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An act in relation to municipal corporations.

Colorado General Assembly

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Colorado General Assembly, "An act in relation to municipal corporations." (1877). *Session Laws 1861-1900*. 1265.

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AN ACT IN RELATION TO MUNICIPAL CORPORATIONS.

ARTICLE I. MANNER OF INCORPORATION.

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

Petition to
county court for
incorporation;
what it shall set
forth.

2642. SECTION 1. When the inhabitants of any part of any county not embraced within the limits of any city or incorporated town, shall desire to be organized into a city or incorporated town, they may apply by petition in writing signed by not less than thirty of the qualified electors of the territory, to be embraced in the proposed city or incorporated town, to the county court of the proper county; which petition shall describe the territory proposed to be embraced in such city or incorporated town, and shall have annexed thereto an accurate map or plat thereof, and state the name proposed for such city or incorporated town, and shall be accompanied with satisfactory proofs of the number of inhabitants within the territory embraced in said limits.

Appointment of
commissioners
by the court;
calling of elec-
tion.

2643. SEC. 2. When such petition shall be presented, the court shall forthwith appoint five commissioners, who shall at once call an election of all the qualified electors residing within the territory embraced within said limits as described and platted, to be held at some convenient place within said limits, the notice for which shall be given by publication in some newspaper published within said limits, if any there be, for three successive weeks, and by posting notices in five public places within said limits. If there be no newspaper published within said limits, then such notice shall be given by posting notices in eight public places within the same; said posting and the first publication to be not less than three weeks preceding such election. Such notice shall specify the place and time of such election; it shall contain a description of the limits of said proposed town or city, and state that a description and plat thereof are on file in the office of the clerk of the county court. Said commissioners shall act as judges and clerks of the election, and shall qualify as required by law for judges and clerks of county elections, and shall report the result of

the ballot to the court aforesaid. The ballots used at said election shall be "for incorporation," or "against incorporation."

2644. SEC. 3. If a majority of the ballots cast at such election be in favor of such incorporation, the clerk of the county court shall immediately on the return of the commissioners being filed in his office, give notice of the result by publication in a newspaper, or if no newspaper be published in the county, by posting in five public places within the limits of the proposed city or town; and in such notice he shall designate to which of the classes of incorporation hereinafter prescribed, such city or town shall belong. A copy of the notice, with proper proof of its publication shall be filed with the papers, and a certified copy of all papers and record entries relating to the matter on file in the clerk's office, shall be filed in the recorder's office of the county, and in the office of the secretary of state.

Notice of result of election; how to be published.

2645. SEC. 4. When certified copies of the papers and record entries are made and filed as required by the preceding section, and officers are elected and qualified for such city or town as hereinafter provided, the incorporation thereof shall be complete; whereof notice shall be taken in all judicial proceedings.

Completion of incorporation.

2646. SEC. 5. When the incorporation of such city or town is completed, the commissioners mentioned in section two of this act, shall give notice, for two consecutive weeks, of the time and place of holding the first election of officers therefor by publication in a newspaper, or if none be published within the limits of such city or town, by posting in five public places within the limits of the same. At such election the qualified electors of such city or town residing within the limits of such city or town, shall choose officers therefor, to hold until the first annual election of officers according to its grade, as hereinafter in this act prescribed. Said commissioners shall act as judges and clerks of the election, and otherwise it shall be conducted, and the officers elected thereat shall be qualified, in the manner prescribed by law for the election and qualification of precinct officers.

First election of officers of city or town.

Fee title to avenues, streets, alleys, etc., to vest in city or town.

2647. SEC. 6. All avenues, streets, alleys, parks, and other places designated or described as for public use on the map or plat of any city or town, or of any addition made to such city or town, shall be deemed to be public property, and the fee thereof be vested in such city or town.

ARTICLE II. CONTIGUOUS TERRITORY ANNEXED.

Manner of annexation of additions laid out and surveyed as such.

2648. SEC. 7. Whenever any territory shall be laid out and surveyed as an addition to any city or town organized under this act, such territory shall, upon the filing of the map or plat thereof in the office of the county clerk and recorder of the county in which said territory may be situate, and another such map or plat with the clerk or recorder of the city or town to which it is desired to annex such territory, become a part of said city or town, and be included within the limits and jurisdiction thereof; *provided*, that no map or plat of such addition shall be filed for record with said clerk and recorder until the same has been by the owner or owners of such contemplated addition be submitted to the city council or board of trustees of said city or town, and approved by three-fourths of the members elected thereto, and no map or plat of such addition shall be approved by said council or trustees unless the proposed streets and alleys therein are in conformity, as to courses and angles, with the streets and alleys of adjoining portions of said city or town, nor unless such map or plat shall show the topography of such territory as to bluffs, streams, ditches, ravines, etc., nor until all taxes then assessed against said territory are paid, and if the said territory shall have previously been sold for taxes and not redeemed therefrom, the owner or owners thereof shall first redeem the said land from such tax sale; *provided*, that the tax deed has not issued thereon.

2649. SEC. 8. When any municipal corporation shall desire to annex any contiguous territory thereto, not embraced within the limits of any city or town, it shall be

lawful for the trustees or council of the corporation, by an ordinance passed for that purpose at least one month before the regular annual election, to submit the question of annexation to the qualified electors of such corporation; and if a majority of the electors of the corporation voting on the question shall vote in favor of such annexation, the council or trustees of such corporation shall present to the county court a petition praying for such annexation, which petition shall describe the territory proposed to be annexed to such municipal corporation, and have attached thereto an accurate map or plat thereof, and like proceedings shall be had upon said petition as are provided in sections two and three of this act so far as the same may be applicable; and if the result of the election be favorable to the proposed annexation the same record shall be made as provided in said sections, and thereupon the said contiguous territory proposed to be annexed shall be in law deemed and taken to be included in and shall be a part of said municipal corporation, and the inhabitants thereof shall in all respects be citizens thereafter of the said municipal corporation.

Manner of annexation of contiguous territory: submission of question to vote, and petition to county court.

2650. SEC. 9. When any incorporated city shall desire to annex to such corporation any abutting and contiguous territory thereto, which is not embraced within the limits of any city, and which territory has been laid out in lots or parcels containing four acres or less, the council of such corporation may present to the county court of the county in which such city is situate, a petition setting forth the facts and describing the territory that is desired to be annexed, and that the same has been laid out as above mentioned, together with the names of each owner of any portion of such territory, without describing at length, if there is more than one such owner, the particular portion of such territory owned by each, which petition shall have attached thereto a map or plat of such territory. A notice of the filing of such petition shall be served by publication in one daily or weekly newspaper published in such city or town, or if no such newspaper be published therein then by posting in five public places in the territory, outside of said city, for the period of four weeks; and the corporation shall be plaintiff and said owners defendants, and issues joined and

Annexation of contiguous territory which has been laid out in lots of four acres or less; what petition to county court shall set forth.

Trial of cause
on petition.

the cause tried in the ordinary manner as far as applicable, except that no judgment for costs shall be rendered against any defendant who does not make any defense. If the court find the allegations of the petition to be true, and that justice and equity require that said territory or any part thereof should be annexed to such corporation, a decree shall be entered accordingly, and from the time of entering such decree the territory therein described shall be included in and become a part of such corporation. The powers conferred under the provisions of this section shall also apply to cities acting under special charters.

Application to
cities acting im-
der special
charters.

Annexation of
one incorporated
city or town to
another; sub-
mission of the
question to vote.

2651. SEC. 10. When any city or incorporated town shall desire to be annexed to another and contiguous city or incorporated town, the council or trustees of each of such cities or towns shall appoint three commissioners to arrange and report to such council or trustees respectively the terms and conditions on which the proposed annexation can be made; and if the council or trustees of each of such cities or towns approve of the terms and conditions proposed they shall, by proper ordinance, so declare; and thereupon the council or trustees of each of such cities or towns, by ordinance passed at least one month prior to the general annual election therein, may submit the question of such annexation, upon the said terms and conditions so proposed, to the electors of their respective cities or towns, and if a majority of the electors of each vote in favor of such annexation the council or trustees of each shall, by proper ordinance, so declare; and a certified copy of the whole proceedings for annexation of the city or town to be annexed being filed with the clerk or recorder of the city or town to which the annexation is made, the latter shall file with the secretary of state, and in the recorder's office of the county, a certified copy of all proceedings had by both of such cities or towns in the matter of such annexation.

