARTMENTS.

Sec. 61. The Council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this Charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

## THE FOUR COMMISSIONERS.

Sec. 62. The Council at its first regular meeting after the election of its members shall designate by majority vote one Councilman to be Commissioner of Finance and Revenue, one to be Commissioner of Public Health and Safety, one to be Commissioner of Public

Works and one to be Commissioner of Public Supplies. If the Council is unable to agree, the Mayor shall have authority to make such designation. The Council may change such designation whenever it determines that the public service will be benefited thereby.

## THE CHIEF OFFICIALS.

Sec. 63. The chief officials of the City shall be City Clerk, Auditor, Assessor, Treasurer, Police Judge, Collector, Attorney, Engineer, Chief of Police, Fire Chief, Street Superintendent, Building Inspector, Sewer Inspector, Health Officer and five Library Trustees. They shall be appointed and may be removed by a majority vote of the Council. The Council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The Council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The Council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

## SUBORDINATE OFFICERS AND EMPLOYEES.

Sec. 64. The Council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this Charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this Charter.

## COMPENSATION OF OFFICERS AND EMPLOYEES.

Sec. 65. The compensation of all city officers, except Library Trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The Council shall also fix the compensation of all other officers and employees of the city except as in this Charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or com-



penetration as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

#### REPORTS OF DEPARTMENTS.

Sec. 66. Each department and commission shall annually, on such date as may be fixed by the Council, render to the Mayor a full report of all operations of such department or commission for the year.

#### REPORTS TO BE PUBLISHED.

Sec. 67. The Council shall provide for the publication of the annual reports of the Mayor and the several departments and commissions.

#### COUNCILMAN TO HOLD NO OTHER OFFICE.

Sec. 68. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the Council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of Mayor.

#### OFFICERS NOT TO BE INTERESTED IN CONTRACTS OR FRANCHISES.

Sec. 69. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the City or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

#### POLITICAL AND RELIGIOUS TESTS.

Sec. 70. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

### ARTICLE VI.

#### POWERS OF THE CITY AND OF THE COUNCIL.

##### GENERAL POWERS OF THE CITY.

Sec. 71. Without denial or disparagement of other powers held under the Constitution and laws of the State, The City of Monterey shall have the right and power:

##### PUBLIC BUILDINGS, WORKS AND INSTITUTIONS.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, life-saving stations, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions, breakwaters and piers.

##### WATER, LIGHT, HEAT AND POWER.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and



corporations outside the city, with water, gas and electricity.

#### TELEPHONE, TELEGRAPH AND TRANSPORTATION.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

#### SALE OF PRODUCTS OF PUBLIC UTILITIES.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

#### LAND FOR PUBLIC PURPOSES.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

#### LEASE OF PUBLIC UTILITIES.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

#### BEQUESTS AND DONATIONS.

(7) To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust, for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

#### BORROWING MONEY, BONDS.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; provided that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

#### SPECIAL TAX.

(9) To raise money by special tax, in addition to the tax levies provided for in Sections 81, 82, 83 and 117 of this Charter; to authorize such special tax, the provisions of Section 31 of Article IV relating to the Initiative, or of Section 32 of Article IV relating to the Referendum, shall be followed, and the levy of such tax must be approved by at least two-thirds of the qualified electors who vote thereon. At such election the Council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the Council may be authorized to levy a special tax each year for a period of years not exceeding three years in all for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

#### JOINT OWNERSHIP OF WATER SUPPLY.

(10) To join with one or more cities incorporated under the Constitution and laws of the State in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

#### SUE AND DEFEND.

(11) To sue and defend in all courts and places and in all matters and proceedings.

#### DIRECT LEGISLATION BY PEOPLE.

Sec. 72. The qualified voters of the City shall have power through the initiative and otherwise, as provided by this Charter and the general laws of this State, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the Council.

#### POWERS OF THE COUNCIL ENUMERATED.

Sec. 73. As the legislative organ of the city, the Council, subject to the provisions and restrictions of this Charter, shall have power:



**OFFICIAL SEAL.**

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

**VIOLATION OF CHARTER AND ORDINANCES.**

(2) To prescribe fines, forfeitures and penalties for the violation of any provisions of this Charter or of any ordinance of the city; but no penalty shall exceed three hundred dollars or 90 days' imprisonment, or both.

**NUISANCES.**

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

**POLICE AND FIRE DEPARTMENTS.**

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

**POLICE AND FIRE ALARM SYSTEMS.**

(5) To establish and maintain a fire alarm and police telegraph or telephone system and manage and control the same, and to appoint a superintendent thereof.

**EXPLOSIVES.**

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances.

**INFLAMMABLE MATERIALS.**

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

**ENGINES AND BOILERS.**

(8) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the Council would endanger public safety.

**FIRE LIMITS.**

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the

construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

**BUILDING REGULATIONS.**

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

**FIRE ESCAPES.**

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

**PRECAUTION AGAINST FIRES.**

(12) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building or place in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

**PROVISIONS FOR SAFETY IN THEATRES, HALLS, ETC.**

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in hallways, aisles or open places therein.



## PROVISIONS FOR SAFETY IN STREETS.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the Council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

## IMPROPER USE OF STREETS.

(15) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or other signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

## WEEDS AND RUBBISH ON SIDEWALKS.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk immediately in front thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

## BILLBOARDS AND SIGNS.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

## DOGS.

(18) To regulate and prevent the running at large of dogs; to prohibit the exhibition of dog fights or any willful pitting of dogs to fight; to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having posses-

sion of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

## PUBLIC POUND. CRUELTY TO ANIMALS.

(19) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large; to prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

## INDIGENT SICK.

(20) To provide for the care of the indigent sick and helpless in said city.

## PRESERVATION OF HEALTH.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

## DANGEROUS AND OFFENSIVE OCCUPATIONS; DISAGREEABLE NOISES.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors.

## INSPECTION OF FOOD PRODUCTS.

(23) To provide for and regulate the inspection by the Health Officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city.



and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

#### DAIRIES.

(24) To provide for and regulate the inspection of all dairies within or without the city that offer for sale or sell any of their products in the city.

#### LODGING, TENEMENT AND APARTMENT HOUSES.

(25) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

#### SEWER CONNECTIONS.

(26) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

#### GARBAGE.

(27) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

#### LICENSING BUSINESSES.

(28) To license for purposes of regulation or revenue, or both regulation and revenue, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

#### REGULATION OF PUBLIC VEHICLES.

(29) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

#### INSPECTION OF METERS, WEIGHTS AND MEASURES.

(30) To provide for the inspection of all water meters, gas meters, and electric meters and of weights

and measures used in the city, and to enforce such regulations as may be necessary to insure their accuracy.

#### PUBLIC SHOWS. GAMBLING.

(31) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

#### PUBLIC ORDER AND DECENCY.

(32) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

#### TAXATION.

(33) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this Charter provided.

#### ERRONEOUSLY COLLECTED TAXES.

(34) To order the repaying by the Treasurer of any taxes, percentages or costs erroneously or illegally collected.

#### FEES.

(35) To fix the fees and charges for all official services not otherwise provided for in this Charter.

#### MAYOR'S URGENCY FUND.

(36) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the Mayor.

#### LEASE OF LANDS OWNED BY THE CITY.

(37) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time



and conditions of the proposed lease; provided, that the Council may in its discretion reject any and all bids.

#### PURCHASE OF PROPERTY UNDER EXECUTION.

(38) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

#### SALE OF USELESS PERSONAL PROPERTY.

(39) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

#### TRUSTS.

(40) To provide for the execution of all trusts confided to the city.

#### STREET GRADES.

(41) To establish or change the grade of any street or public place.

#### STREET WORK.

(42) To order the whole or any part of any street, avenue, lane, alley, court or place within the City of Monterey to be graded, or regraded to the official grade, planked or replanked, paved or repaved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, sewerred or re-sewerred, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted there and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the Council, or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto.

#### STREET OPENING.

(43) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of Monterey Bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the Council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the Commissioners shall be performed by or under the direction of the Commissioner of Public Works of the city, who shall receive no compensation therefor.

#### LIGHT AND WATER.

(44) To provide for the lighting of the streets, highways, public places and public buildings and for supplying the city with water for municipal purposes.

#### BOULEVARDS.

(45) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Sections 31 and 32, Article IV.

#### CLOSED OR ABANDONED STREETS

(46) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the party, or parties who may be entitled thereto.

#### WATERFRONT AND WHARVES.

(47) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage,



dockage and tolls, and provide for the collection thereof; to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats, and all other water craft within the jurisdiction of the city.