Completion of
annexation.

2652. SEC. 11. When certified copies of the proceedings for annexation are filed as contemplated in the preceding section, the annexation shall be deemed complete, and the city or town to which the annexation is made shall have power to pass such ordinances, not inconsistent with law, as will carry into effect the terms of such an-

nexation; and thereafter the city or town annexed shall be governed as part of the city or town to which annexation of it is made; *provided*, that such annexation shall not affect or impair any rights or liabilities then existing for or against either of such cities or towns, and that they may be enforced the same as if no such annexation had taken place.

ARTICLE III. GENERAL POWERS.

2653. SEC. 12. Cities and towns organized as provided in this chapter, shall be bodies politic and corporate under such name and style as they may select at the time of their organization, and may sue or be sued; contract or be contracted with; acquire and hold property, real and personal; have a common seal which they may change and alter at pleasure, and have such other privileges as are incident to corporations of like character or degree, not inconsistent with the laws of the state.

Rights and privileges of incorporated cities and towns.

2654. SEC. 13. All municipal corporations, organized under this act, shall have the general powers and privileges, and be subjected to the rules and restrictions granted and provided in the sections of this act.

General powers and restrictions.

OF THE POWERS OF THE CITY COUNCIL AND BOARD OF TRUSTEES.

2655. SEC. 14. The city council and board of trustees in towns shall have the following powers:—

Powers of city council or boards of trustees.

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To erect all needful buildings for the use of the city or town.

Sixth—To contract an indebtedness on behalf of the city, and upon the credit thereof, by borrowing money or issuing the bonds of the city or town, for the following purposes, to

For what purposes borrowing of money or issuing of bonds authorized.

Limitation of total amount of indebtedness: what the ordinance creating such indebtedness shall specify and provide.

Submission of question of incurring debt to vote.

wit: For the purpose of erecting public buildings; for the purpose of constructing sewers for the city or town; for the purpose of the purchase or construction of water works for fire and domestic purposes; for the purpose of the construction or purchase of a canal or canals, or some suitable system for supplying water for irrigation in the city or town; for the purpose of the construction or purchase of gas works for manufacturing illuminating gas; and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the city or town. The total amount of indebtedness for all purposes shall not at any time exceed three per centum of the total assessed valuation of the taxable property in the city or town—except such debt as may be incurred in supplying the city or town with water and water works—and no loan for any purpose shall be made, except it be by an ordinance which shall be irrevocable until the indebtedness therein provided for shall be fully paid, specifying the purposes to which the funds to be raised shall be applied, and providing for the levying of a tax not exceeding, in total amount for the entire indebtedness of the city or town—except such debt as may be incurred in supplying the city or town with water and water works—twelve mills upon each dollar valuation of the taxable property within the city or town, sufficient to pay the annual interest and extinguish the principal of such debt within the time limited for the debt to run, which shall not be less than ten years nor more than fifteen years, and providing that said tax, when collected, shall only be applied to the purposes in said ordinances specified, until the indebtedness shall be paid and discharged; but no such debt shall be created, except for supplying the city or town with water, unless the question of incurring the same shall, at a regular election of officers for the city, be submitted to a vote of such qualified electors of the city or town as shall, in the year next preceding, have paid a property tax therein, and a majority of those voting upon the question, by ballot deposited in a separate ballot box, shall vote in favor of creating such debt.

Seventh—First, to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys,

avenues, sidewalks, parks and public grounds, and vacate the same, and to direct and regulate the planting of ornamental and shade trees in such streets, avenues and public grounds; second, to plant trees upon the same; third, to regulate the use of the same; fourth, to prevent and remove encroachments or obstructions upon the same; fifth, to provide for the lighting of the same; sixth, to provide for the cleansing of the same; seventh, to regulate the openings therein for the laying out of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights; *provided, however*, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized, for the purpose of manufacturing illuminating gas to supply cities or towns or the inhabitants thereof with the same, shall have the *right by consent* of the city council or town trustees, but not without such consent, (subject to existing rights,) to erect gas factories and lay down pipes in the streets or alleys of any city or town in this state, subject to such regulations as any such city or town may, by ordinance, impose; eighth, to regulate the use of sidewalks along the streets and alleys, and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalks, or along the same, free from snow and other obstructions; ninth, to regulate and prevent the throwing or depositing of ashes, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground; tenth, to provide for and regulate crosswalks, curbs and gutters; eleventh, to regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, posting hand-bills and advertisements; twelfth, to regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand-bills in the streets or public grounds, or upon the sidewalks; thirteenth, to regulate and prevent the flying of flags, banners or signs across the streets or from houses; fourteenth, to regulate traffic and sales upon the streets, sidewalks and public places; fifteenth, to regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation;

Powers in relation to streets, alleys, etc.

Railroads.

sixteenth, to regulate the numbering of houses and lots; seventeenth, to name and change the name of any street, avenue, alley or other public place; eighteenth, to license, regulate and control the laying of railroad tracks, to provide for and change the location, grade and crossing of any railroad, and to control, regulate and prohibit the use of steam engines and locomotives propelled by steam power within the corporate limits; nineteenth, to require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards at crossings of streets and public roads, and keep the same in repair within the limits of the corporation; twentieth, to require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads; twenty-first, to compel such railroads to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city or town, and when such tracks run lengthwise of any street, alley or highway, to keep their tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway.

Railway tracks.

Eighth—To compel and require railroad companies to make and keep open, and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Bridges and culverts.

Ninth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Tenth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

Water courses.

Eleventh—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

Twelfth—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Licenses.

Thirteenth—To license, tax, regulate, suppress and prohibit hucksters, peddlers, pawn-brokers, keepers of ordi-

naries, theatrical and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Fourteenth—To license, tax and regulate hackmen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe the compensation.

Fifteenth—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Sixteenth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole, or any other tables or implements kept or used for a similar purpose in any place of public resort, and pin alleys and ball alleys.

Seventeenth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city or town, or within three miles beyond, except where the boundaries of two cities or towns adjoin, the outer boundaries of the city or town; and also to suppress gaming and gambling houses, lotteries and fraudulent devices and practices, for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Suppression of
houses of ill-
fame, gambling
houses, etc.

Eighteenth—To have the exclusive right to license, regulate or prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor within the limits of the city or town, or within one mile beyond the outer boundaries thereof, except where the boundaries of two cities or towns adjoin, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license; *provided*, that the city council in cities, or board of trustees in towns, may grant permits to druggist for the sale of liquor for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance; *provided*, *further*, that in granting licenses, such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

Sale of liquors.

Nineteenth—And the city council in cities, and board of trustees in towns, shall also have the power to forbid and

punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, or apprentice, or insane, idiotic, or distracted person, habitual drunkard, or person intoxicated.

Markets and
market-houses.

Twentieth—To establish markets and market houses, and provide for the regulation and use thereof.

Twenty-first—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and to provide for place and manner of selling the same.

Twenty-second—To regulate the sale of bread in the city or town, prescribe the weight and quality of the bread in the loaf.

Twenty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions.

Weights and
measurements.

Twenty-fourth—To regulate the inspection, weighing, and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

Twenty-fifth—To provide for the inspection and sealing of weights and measures.

Twenty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Vaults, sewers,
gutters, &c.

Twenty-seventh—To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Twenty-eighth—To license, regulate or prohibit places of amusement.

Twenty-ninth—To prevent intoxication, fighting, quarrelling, dog fights, cock fights and all disorderly conduct.

Thirtieth—To regulate partition fences and party walls.

Construction of
buildings.

Thirty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and the construction of fire escapes therein.

Fire limits.