#### REGULATION OF PUBLIC UTILITY RATES.

(48) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

#### REGULATION OF STREET RAILROADS.

(49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

#### RAILROADS TO KEEP STREETS IN REPAIR.

(50) To require every owner or lessee of railroads in said city to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the owner or lessee.

#### SPUR TRACKS.

(51) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads that may be built along the water front, or with any other lines of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the Council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to

interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Council.

#### REGULATION OF POLES AND WIRES.

(52) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

#### SIZE AND LOCATION OF PIPES.

(53) To regulate the size and location of all water pipes, gas pipes and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

#### ELECTIONS.

(54) To make all rules and regulations governing elections not inconsistent with this Charter or the Constitution of California.

#### CIVIL SERVICE COMMISSION.

(55) To establish a bureau of Civil Service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the Council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this Charter, by the Council, or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

#### CIVIC ART COMMISSION.

(56) To establish a Civic Art Commission and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

#### PARK COMMISSION.

(57) To establish a Park Commission and to appoint Commissioners thereon, to serve without compensation,



with such powers and duties as may be fixed by the Council.

#### PLAYGROUND COMMISSION.

(58) To establish a Playground Commission and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

#### COMMISSION OF PUBLIC CHARITIES.

(59) To establish a Commission of Public Charities and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

#### MUNICIPAL OWNERSHIP.

(60) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

#### MUSEUM COMMISSION.

(61) To establish a Museum Commission and to appoint Commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council.

#### ADDITIONAL POWERS.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City or any of the provisions of this Charter, and to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

This grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

#### PUBLICATION OF CHARTER AND ORDINANCES.

Sec. 74. The Council during the first year after its organization under this Charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and together with or separately from, the Charter of the city and such provisions of the Constitution and laws of the state as the Council may deem expedient, to be published in book form.

## ARTICLE VII.

### FINANCE AND TAXATION.

#### THE FISCAL YEAR.

Sec. 75. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

#### TAX SYSTEM.

Sec. 76. The Council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this Charter.

The Council shall have power to avail itself by ordinance of any law of the State of California, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the Assessor of the county in which The City of Monterey is situated and taxes collected by the Tax Collector of said County for and on behalf of The City of Monterey.

Other provisions of this Charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

#### DEPARTMENT ESTIMATES OF ANNUAL REQUIREMENTS.

Sec. 77. On such date in each year as shall be fixed by the Council, the heads of departments, offices, boards and commissions, shall send to the Commissioner of Finance and Revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

#### ANNUAL ESTIMATE OF CITY'S REQUIREMENTS AND REVENUE.

Sec. 78. On such date in each year as shall be fixed by the Council, the Commissioner of Finance and Revenue, shall submit to the Council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund for the outstanding funded indebtedness of the city, and the



wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

#### ANNUAL BUDGET.

Sec. 79. The Council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared to such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Council may deem advisable.

#### BOARD OF EQUALIZATION.

Sec. 80. The Council shall meet at their usual place of holding meeting on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all the returns of the Assessor shall have been rectified and assessments equalized. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

#### ANNUAL TAX LEVY.

Sec. 81. The Council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

#### LIMIT OF TAX LEVY.

Sec. 82. The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed, except as in this Charter provided, the rate of one dollar on each one hundred dollars of the assessed valuation of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the Council except as otherwise provided in this Charter.

#### BOND, LIBRARY AND PROMOTION TAX.

Sec. 83. The Council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; to levy not less than ten cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms and to levy not more than five cents on each one hundred dollars of the assessed value of all real and personal property within the City for music, entertainment and promotion.

#### TAX LIENS.

Sec. 84. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State and county taxes; and the Council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.



## DUTIES OF THE AUDITOR.

Sec. 85. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source including the free public library, when allowed by the Council or proper board, shall be signed by the President and Clerk of such body and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed" and the date of such allowance, and sign his name thereto.

No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the Treasury. He shall, on application of any person, indebted to the city holding money payable into the city Treasury or desiring to pay money therein certify to the Treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall charge the Treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the City Treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and other receipts, charging them therewith and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the Council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and business-like manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this Charter or by ordinance.

## DISPOSITION OF MONEY COLLECTED.

Sec. 86. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same

with the Auditor and immediately pay all the same into the Treasury, on the order of the Auditor, for the benefit of the funds to which such moneys severally belong. The Council may provide in its discretion for the deposit of the city moneys in banks in accordance with the State law.

## UNIFORM ACCOUNTS AND REPORTS.

Sec. 87. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

## ARTICLE VIII.

## PUBLIC WORK AND SUPPLIES.

## FORM OF CONTRACTS.

Sec. 88. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of The City of Monterey by an officer or officers authorized to sign the same, and must be countersigned by the Auditor, who shall number and register the same in a book kept for that purpose.

## PROGRESSIVE PAYMENTS ON CONTRACTS.

Sec. 89. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

## PUBLIC WORK TO BE DONE BY CONTRACT.

Sec. 90. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water



front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the Department of Public Works. In case no bid is received, the Council may likewise provide for the work to be done by the Department of Public Works.

#### CONTRACTS FOR OFFICIAL ADVERTISING.

Sec. 91. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids if found excessive and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

#### CONTRACTS FOR LIGHTING.

Sec. 92. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

#### CONTRACTS FOR WATER.

Sec. 93. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the minimum rates exceed those charged to other consumers.

#### HOURS OF LABOR.

Sec. 94. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor, or sub-contractor, shall be eight hours during any one calendar day.

#### COLLUSION WITH BIDDER.

Sec. 95. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the material or supplies called for or who shall knowingly accept material or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

#### COLLUSION BY BIDDER.

Sec. 96. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said work, or provide for such public work to be done by the Department of Public Works.



## ARTICLE IX.

## FRANCHISES.

## PROPERTY RIGHTS OF THE CITY INALIENABLE.

Sec. 97. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this Charter, are hereby declared inalienable.

## NO USE OF STREETS WITHOUT A FRANCHISE.

Sec. 98. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or the laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this Charter.

## FRANCHISE TO THE STREETS.

Sec. 99. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway or any other public place or to lay pipes or conduits or to erect poles or wires or other structures, in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

## APPLICATION FOR FRANCHISE.

Sec. 100. (1) An applicant for a franchise or privilege shall file with the Council an application therefor, and thereupon the Council shall, if it propose to grant the same, advertise the fact of said application, together with a statement, that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for six successive days and must be completed not less than twenty and no more than thirty days before any further action can be taken on such application.

## CONDITIONS OF GRANT.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross receipts received from the use, operation or possession of the franchise; provided that such percentage be not less than two per cent of such gross annual receipts, but no percentage shall be required to be paid for the first five years succeeding the date of the franchise.

## BIDDING FOR THE FRANCHISE.

Sec. 101. (1) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented may bid for such franchise or privilege not less than one-fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one-fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the Council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; provided that if, in the judgment of the Council no adequate or responsible bid has been made, the Council may withdraw such franchise from sale or advertise for new bids.

## DEPOSIT AS GUARANTEE OF GOOD FAITH.

(2) Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and the approval of the surety bond hereinafter pro-



vided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

#### FREE COMPETITION IN BIDDING.

(3) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

#### BOND.

(4) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the Council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the Council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the Council be granted by ordinance to the person, firm or corporation, to whom it shall have been struck off, sold or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the Council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

#### LIFE OF FRANCHISE.

Sec. 102. The maximum length of time for which a franchise or privilege to use the streets, highways, waters or other public places of the city may be granted to any person, firm or corporation shall be fifty years.

#### BEGINNING AND COMPLETION OF WORK.

Sec. 103. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited: provided, that if good cause be shown, the Council may, by resolution, extend the time for completion thereof not exceeding three months.

#### SERVICE AND ACCOMMODATION.

Sec. 104. The grant of every franchise or privilege shall be subject to the right of the City whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

#### RATES AND CHARGES.

Sec. 105. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all official policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.



## RIGHT OF CITY TO ASSUME OWNERSHIP.

Sec. 106. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted or at any time before as stated in the ordinance the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted become the property of the city, without any compensation to the grantee.

## NO CONVEYANCE NECESSARY FOR THE CITY'S OWNERSHIP.

Sec. 107. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which it was granted become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of city by virtue of the grant and without the execution of any instrument or conveyance.