Thirty-second—The city council or board of trustees, in towns, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or removed into from without said limits or placed or repaired without permission, and to direct that all and any buildings within the fire limits when the same shall have been damaged by fire,

decay, or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Thirty-third—First, to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens and apparatus used in and about any manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; second, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; third, to prevent the deposit of ashes in unsafe places and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

Thirty-fourth—To erect engine houses, and provide fire engines, hose, hose carts, hooks and ladders, and other implements for the extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Fire engines
and fire compa-
nies.

Thirty-fifth—To regulate and prevent storage and transportation of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops, and other places, and the building of bonfires. Also, to regulate and restrain the use of fire-works, fire-crackers, torpedoes, roman candles, sky-rockets, and other pyrotechnic displays.

Storage and
transportation of
combustible or
explosive mate-
rials.

Thirty-sixth—To regulate the police of the city or town, and pass and enforce all necessary police ordinances.

Police.

Thirty-seventh—To provide for the inspection of steam boilers.

Thirty-eighth—To prescribe the duties and powers of a superintendent or chief of police, policemen and watchmen.

Thirty-ninth—To establish and erect calaboooses, bride-wells, houses of correction, and reform schools and work-houses for the reformation and confinement of vagrants, idle and disorderly persons and persons convicted of violating any city or town ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Fortieth—To use the county jail for the confinement or

punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners.

Forty-first—To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

Forty-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

Forty-third—To prohibit and punish cruelty to animals.

Forty-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Sanitary
regulations.

Forty-fifth—To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Forty-sixth—To appoint a board of health and prescribe its powers and duties.

Forty-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Forty-eighth—To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Cemeteries.

Forty-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation.

Running at
large of animals.

Fiftieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a license fee upon dogs.

Packing houses,
etc.

Fifty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow candleries, bone factories, soap factories and tanneries, within the limits of the city or town or within the distance of one mile without the city or town limits.

Breweries, etc.

Fifty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies, within the limits of the city or town.

Fifty-third—To prohibit any offensive and unwholesome business or establishment within, or within one mile of the limits of the corporation. Unwholesome business or establishments.

Fifty-fourth—To compel the owner of any grocery, cellar, soap or tallow candlery, tannery, stable, pig sty, privy or sewer, or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Fifty-fifth—The city council or trustees of a town shall have power to provide for the taking of the city or town census, but no city or town census shall be taken by authority of the council or trustees oftener than once between the years prescribed by law for census to be taken. Census.

Fifty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or town. Public buildings.

Fifty-seventh—To establish within the corporate limits all toll bridges, ferries, and license and regulate the same, and from time to time fix tolls thereon.

Fifty-eighth—To authorize the construction of mills and mill races, irrigating or mining ditches and feeders, on, through or across the streets of the city or town, at such places and under such restrictions as they shall deem proper. Mills and mill races.

Fifty-ninth—The city council or board of trustees shall have power by condemnation or otherwise to extend any street, alley or highway, over or across, or to construct any sewer under or through any railroad track, right of way or land of any railroad company, within the corporate limits, but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness. Condemnation of lands.

Sixtieth—The city council or board of trustees shall have no power to grant the use of, or the right to lay down any railroad track in any street of the city or town, to any steam or horse railroad company, except upon the written consent of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes. Right of way through streets.

Sixty-first—To tax, license and regulate auctioneers, dis-

Licensing of
auctioneers, etc.

tillers, brewers, lumber yards, livery stables, public scales, money changers, and brokers; *provided*, that the exercise of their powers shall not interfere with sales made by sheriffs, constables, tax collectors, coroners, marshals, executors, guardians, assignees of insolvent debtors or bankrupts, or any other person required by law to sell real or personal property at auction.

Street annoy-
ances.

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

Lumber yards.

Sixty-third—To regulate and prohibit the keeping of any lumber yard, and the placing, or piling, or selling any lumber, timber, wood, or other combustible material within the fire limits of the city or town, and regulate the storage of hay or other combustible material at any place within the limits of the city or town.

Stationery and
supplies.

Sixty-fourth—To provide by ordinance that all the paper, printing, stationery, blanks, fuel and all the supplies needed for the use of the city or town shall be furnished by contract let to the lowest bidder.

Second-hand
and junk stores.

Sixty-fifth—To tax, license and regulate second-hand and junk stores and to forbid their purchasing or receiving from minors without the written consent of their parents or guardians any article whatsoever, and compel a record of purchases to be kept and subject at all times to the inspection of the police.

Limitation of
fines and im-
prisonment.

Sixty-sixth—To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted to cities or towns, with such fines and penalties as the council or board of trustees shall deem proper; *provided*, no fine or penalty shall exceed three hundred (300) dollars, and no imprisonment shall exceed ninety days for one offense.

Water works
and gas works.

Sixty-seventh—They shall have power to erect water works or gas works, or to authorize the erection of the same by others; but no such works shall be erected or authorized until a majority of the voters of the city or town.

voting on the question at a general or special election by vote approve the same.

Sixty-eighth—They shall have power to construct or authorize the construction of such water works, without their limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works, and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for five miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

Extent of jurisdiction over water works.

Sixty-ninth—When the right to build and operate such water or gas works is granted to private individuals or incorporated companies by said cities and towns, they may make such grant to inure for a term of not more than twenty-five years, and authorize such individuals or company to charge and collect from each person supplied by them with water or gas, such water or gas rent as may be agreed upon between said person or corporation so building said works and said city or town; and such cities or towns are authorized and empowered to enter into a contract with the individual or company constructing said works, to supply said city or town with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and also with gas, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

Granting of rights to build and operate water or gas works.

Seventieth—Said cities or towns are hereby authorized to condemn and appropriate so much private property as shall be necessary for the construction and operation of said water works or gas works, in such manner as is, or may be prescribed by law.

Seventy-first—All cities and incorporated towns constructing such water or gas works, are authorized to assess, from time to time, in such manner as they shall deem equitable, upon each tenement or other place supplied with water or gas, such water or gas rents as may be agreed upon by the

Assessment and collection of water and gas rents; levy of tax to pay expenses of repairing and operating works or contracts for supply of gas or water.

council or trustees, or upon each vacant lot in front of which the pipes commonly called "street mains" are laid, but such vacant lots as do not take water from such "street mains" shall not be assessed more than one-half as much as may be assessed against the same amount of frontage of lots occupied by a one-story building; and gas should be charged for by the foot, and then only to such as use it; and at the regular time of levying taxes in each year, said city or town is hereby empowered to levy and cause to be collected, in addition to the other taxes authorized to be levied, a special tax on taxable property in said city or town, which tax, with the water or gas rents hereby authorized, shall be sufficient to pay the expenses of running, repairing and operating such works; and if the right to build, maintain and operate such works is granted to private individuals or incorporated companies by such cities or towns, and said cities or towns shall contract with said individuals or companies for a supply of water or gas for any purpose, such city or town shall levy each year, and cause to be collected a special tax as provided for above, sufficient to pay off such water or gas rents so agreed to be paid to said individuals or company constructing said works; *provided, however*, that said last mentioned tax shall not exceed the sum of three mills on the dollar for any one year.

Public wells, cisterns and reservoirs.

Seventy-second—They shall have power to construct public wells, cisterns and reservoirs in the streets and other public and private places within the city or town, or beyond the limits thereof, for the purpose of supplying the same with water; to provide proper pumps and conducting pipes or ditches; to regulate the distribution of water for irrigating and other purposes, and to levy an equitable and just tax upon all consumers of water for the purpose of defraying the expense of such improvements.

Taking of water from streams, creeks, etc.

Seventy-third—They shall have the right and privilege of taking water in sufficient quantity, for the purpose hereinbefore mentioned, from any stream, creek, gulch or spring in the state; *provided*, that if the taking of such water in such quantity shall materially interfere with or impair the vested right of any person or persons or corporation, heretofore acquired, residing upon such creek, gulch or

stream, or doing a milling or manufacturing business thereon, they shall first obtain the consent of such person or persons or corporation, or acquire the right of domain, by condemnation, as prescribed by the constitution and laws upon that subject, and make full compensation or satisfaction for all the damages thereby occasioned to such person or persons or corporation.

Seventy-fourth—When it shall be deemed necessary by any municipal corporation to enter upon or take private property for any of the above uses, the same shall be examined, appraised and the damages thereon assessed, and the proceedings in connection therewith shall be in all respects the same as is now or may hereafter be provided by general law for the taking of private property for public or private use.

Condemnation
of private
property.

Seventy-fifth—Each municipal corporation may, by general ordinance, prescribe the mode in which the charge on the respective owners of lots or lands, and on the lots or lands, shall be assessed and determined for the purposes authorized by this act; such charge, when assessed, shall be payable by the owner or owners at the time of the assessment, personally, and also be a lien upon the respective lots or parcels of land from the time of the assessment. Such charge may be collected and such lien enforced by a proceeding in law or in equity, either in the name of such corporation or of any person to whom it shall have directed payment to be made. In any such proceedings, where pleadings are required, it shall be sufficient to declare generally for work and labor done and materials furnished on the particular street, alley or highway, or for water rents or gas used. Proceedings may be instituted against all the owners, or any, of them, to enforce the lien against all the lots or land, or each lot or parcel, or any number of them embraced in any one assessment; but the judgment or decree shall be separately for the amount properly chargeable to each. Any proceedings may be served, in the discretion of the court, for the purpose of trial, review or appeal.

Assessments
upon lots or
lands for public
improvements
be a lien on lots
or lands; how
enforced.

Seventy-sixth—The establishment and maintenance of a free public library is hereby declared to be a proper and

Establishment
and maintenance
of free public
library; appro-
priations there-
for not to be
made unless
proposition be
first submitted to
vote.

legitimate object of municipal expenditure; and the council or trustees of any city or incorporated town may appropriate money for the formation and maintenance of such a library, open to the free use of all of its inhabitants, under proper regulations; and for the purchase of land and the erection of buildings, or for the hiring of buildings or rooms suitable for that purpose, and for the compensation of the necessary employés; *provided*, that the amount appropriated in any one year for the maintenance of such a library shall not exceed one mill upon the dollar upon the assessed valuation of such city or town. Any such city or incorporated town may receive, hold or dispose of any and all gifts, donations, devises and bequests that may be made to such city or incorporated town, for the purpose of establishing, increasing or improving any such public library; and the city or town council thereof may apply the use, profits, proceeds, interests, and rents accruing therefrom in such manner as will best promote the prosperity and utility of such library. Every city or incorporated town in which such a public library shall be maintained, shall be entitled to receive a copy of the laws, journals, and all other works published by authority of the state, after the establishment of such library, for the use of such library, and the secretary of state is hereby authorized and required to furnish the same from year to year to such city or incorporated town. But no appropriation of money can be made under this section, unless the proposition is submitted to a vote of the people at a municipal election of such city or town, in such manner as may be prescribed by ordinance.

ARTICLE IV. ORDINANCES, FINES AND SUITS.

Making and
publishing of
ordinances.

2656. SEC. 15. Municipal corporations shall have power to make and publish, from time to time, ordinances not inconsistent with the laws of the state, for carrying into effect or discharging the powers and duties conferred by this act, and such as shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of such corporation and the inhabitants thereof, and to enforce obedience to such ordinances by fine not exceed-

ing three hundred dollars, or by imprisonment not exceeding ninety days.

2657. SEC. 16. The style of the ordinances in cities or towns shall be: "*Be it ordained by the city council or board of trustees of—*"

2658. SEC. 17. All actions brought to recover any fine or to enforce any penalty under any ordinance of any city or town, shall be brought in the name of the people of the state of Colorado as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and if united, would not have exceeded the jurisdiction of the court or magistrate, and no person shall be incompetent as judge, juror or witness in any action, to which the city or town shall be a party, on account of his or her being a resident citizen or property owner within such city or town. Appeals shall be allowed from judgment of any justice of the peace, or mayor, or police magistrate, to the county court in cases arising under this act, or the ordinances of any city or town, as in other cases.

2659. SEC. 18. All fines and forfeitures for the violation of ordinances, and all moneys collected for licenses or otherwise shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance, or if there be no ordinance referring to the case, then it shall be paid to the treasurer at once.

2660. SEC. 19. In all actions for the violation of any ordinance the first process shall be a summons; *provided, however,* that a warrant for the arrest of the offender may issue at the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof, and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be com-

Style of ordinances.

Actions for recovery of fines or enforcements of penalties; what defense not allowed; who competent as judge, juror or witness; appeals.

Disposition of fines and forfeitures.

Manner of commencement of actions; commitment of offender until fine and costs are paid; rate of allowance for labor during confinement.

mitted to the county jail or calaboose, city prison, work house, house of correction or other place provided by the city or town for the incarceration of offenders, until such fine, penalty and cost shall be fully paid; *provided*, that no such imprisonment shall exceed ninety days for any one offense. The city council or board of trustees shall have power to provide by ordinance that every person so committed shall be required to work for the corporation at such labor as his or her strength will permit, within or without such prison, work house, house of correction or other place provided for the incarceration of such offenders, not exceeding ten hours each working day, and for such work the person so employed to be allowed, exclusive of his or her board, two dollars per day for each day's work on account of such fine and costs.

Who shall have jurisdiction in cases of violation of ordinances.

2661. SEC. 20. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, or the city council may designate one justice of the peace who shall have such jurisdiction exclusively.

Who to serve process.

2662. SEC. 21. Any constable or sheriff of the county may serve any process or make any arrests authorized to be made by any city or town officer.

Limitation of suits and prosecutions.

2663. SEC. 22. All suits for the recovery of any fine, and prosecutions for the commission of any offense made punishable as herein provided, shall be barred in one year after the commission of the offense for which the fine is sought to be recovered.

Construction and repair of highways leading to city or town; submission of question of appropriation therefor to vote.

2664. SEC. 23. Any city or incorporated town may aid in the construction and repair of any highway leading thereto, by appropriating therefor a portion of the highway tax belonging to said city or incorporated town, not exceeding fifty per cent. thereof, annually, as hereinafter provided. When a petition shall be presented to the council or trustees, signed by twenty of the resident tax-payers of said city or town, asking that the question of aiding in the construction or repair of any highway leading thereto be submitted to the voters thereof, the council or trustees, immediately, shall give notice of a special election by post-

ing notice in five public places in said city or town at least ten days before said election, which notice shall specify the time and place of holding said election, the particular highway proposed to be aided, the proportion of the highway tax then levied and not expended, or next thereafter to be levied, to be appropriated; at which election the question of "appropriation" or "no appropriation" shall be submitted, and if a majority of votes polled be for appropriation, then the council or trustees may aid in the construction and repair of said highway to the extent of said appropriation, in the same manner as they otherwise would if said highway was within the corporate limits of said city or town; but no part of such highway tax shall be expended more than two miles from the limits of such city or town.

2865. SEC. 24. All ordinances and resolutions, or orders for the appropriation of money shall require for their passage or adoption, the concurrence of a majority of all the members elected of the council or board of trustees of any municipal corporation; all ordinances may be proven by the seal of the corporation and when printed in book form or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Ordinances, etc. for appropriation of money; what required for passage; how ordinances proven; how to be received in evidence.

2866. SEC. 25. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer of the council or board of trustees, and the clerk; and all by-laws of a general or permanent nature, and those imposing any fine, penalty, or forfeiture, shall be published in some newspaper of general circulation in the municipal corporation, and it shall be deemed a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture to show that no such publication was made; *provided, however,* that if no such newspaper is published within the limits of the corporation, then and in that case, such by-laws may be published by posting copies thereof in three public places within the limits of the corporation, two of which places shall be the postoffice

Record and authentication of ordinances; what shall be published, and manner of publication.

and the mayor's office of such town or city; and such by-laws and ordinances shall not take effect and be in force until the expiration of five days after they have been published. But the book of ordinances herein provided for shall be taken and considered in all courts of this state as *prima facie* evidence that such ordinances have been published as provided by law.

Manner of passage or adoption of ordinances, and appointment of officers.