## LEASE OR ASSIGNMENT OF FRANCHISE.

Sec. 108. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

## STREET SPRINKLING, CLEANING AND PAVING.

Sec. 109. Every grant of any franchise or privilege, in, over, under or along any of the streets, highways, or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

## EXAMINATION OF COMPANY'S BOOKS. AUDIT.

Sec. 110. The City of Monterey, by its Auditor, Deputy Auditor, or accountants authorized by the Auditor, or by the Council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this Charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

## ANNUAL REPORTS OF COMPANY.

Sec. 111. Every person, firm or corporation operating any business under franchise granted under this article shall file annually with the City Auditor on such date as shall be fixed by the Council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the Council shall direct, and shall contain a statement in such form and detail as shall from time to time be prescribed by the Council of all gross receipts arising from all the business done by said person, firm or corporation within The City of Monterey for the year immediately preceding such report. Such reports shall contain such further statements as may be required by the Council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also



the amount expended for new construction, repairs, and betterment during such year.

#### PAYMENT OF GROSS RECEIPTS.

Sec. 112. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage at the time of filing such annual report shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

#### FORFEITURE FOR NON-COMPLIANCE.

Sec. 113. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

#### RESERVATION FOR BELT LINES.

Sec. 114. No exclusive right or privilege shall ever be granted by the city or Council in, to, or upon the bed of the Bay of Monterey, beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the Bay of Monterey shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

#### FRANCHISES NOT IN USE FORFEITED.

Sec. 115. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid unless such grantees or their assigns shall within six months after this Charter takes effect in good faith commence the exercise and enjoyment of such privilege or franchise.

## ARTICLE X.

### LIBRARY COMMISSION.

#### FIVE COMMISSIONERS APPOINTED BY MAYOR.

Sec. 116. The Public Library of the city shall be under the control and management of a Board of Commissioners, consisting of five members, who shall be appointed by the Mayor subject to the confirmation of a majority of the Council. They shall be chosen from the citizens at large without regard to sex or political opinions, but with reference to their fitness for said office and no member of the City Council shall be a member of said Board. The members of this commission shall serve for two years and without compensation and during their term of office must have a continuous residence in said city.

#### TAX FOR MAINTAINING LIBRARY.

Sec. 117. The City Council may at the request of the Board of Library Commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than ten cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

#### PROVIDING FOR DONATIONS AND BEQUESTS.

Sec. 118. If payment into the City Treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequests.

#### PROPERTY FOR SUPPORT OF LIBRARY. SUITS.

Sec. 119. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for or defended by action at law or otherwise.



## MEETINGS. SECRETARY.

Sec. 120. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

## POWERS OF BOARD.

Sec. 121. The board shall have power:

(1) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

(2) To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

(3) To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the Council;

(4) To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

(5) To do all that may be necessary to be done to carry out in full all the provisions of this Charter relating to said library.

## COMPENSATION OF LIBRARY EMPLOYEES. FUNDS.

Sec. 122. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this Charter regulating the payment of moneys from the public funds.

## PROTECTION OF LIBRARY. IMPOSE PENALTIES.

Sec. 123. The Council shall pass proper ordinances for the protection of the Public Library and property belonging thereto, and imposing penalties upon persons

injuring the same or unlawfully obtaining or detaining books or other property from such library.

## ARTICLE XI.

## POLICE COURT.

## CREATING COURT.

Sec. 124. There is hereby created in and for The City of Monterey a court which shall be known as the Police Court of Monterey.

## JUDGE THEREOF.

Sec. 125. Said court shall consist of one Judge, who shall be appointed by the Council, and shall serve during its pleasure and shall receive such compensation as the City Council shall determine.

## EXCLUSIVE JURISDICTION.

Sec. 126. Said court shall have exclusive jurisdiction: First—In all prosecutions for the violation of city ordinances.

Second—In all actions for the recovery of any fine, penalty, or forfeiture and the enforcement of any obligation or liability prescribed or created by the city ordinances and which the sum sued for does not exceed three hundred dollars.

## CONCURRENT JURISDICTION.

Sec. 127. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with Township Justice Courts on all matters and things in which Justice Courts now or may hereafter have jurisdiction. And the Judge of said Police Court shall have as aforesaid like authority, power and jurisdiction as the Justices of said Justice Courts.

## APPEALS.

Sec. 128. Appeals may be taken to the Superior Courts of the State of California in and for the County of Monterey from the judgment and order of said Police Court in all cases in which appeals are now or may hereafter be provided by law to be taken to said Superior Court from said Justice Court and Police Court.

## PLEADING AND PRACTICE.

Sec. 129. In all pleading in and appeals from said Police Court the pleading, practice and procedure and



laws now applicable or that may hereafter be made applicable to said Justice or Police Court are hereby adopted and made applicable to said Police Court.