2667. SEC. 26. On the passage or adoption of every by-law or ordinance, and every resolution or order to enter into contract by any council or board of trustees of any municipal corporation, the yeas and nays shall be called and recorded; and to pass or adopt any by-law, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the council or board of trustees shall be required; all appointments of officers by any council shall be by ballot, and the concurrence of a like majority shall be required, and the names of those who voted, and the vote each candidate received upon the vote resulting in an appointment, shall be recorded.

Passage of ordinances directing condemnation of private property or improvement of street or highway.

2668. SEC. 27. No street or highway shall be opened, straightened or widened, nor shall any other improvement be made which will require proceedings to condemn private property, without the concurrence in the ordinance or resolution directing the same, of two-thirds of the whole number of the members elected to the council or board of trustees; and the concurrence of a like majority shall be required to direct any improvement or repair of a street or highway, the cost of which is to be assessed upon the owners, unless two-thirds of the owners to be charged therefor shall petition in writing for the same.

ARTICLE V. FINANCE.

Fiscal year; when to commence; annual appropriation bill; no further appropriations unless sanctioned by legal voters.

2669. SEC. 28. The fiscal year of each city or town, organized under this act, shall commence on the first day of April in each year, or at such other time as may be fixed by ordinance. The city council of cities and board of trustees in towns shall, within the last quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill for the next fiscal year, in which such corporate authorities may appropriate such sum or sums of money as

may be deemed necessary to defray all necessary expenses and liabilities of such corporation, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or town, either by a petition signed by them, or at a general or special election duly called therefor. Nor shall the total amount appropriated exceed the probable amount of revenue that will be collected during the fiscal year.

2670. SEC. 29. Neither the city council, nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement, to be paid for out of the general fund of the corporation, shall exceed in any one year the amount provided for such improvement in the annual appropriation bill; *provided, however, that* nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement the necessity of which is caused by any casualty or accident happening after such annual appropriation is made.

Expenditures not to exceed appropriations, except in case of casualty or accident.

2671. SEC. 30. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

No contracts to be made nor expenses incurred unless appropriation be previously made therefor.

THE TREASURER.

2672. SEC. 31. The treasurer shall give a bond to the city or town in its corporate name, with good and sufficient sureties, to be approved by vote of the council or board of trustees in such sum as the council or trustees may require,

Bond of treasurer; amount and conditions.

and conditioned for the faithful performance of his duties as treasurer of such city or town so long as he shall serve as such treasurer, and that when he shall vacate such office he will turn over and deliver to his successor all money, books, papers, property or thing belonging to such city or town, and remaining in his charge as such treasurer.

Duties of treasurer.

2673. SEC. 32. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance; and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

Separate accounts of appropriations.

2674. SEC. 33. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

Receipts for moneys paid into treasury.

2675. SEC. 34. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid; and he shall also file statements of such receipts with the clerk at the date of his monthly reports.

Monthly account of treasurer; what to show; disposition of warrants paid.

2676. SEC. 35. He shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance, showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, during the preceding month, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk and filed with his said account in the clerk's office upon every day of such statement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

2677. SEC. 36. He may be required to keep all moneys in his hands belonging to the corporation in such place of deposit as may be designated by ordinance; *pro-*

vided, however, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping for his own use or benefit or that of any other person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant, and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

Deposit and custody of moneys; removal from office for converting corporation moneys to his own use.

2678. SEC. 37. He shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation as shown by his books up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures and of all his transactions as such treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and, if not, then by posting the same in a public place in the clerk's office.

Reports to city council or board of trustees; annual report of receipts and expenditures.

2679. SEC. 38. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn except as hereinafter provided.

Warrants; how to be signed.

2680. SEC. 39. All moneys received on any special assessment shall be held by the treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

Moneys received on special assessments.

Duties of collector, other than treasurer.

2681. SEC. 40. It shall be the duty of the collector— if anyone except the treasurer shall be specially appointed— or the person acting in that capacity, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, any member of the council or board of trustees, or committee thereof. He shall weekly, and oftener if required by the council or board of trustees, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city or town clerk, as the case may be; but the clerk shall at the time, or on demand, give such collector a copy of any such receipt so filed.

Reports of collector to council or board of trustees; publication of annual report.

2682. SEC. 41. He shall make a report, in writing, to the council or board of trustees, or any officer designated by them, of all moneys collected by him, the account whereon collected, or of any other matter connected with his office, when required by the council or board of trustees, or by any ordinance of the town or city. He shall also annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return, on all warrants which he shall have returned during the preceding fiscal year to the clerk. The clerk shall publish or post the same as hereinbefore required to be done in regard to the annual report of the treasurer.

Payment of moneys collected to treasurer; removal from office for default.

2683. SEC. 42. The collector is hereby expressly prohibited from keeping the moneys of the city or town in his hands, or in the hands of any person or corporation, to his use, beyond the time prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any

member of the council or board of trustees; and the collector shall, every two weeks, or oftener if the city council or board of trustees so direct, pay over all money collected by him from any person or persons or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

GENERAL TAXES.

2684. SEC. 43. The city council or board of trustees of any city or town shall have power and authority to levy Levy of taxes. taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within the limits of the city or town as are subject to taxation for state or county purposes, in accordance with the laws of this state.

2685. SEC. 44. It shall be the duty of the county assessor each year, in making his return, to designate the Designation of city property by county assessors property situate within the limits of any city or town in such county.

2686. SEC. 45. The county assessor shall, at the same time at which he files his return with the county clerk or other county officers, file with the clerk or recorder of each incorporated town or city a duplicate return of all property Return of assessment roll and appearance before county board of equalization. situate within the limits of any city or town in such county, and the council or board of trustees of any such city or town shall appear, or authorize one of their number to appear, before the county commissioners, sitting as a board of equalization, and recommend such amendments and additions to or changes in the assessment made by the county assessor of the property or any portion thereof, within the limits of such city or town as they may deem just.

2687. SEC. 46. It shall be the duty of the county clerk and recorder, as soon as the assessment roll is ready in each year, for the extension of the taxes, to extend the same upon the tax list of the current year, in a separate column, properly headed, in the same manner as other taxes are extended, carrying said city or town tax into the general total of all taxes for the year, and, shall include said city and town taxes in his general warrant to the county treasurer for collection. Extension of city or town taxes upon tax list by county clerks.

Return of delinquent assessments or taxes to county clerk and collection thereof by county treasurer.

2688. SEC. 47. Any municipal corporation may, in addition to the means provided, if by ordinance it so elects, cause any or all delinquent charges, assessments or taxes made or levied under and by virtue of, and for the purpose specified in this act, or referred to therein, to be certified to the county clerk of the county, and be collected and paid over by the treasurer of the county, in the same manner as taxes are authorized to be by this act.

In what manner city or town taxes collected and under what laws.

2689. SEC. 48. It shall be the duty of the treasurer of said county, and he is hereby authorized and empowered to collect the said city or town taxes, in the same manner and at the same time as other taxes upon the same tax list are collected. And all the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes, and the redemption of the same, shall apply and have as full effect for the collection of such city or town taxes as for such general taxes, except as modified by this act. The said county treasurer shall at the close of every month, and oftener if the city council or board of trustees of said city or town shall require, pay over to the city or town treasurer, all money so by him collected, upon the presentation to him of an order signed by the mayor and clerk or recorder of such city or town; and any such county treasurer shall be liable on his official bond for the faithful discharge of all the duties and obligations hereby imposed upon him.

Disposition of city or town funds collected by county treasurer.

Compensation of county officers and allowances for advertising tax sales.

2690. SEC. 49. The council or board of trustees of said city or town shall in each year make such allowance, to be paid out of the general fund to the said county officers, as shall be a reasonable and just compensation for the extra labor imposed by this act, and shall also make an allowance, to be paid out of the general fund to the county in which said city or town is located, for the city's or town's proportion of the expense of advertising the sale of lands for delinquent taxes in each year, the amount to be certified to the council or board of trustees by the clerk and recorder of the proper county.

ARTICLE VI. OFFICERS.

2691. SEC. 50. The first Tuesday in April shall be the regular annual period for the election of municipal officers, and all officers whose election is provided for in this act or may be provided for by ordinance shall be elected on that day. The trustees or council of every municipal corporation shall direct the place or places for holding elections for municipal officers, and whenever the corporation is divided into wards or precincts there shall be one such place in each ward or precinct, and any person who, at the time of any election of municipal officers, would be a qualified elector under the laws of the state for county officers, and shall have actually resided in the ward or precinct in which he offers to vote for the ten days last preceding the election, shall be deemed a qualified voter; and all elections for municipal officers shall in all respects be held and conducted in the manner prescribed by law in case of county elections.

Elections for municipal officers; at what places to be held and qualifications of voters thereat.

2692. SEC. 51. At all elections in cities and incorporated towns which are not divided into election districts or wards the mayor and trustees, any three of whom shall be a quorum, shall serve as judges, and the recorder shall serve as clerk, and after canvassing the votes which may be given at such election they shall declare the result, and the recorder shall make out and deliver to each person elected to any office in such city or town a certificate of such election.

Elections in cities and towns not divided into election districts or wards.

2693. SEC. 52. The returns of all municipal elections in cities and incorporated towns which are divided into election districts or wards, shall be made to the clerk or recorder of the corporation, and shall be opened by him on the third day after election. He shall call to his assistance the mayor of the corporation, or if there be no mayor or the mayor shall have been a candidate at such election, then any justice of the peace of the county, and shall, in his presence, make out an abstract and ascertain the candidates elected in all respects as required by law for the canvass of the returns of county elections, and shall, in like manner, make out a certificate as to each candidate so

To whom returns of elections shall be made, and manner of canvassing vote.

electd and cause the same to be delivered to him or to be left at his place of abode.

Oath and bond
of city or town
officers.

2694. SEC. 53. All officers elected or appointed in any municipal corporation, shall take an oath or affirmation to support the constitution of the United States and the constitution of the state of Colorado, and the trustees or council of any municipal corporation shall require from the treasurer and such other officers as they may think proper, a bond with proper penalty and surety, for the care and disposition of corporation funds in their hands, and the faithful discharge of the duties of their office; and such trustees or council shall have the power to declare the office of any person appointed or elected to any office who shall fail to take the oath of office, or give bond when required, for ten days after he shall have been notified of appointment or election, vacant, and proceed to appoint as in other cases of vacancy.

Compensation of
trustee or
alderman.

2695. SEC. 54. No trustee or alderman shall receive any compensation for his services as trustee or alderman, except as provided by law.

Appointment of
trustee or alder-
man to municip-
al office, or in-
terest in con-
tracts prohibited

2696. SEC. 55. No trustee or alderman shall, during the time for which he has been elected, or for one year thereafter, be appointed to any municipal office which shall be created, or the emoluments of which shall be increased during the term for which he shall have been elected, except in the cases provided in this act; nor shall any such trustee or alderman be interested, directly or indirectly, in the profits of any contract or job for work or services to be performed for the corporation.

Increase of
emoluments of
office prohibited

2697. SEC. 56. The emoluments of no officer whose election or appointment is required by this act, shall be increased or diminished during the term for which he shall have been elected or appointed; nor shall any change of compensation affect any officer whose office shall be created under the authority of this act during his existing term, unless the office be abolished; in which case the emoluments of the office shall cease at the time of the abolishment of the office, and no person who shall have resigned or vacated any office shall be eligible to the same during the time for which he was elected or appointed, when during the same time the emoluments had been increased.

ARTICLE VII. CLASSES OF MUNICIPAL CORPORATIONS.

2698. SEC. 57. In respect to the exercise of certain corporate powers, and the duties of certain officers, municipal corporations are divided into cities of the first and cities of the second class, and incorporated towns.

Classification of cities and towns.

2699. SEC. 58. Every municipal corporation having a population of fifteen thousand and upwards, shall be a city of the first class; every municipal corporation having a population exceeding two thousand, and less than fifteen thousand, shall be a city of the second class; and every municipal corporation having a population of two thousand or less, shall be deemed an incorporated town.

Designation of the different classes.

2700. SEC. 59. The governor, auditor of state, and secretary of state, or any two of them, within six months after the returns of any census have been filed in the office of the secretary of state, shall ascertain what cities of the second class are entitled to become cities of the first class, and what incorporated towns are entitled to become cities of their proper class. And the governor shall cause a statement thereof to be prepared by the secretary of state, which statement he shall cause to be published in some newspaper published in the state capital, and also in some newspaper, if there be such, printed in each of the cities and incorporated towns entitled to such advancement in grade, and a copy of said statement shall also be transmitted by the secretary of state, to the mayor of such city or town, and to the next general assembly; and any such city or incorporated town shall, at the next regular annual period for the election of municipal officers, if the council or board of trustees shall deem the change of grade desirable, proceed to organize according to its new grade, by the election of officers properly belonging thereto; and on their election and qualification the term of service of former officers shall expire.

Ascertainment and notification of grade by officers of the executive department; organization under new grade.

2701. SEC. 60. So soon as the statement shall be published, as above provided, showing that any city or incorporated town will be entitled, at the next regular annual period for the election of municipal officers, to be organized into a city of the first or second class, as the case may be,

Making and publishing of ordinances for perfection of organization under new grade.

the proper authority of such city or incorporated town may make and publish such ordinances as may be necessary to perfect such organization in respect to the election, duties and compensation of officers or otherwise.

ARTICLE VIII. CITIES.

In whom corporate authority to be vested.

2702. SEC. 61. The corporate authority of cities organized under this act shall be vested in a mayor and a board of aldermen, to be denominated the city council, together with such officers as are in this act mentioned or may be created under its authority.

Election of mayor; qualifications.

2703. SEC. 62. The mayor shall be elected annually by a plurality of votes of the qualified voters of the city. He shall be a qualified elector and reside within the limits of the city, and shall hold his office for the term for which he shall have been elected or qualified. He shall keep an office at some convenient place in the city, to be provided by the city council; he shall sign all commissions, licenses and permits granted by the authority of the city council, and such other acts as by the law or ordinances may require his certificate.

How office of mayor filled in case of vacancy.

2704. SEC. 63. In case of the mayor's death, disability, resignation or other vacation of his office, the city council shall order a special election as soon as practicable to fill the vacancy for the remainder of the term of office, and may appoint some qualified elector to act as mayor until such special election. The mayor of the city shall be its

Duties and salary of mayor.

chief executive officer and conservator of the peace; and it shall be his special duty to cause the ordinances and the regulations of the city to be faithfully and constantly obeyed; he shall supervise the conduct of all the officers of the city, examine the grounds of all reasonable complaints made against any of them, and cause all the violations of their duty or their neglect to be promptly corrected or reported to the proper tribunal for punishment and correction; he shall have and exercise, within the city limits, the powers conferred upon the sheriffs of counties to suppress disorders and keep the peace; he shall also perform such other duties compatible with the nature of his office as the council may from time to time require; he shall receive

such salary, payable quarterly out of the city treasury, as may be provided by ordinance, but the amount of such salary shall neither be increased or diminished during an incumbent's term of office.

2705 SEC. 64. The numbers, divisions and boundaries of the several wards of all cities heretofore incorporated, shall remain as fixed at the time when this law goes into operation, until changed by the city council; said council may at any time create new wards, or alter those now established, or the boundaries thereof, as may be deemed expedient; but in cities of the second class, the number of wards now existing shall not be decreased, nor shall they be increased beyond six.

Numbers, divisions and boundaries of wards

2706. SEC. 65. The members of the council elected for each city shall, on the second Monday after the election, meet and organize the city council. A majority of the whole number of members shall be necessary to constitute a quorum for the transaction of business; they shall be judges of the election returns and qualification of their own members; they shall determine the rule of their own proceedings and keep a journal thereof, which shall be open to the inspection and examination of any citizen; they may compel the attendance of absent members in such manner and under such penalties as they shall think fit to prescribe, and shall elect from their own body a temporary president; they shall also appoint from the qualified electors of the city, a city clerk, who shall have the custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required by the ordinances of the city. The clerk in office, at the expiration of the term of service of any council, shall continue in office until his successor shall be appointed and qualified.