#### FINES. REPORTS.

Sec. 130. All fines and other moneys received or collected by the Judge of said Police Court for or on account of The City of Monterey shall immediately be paid into the City Treasury. He shall make monthly reports to the Mayor, together with proper vouchers and receipts for all moneys received and paid into the treasury.

#### UNDETERMINED PROCEEDINGS IN RECORDER'S COURT.

Sec. 131. All actions and proceedings pending and undetermined in the Recorder's Court of Monterey shall be proceeded with, heard, tried and determined in said Police Court hereby provided for before said Judge the same as if said action or proceeding had been originally commenced in said Police Court.

#### RECORDS OF COURT.

Sec. 132. The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

#### COURT-ROOM BUSINESS.

Sec. 133. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

#### ADDITIONAL POWERS.

Sec. 134. The Judge of the Police Court shall have power to administer oaths, take and certify affidavits in the same manner and with like effect as Justices of the Peace.

#### SEAL.

Sec. 135. He shall have and use a seal on which shall be engraved the arms of the State and the words, "Police Court, City of Monterey."

#### CHIEF OF POLICE—POWERS AND DUTIES.

Sec. 136. The Chief of Police of The City of Monterey shall execute and return all processes issuing from

the Police Court and all orders of the Police Judge. The Chief of Police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city, or for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authority, or in the lawful exercise of their function. He shall have the powers that are now or may be hereafter conferred upon Sheriffs by the laws of this State, and shall in all respects be entitled to the same protection and his lawful orders shall be executed by deputies, policemen and watchmen of the City of Monterey, and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the Chief of Police to prosecute, before the Police Judge, all breaches or violations or non-compliance with any city ordinance or law within the jurisdiction of the Police Judge which has come to his knowledge. The Chief of Police shall have charge of the City Prison and prisoners and of any chain gang that may be established by the Council. He shall devote his entire time to the duties of his office and subject to such rules and regulations as the Council may prescribe. He shall remove any member of the police force for disobedience of any law or order, for violation of any of the rules or regulations of the Police Department, and for neglect of duty or conduct unbecoming a member of the police force. He shall immediately file with the Mayor written charges specifying the grounds upon which such suspension or removal is made.

In addition to the duties in this Charter specified the Chief of Police shall discharge all the duties required of him by ordinance of the city, or resolution of the Council, or by law, or any provisions of this Charter.

### ARTICLE XII.

#### MISCELLANEOUS.

##### WHEN THIS CHARTER TAKES EFFECT.

Sec. 137. For the purpose of nominating the candidates and electing the Mayor and Councilmen in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the 1st day of July, 1911.



## FIRST ELECTION UNDER THIS CHARTER.

Sec. 138. The Board of Trustees of the City of Monterey, in office at the time of the approval of this Charter by the Legislature, shall provide for the holding of the first election under this Charter, shall canvass the votes and declare the result.

## TERMS OF INCUMBENT IN OFFICE.

Sec. 139. The members of the Board of Trustees and all other elective officers of The City of Monterey, in office at the time of approval of this Charter by the Legislature, shall continue to hold office and discharge their duties until the election and qualification of the Mayor and Councilmen, respectively, first elected under this Charter.

The term of each of all the other officers in office at the time this Charter takes effect shall cease and terminate when the Council first elected hereunder shall by resolution so declare.

## EXISTING ORDINANCES TO CONTINUE IN FORCE.

Sec. 140. All lawful city ordinances, resolutions and regulations in force at the time this Charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

## CONDUCT OF LEGAL PROCEEDINGS.

Sec. 141. The City Attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violation of the provisions of this Charter and the ordinances of the city and shall attend to all suits and proceedings in which the city may be legally interested; provided, the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.

## VIOLATION OF CHARTER AND ORDINANCES.

Sec. 142. The violation of any provision of this Charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for a violation of a provision of this

Charter, or of any ordinance, may be imprisoned in the City Jail or of the County Jail in which The City of Monterey is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against The City of Monterey.

## MEANING OF WORDS.

Sec. 143. The word "City" wherever it occurs in this Charter means The City of Monterey, and every Commissioner, Commission, Department, Board, Officer or Employee, wherever mentioned in this Charter, means the Commissioner, Commission, Department, Board, Officer or Employee, as the case may be, of The City of Monterey. The word "Council" when used in this Charter means the Council of The City of Monterey.