Organization of city council.

Appointment of city clerk.

2707. SEC. 66. Each city council shall cause to be provided for the clerk's office a seal, which shall be the seal of the corporation, in the center of which shall be the word "seal" and such other device as may be directed by ordinance, and around the margin the name of the city or town and the state. Said seal shall be affixed to all transcripts, orders or certificates which may be necessary or proper to

Seal of corporation; fees of city clerk for attested transcripts and certificates.

authenticate under the provisions of this act or any ordinance of the city. For all attested certificates and transcripts other than those ordered by the city council, the same fees shall be paid to the clerk as are allowed to county officers for similar services.

Powers of city council.

2708. SEC. 67. The city council shall possess all the legislative powers granted in this act, and other corporate powers of the city not herein, or by some ordinance of the city council, conferred on some officer of the city; they shall have the management and control of the finances, and all the property, real and personal, belonging to the corporation; they shall determine the times and places of holding their meetings, which shall at all times be open to the public; and the mayor and any three members may call special meetings by notice to each of the members of the council personally served or left at his usual place of residence; they shall appoint or provide by ordinance, that the qualified electors of the city, or of the wards or districts, as the case may require, shall elect all such city officers as may be necessary for the good government of the city, and for the due exercise of its corporate powers, and which shall have been provided for by ordinance, as to whose election or appointment provisions have not herein been made; and all city officers whose terms of service are not prescribed, and whose powers and duties are not defined by this act, shall perform such duties, exercise such powers, and continue in office such period, not exceeding one year, and until their successors are appointed and qualified, as shall be prescribed by ordinance; but all officers to be elected shall be elected at the regular annual election for municipal corporations, or at special elections to fill vacancies. The officers of cities shall receive such compensation and fees for their services as the council shall by ordinance prescribe.

Term of office and compensation.

Regulations for markets or hucksters.

2709. SEC. 68. No charge or assessments of any kind shall be levied on any wagon or other vehicle, or the horses thereto attached, or on the owner thereof, bringing produce or provisions to any of the markets in the city, for standing in or occupying a place in any of the market places of the city or in the streets contiguous thereto, on market days

and evenings previous thereto; but the city council shall have full power to prevent forestalling, to prohibit or regulate huckstering in the markets, to prescribe the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors, and may authorize the immediate seizure or arrest, or removal from the markets, of any person or persons violating its regulations as established by ordinance, together with any article of produce in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions.

2710. SEC. 69. The city council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and commons within the city, and shall cause the same to be kept open and in repair, and free from nuisances; all public bridges exceeding forty feet in length, over any stream crossing a state or county highway, shall be constructed and kept in repair by the county; *provided*, that the city council may appropriate a sum not exceeding ten dollars per lineal foot to aid in the construction of any county bridge within the limits of such city, or to aid in the construction of any bridge contiguous to said city on a highway leading to the same, or any bridge across any unnavigable river which divides the county in which said city is located from another state.

Care, supervision and control of public highways, bridges, streets, alleys, etc.

Construction and repair of bridges over streams crossing state or county highway.

2711. SEC. 70. Any member of the city council may be expelled or removed from office, for a good cause shown, by a vote of two-thirds of all the members elected to the city council, but not a second time for the same offense; any officer appointed by the city council may be removed from office by a vote of a majority of all the members elected to the city council, and provision may be made by ordinance as to the mode in which charges shall be preferred and a hearing be had; in all cases of vacancies in the city council they shall be filled by special election; and in case any office of an elective officer, except members of the city council, shall become vacant, before the regular expiration of the term thereof, the vacancy shall be filled by the city council until a successor is elected and qualified; and such successor shall be elected for the unexpired term.

Expulsions and removals from office; how vacancies filled.

CITIES OF THE FIRST CLASS.

Mayor of cities of first class; annual report; appointment of police and watchmen.

2712. SEC. 71. The mayor of the cities of the first class shall be president of the council, and have a casting vote in case of a tie, and no other, and at the first regular meeting of the city council, in the month of April, in every year, and at such other times as he may deem expedient, report to the city council concerning the municipal affairs of the city, and recommend such measures as to him may seem advisable; he shall appoint, with the consent of the council, one chief of police, and as many subordinate officers and watchmen as the city council may deem necessary, who shall hold their appointments until removed for cause by the city council, or until said council shall deem their services no longer needed; he shall have power, in case of emergency, to appoint as many special watchmen as he may think proper, but such appointments shall be reported to and subject to the action of the city council at its next meeting.

Annual election of aldermen; qualifications; term of office.

How vacancies filled.

First election after organization under this act.

2713. SEC. 72. The qualified electors of each ward, in cities of the first class, shall annually, on the first Tuesday of April, elect by a plurality of votes, one alderman or member of the city council, who shall at the time be a resident of the ward and a qualified elector therein. His term of service shall be two years; and if any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, the same shall be filled by election, so that there may always be in the council two members from the same ward whose terms of service shall expire in different years; but at the first election held on the organization of a new city government, under this act, two aldermen or members of the city council shall be elected in each ward, and the city council shall determine by lot their terms of service, so that one member from each ward may serve for two years, and one for one year.

Election of city officers.

2714. SEC. 73. The qualified electors shall also elect a treasurer by a plurality of votes, who shall hold his office for two years and until his successor is elected and qualified; and the city council may elect a city attorney or solicitor, a marshal, a police judge and a city engineer;

each of said officers shall have such powers and perform such duties as are prescribed in this act or by general law or by ordinance of the city not inconsistent herewith.

2715. SEC. 74. The chief of police shall execute and return all processes to him directed by the mayor or judge of the police court, and shall attend on the sittings of said court; he shall have power to execute any such process, by himself or special deputy, in any part of the county; he shall suppress all riots, disturbances and breaches of the peace, apprehend all persons committing any offenses against the laws of the state or the ordinances of the city, and forthwith bring such person before the proper authority for examination or trial; he shall have power to pursue and arrest any person fleeing from justice in any part of the state, and to receive and execute any proper authority for the arrest or detention of criminals fleeing or escaping from other places or states; he shall have, in the discharge of his proper duties, like powers, and be subject to like responsibilities, as sheriffs or constables in similar cases.

Powers and duties of chief of police.

2716. SEC. 75. The city council shall have power to establish and maintain an infirmary for the accommodation of the poor of the city, either within or without the limits of the city, and to provide for the distribution of out-door relief to the poor.

City infirmary.

2717. SEC. 76. All children under the age of sixteen years who shall be convicted of any offense made punishable by imprisonment under any ordinance of the city, or who shall be liable to be committed to prison under any such ordinance, may be confined in such house of refuge or reform school, and may be there kept or apprenticed out under such rules as the city council or the directors of the house of refuge or reform school may prescribe, until they arrive at the age of eighteen years.

Punishment of infant offenders against provisions of city ordinances.

2718. SEC. 77. The city council shall, by a general ordinance, direct the number of officers of the police and watchmen to be appointed. They may also provide, in addition to the regular watch, for the appointment of a reserved watch, to consist of a suitable number of persons in each ward, to be called into duty as the council may prescribe, by the mayor or officers of the police, under his direction, in

Appointment of officers of police and watchmen and their duties; reserved watch.

Arrests for viola-
tions of city
ordinances.

special cases of emergency. The duty of the chief and other officers of the police, and of the watchmen, shall be, under the direction of the mayor and in conformity with the ordinance of the city, to suppress all riots, disturbances and breaches of the peace; to pursue and arrest any person fleeing from justice in any part of the state; to apprehend any and all persons in the act of committing any offense against the laws of the state or ordinances of the city, and to forthwith bring such person or persons before the police court or other competent authority for examination; and at all times to diligently and faithfully enforce all such laws, ordinances and regulations for the preservation of good order and public welfare as the city council may ordain, and for such purpose they shall have all the power of constables. The mayor, chief of police and watchmen of the city, may, upon view, arrest any person who may be guilty of a breach of the ordinances of the city or of any crime against the laws of the state, and may, upon reasonable information, supported by affidavits, procure process for the arrest of any person who may be charged with a breach of any of the ordinances of the city.