## CERTIFICATES OF ELECTION ISSUED BY CLERK.

Sec. 144. After the result of an election is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor and serve the same by registered mail through the United States Postoffice in The City of Monterey, addressed to the person or persons so elected or appointed.

## PROVISIONS FOR ELECTION.

Sec. 145. If for any reason the first general municipal election is not held on the day herein provided for, the validity of this Charter and of such election is not affected thereby, and the Board of Trustees of The City of Monterey then in office must provide for the holding of such election as soon as possible thereafter.

## AMENDMENTS.

Sec. 146. This Charter may be amended at intervals of not less than two years by proposals therefor, submitted by the Council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the Legislature as provided in the Constitution of the State of California. Whenever twenty per cent of the qualified electors of the city shall petition the Council to submit any proposed amendment or amendments to this Charter to the qualified electors thereof for approval the Council must sub-



mit the same. In submitting any such amendment or amendments to the Charter any alternative article or proposition may be presented for the choice of the electors and may be voted on separately without prejudice to the others.

#### FORM OF PETITION.

Sec. 147. The petition provided for in Section 146 must be made, presented and certified to in the manner and form required for petitions in Section 31, Article IV, of this Charter.

#### PROCEEDINGS RELATIVE TO AMENDMENTS.

Sec. 148. The Council must make all necessary provisions for submitting proposed amendments to the electors and shall canvass the votes in the same manner as in other elections.

#### BALLOTS.

Sec. 149. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

#### CERTIFICATE.

Whereas, The City of Monterey, a city containing a population of more than three thousand five hundred, and less than ten thousand inhabitants, on the 25th day of July, A. D. 1910, at a special election, and under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, did elect W. E. Parker, F. A. Botsch, George D. Clark, C. P. Carmody, C. F. French, Frank Hellam, Paul Hess, F. M. Hilby, E. E. James, F. A. Lang, J. K. Oliver, Shelley Pickles, H. J. Schauffele, B. F. Wright and C. R. Few a Board of Fifteen Freeholders to prepare and propose a Charter for said city,

Wherefore be it known, that pursuant to said provisions of the Constitution of the State of California and within a period of ninety days after said special election, said Board of Freeholders has prepared and does propose the foregoing as and for the Charter of the City of Monterey.

In witness whereof, we have hereunto set our hands in duplicate this 13th day of October, A. D. 1910.

W. E. PARKER, President.  
C. R. FEW, Secretary.  
F. A. BOTSCH,  
GEO. D. CLARK,  
C. P. CARMODY,  
C. F. FRENCH,  
FRANK HELLAM,  
F. M. HILBY,  
E. E. JAMES,  
F. A. LANG,  
J. K. OLIVER,  
SHELLEY PICKLES,  
H. J. SCHAUFFELE,  
B. F. WRIGHT,

Attest:

C. R. FEW,  
Secretary.

Received this 13th day of October, 1910.

(Seal)

WILL JACKS,

President of the Board of Trustees of the City of Monterey.

Filed this 13th day of October, 1910.

GEO. S. GOULD, JR.,  
City Clerk.



## MEMORANDUM.

The first official publication of the foregoing proposed Charter was made in the Monterey Daily Cypress, a daily newspaper of general circulation, on Saturday, October 22, 1910, pursuant to resolution No. 1071, adopted by the Board of Trustees of The City of Monterey, on the 13th day of October, 1910, and by direction of the President of said Board of Trustees and the City Clerk of said city.

STATE OF CALIFORNIA, }  
COUNTY OF MONTEREY, } ss.  
CITY OF MONTEREY. }

I, WILL JACKS, president of the board of trustees of the city of Monterey, State of California, and Geo. S. Gould, Jr., clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 25th day of July, 1910, at a special municipal election held in said the city of Monterey on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the constitution of the State of California; that said proposed charter was then published in the "Monterey Daily Cypress," which then was a daily newspaper of general circulation in said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, as required in said section eight of said article eleven, to wit, on the 12th day of December, 1910, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said special election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board

of trustees of said the city of Monterey on the 19th day of December, 1910, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said the City of Monterey to be affixed this 30th day of December, 1910.

WILL JACKS,

President of the Board of Trustees  
of the City of Monterey.

[SEAL]

GEO. S. GOULD, JR.,

Clerk of said Board of Trustees  
and said the City of Monterey.

AND WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California;

Now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF CALIFORNIA, THE SENATE THEREOF CONCURRING (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Monterey, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the city of Monterey.