CITIES OF THE SECOND CLASS.

Mayor of cities
of the second
class.

2719. SEC. 78. The mayor of cities of the second class shall be the presiding officer of the city council, and shall constitute a member of such council, and shall vote when there is a tie, but not otherwise.

Election and
term of office of
aldermen and
other city
officers.

2720. SEC. 79. The qualified electors of each ward in cities of the second class, shall annually, on the first Tuesday of April, elect by a plurality of votes, one alderman, who shall at the time be a resident of the ward and a qualified elector therein. His term of service shall be two years, and if any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, the same shall be filled by election. The qualified electors of each city of the second class shall also elect, by a plurality of votes, a city treasurer, who shall hold his office for one year; and shall have such powers and perform such duties as are prescribed in this act, or by ordinance of the city council not inconsistent herewith. In all such cities, the marshal and

police shall be elected by the city council, and the city council may elect a solicitor and a police judge, who shall hold their offices during its pleasure.

2721. SEC. 80. The marshal of the cities of the second class shall execute and return all writs and processes to him directed by the mayor or police judge, and in criminal cases, or cases in violation of city ordinances, he may serve the same in any part of the city; he shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the city, and shall pursue and arrest any person fleeing from justice in any part of the state; he shall apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city, and forthwith bring such persons before the mayor or other competent authority for examination and trial; he shall have, in the discharge of his proper duties, like powers, be subject to like responsibilities, as sheriffs or constables in similar cases.

Duties of city marshal.

ARTICLE IX. INCORPORATED TOWNS.

2722. SEC. 81. The corporate authority of incorporated towns, organized for general purposes, shall be vested in a board of trustees consisting of one mayor, one recorder, and four other trustees, who shall be qualified electors residing within the limits of the corporation, and shall hold their office for one year, and until their successors are elected and a quorum qualified; any four of said trustees shall be a quorum for the transaction of business.

Organization of board of trustees; term of office.

2723. SEC. 82. The mayor, or in case of his absence the recorder, shall preside at all meetings of the board of trustees; the recorder shall also be clerk of the corporation, and shall attend all meetings of the board of trustees and make a fair and accurate record of all their proceedings, rules and ordinances made and passed by the board of trustees, and the same shall at any time be open for the inspection of electors of the corporation.

Presiding officer and clerk of board of trustees

2724. SEC. 83. The board of trustees shall have power to order special elections to fill vacancies which may happen in the board, from the qualified electors of the corporation, who shall hold their office until the next

Special elections to fill vacancies; appointments pro tempore.

annual election, and until their successors are elected and qualified, and in the absence of the mayor and recorder from any meeting of said board, the members thereof shall have the power to appoint any two of their number to perform the duties of mayor and recorder for the time being.

Election of
treasurer and
other officers.

2725. SEC. 84. The board of trustees of any incorporated town shall have power to provide, by ordinance, for the election of a treasurer, and such subordinate officers as they may deem necessary for the good government of the corporation, to prescribe their duties (when the same are not defined in this act) and compensation or the fees they shall be entitled to receive for their services, and to require of them an oath of office, and a bond, with surety, for the faithful discharge of their duties. The election of any such officer shall be at the regular annual election, and no appointment of any officer shall endure beyond one week after the qualification of the members of the succeeding board of trustees.

Powers and du-
ties of marshal.

2726. SEC. 85. A marshal shall be appointed by the trustees, and shall be the principal ministerial officer of the corporation, and shall have the same power that constables have by law, co-extensive with the county, in cases of violation of town ordinances; and for offenses committed within the limits of the corporation. He shall execute the process of the mayor, and receive the same fees for his services that constables are allowed in similar cases.

Removals from
office.

2727. SEC. 86. By the concurrent vote of four members of the board of trustees, the mayor, recorder, or any member of the said board, or any officer of the corporation, may be removed from office; but no such removal shall be made without a charge in writing and an opportunity of hearing being given, unless the officer against whom the charge is made shall have removed out of the limits of the corporation; and when any officer shall cease to reside within the limits of the corporation, it shall be deemed a good ground for a removal from office.

ARTICLE X. INCORPORATION UNDER THIS ACT.

2728 SEC. 87. Any city, town or village incorporated by special charter, or in any other manner than that pro-

vided by this act, may abandon its organization and organize itself under the provisions of this act, with the same territorial limits, by pursuing the course herein prescribed.

Reorganization under this act.

2729. SEC. 88. Upon the petition of one-eighth of a number equal to the whole number of votes cast at the last preceding annual election for the city or town officers, and who are legal voters in any such city or town, to the council or trustees thereof, praying that the question of organizing under this act be submitted to the legal voters, the council or trustees shall immediately direct a special election to be held, at which such question shall be decided, specifying at the same time the time and place of holding the same, and appointing the judges and clerks of the election.

Submission of question of reorganization to vote at special election.

2780 SEC. 89. The mayor, or in case there is no mayor, the presiding officer of the council or board of trustees, shall at once issue a proclamation giving notice of such election, of the question submitted to the electors, and of the time and place of holding the election; which proclamation shall be published for four consecutive weeks in some newspaper published in such city or town; and if there is none published therein, then such proclamation shall be published by posting a copy thereof in five public places within the corporate limits of such city or town; but such question shall not be submitted oftener than once in one year.

Proclamation of presiding officer: what to set forth.

2781. SEC. 90. At such election, those who desire to vote in favor of organizing under this law, shall deposit a ballot with the words "for municipal organization under the general law;" those desiring to vote against organizing under this law, shall deposit a ballot with the words "against municipal organization under the general law." The election shall be conducted in other respects as elections for the corporation officers are conducted under the old organization. The abstract of votes shall be returned to the city council or board of trustees, who shall canvass the same and declare the result, which shall be entered on the journal.

Manner of voting; conduct of election and canvassing vote.

2782. SEC. 91. If a majority of the votes cast at such election be in favor of organization under this act, the council or trustees shall immediately call a special election

Special election
of officers under
new organization

for the election of officers for such corporation, according to its class, as defined by this act; and from and after the election and qualification of such officers the former organization of such city or town shall be considered as abandoned, and such city or town shall be considered as organized, and shall have all the rights and be subject to all the liabilities of the class to which it belongs, but the officers so elected shall hold their offices only until the next annual municipal election in such city or town.

Prior rights and
liabilities.

2733. SEC. 92. All rights and property of every description which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal corporation under the organization herein contemplated; and no right or liability, either in favor of or against such corporation existing at the time, and no suit or prosecution of any kind shall be affected by such change; *provided*, that where a different remedy is given by this act, which can properly be made applicable to any right existing at the time such change is made, the same shall be deemed cumulative to remedies before provided and may be used accordingly.

Including con-
tiguous territory
in reorganization

2734. SEC. 93. Whenever any territory has been or shall hereafter be laid off or platted adjoining or contiguous to any organized town or to any addition or sub-division thereof, and the proprietor or proprietors of such territory shall not have constituted the same an addition to such town, as provided in this act, and the inhabitants of which territory shall not have become incorporated as a separate town prior to the date of the passage of this act, the town to which such territory is contiguous may proceed to abandon its organization and reorganize under this act in manner as provided in this article, and in such reorganization may include all or any part of the territory so laid off or platted, as aforesaid, and in such cases the boundaries of the whole town, including such territory, shall be set forth in the petition mentioned in this article, and all legal voters residing within those boundaries shall be entitled to vote at the election contemplated in this article.

ARTICLE XI. DISCONTINUANCE OF INCORPORATION.

2735. SEC. 94. Whenever one-fourth of the legal voters of any city or incorporated town in this state, whether incorporated under this or previous acts, shall petition the county court of the county wherein such corporation is situated for the discontinuance of the same, the said court shall cause to be published, for at least thirty days, a notice stating that the question of discontinuing such corporation will be submitted to the legal voters of the same at the next annual corporation election.

Petition to county court for discontinuance of incorporation; submission of question to vote.

2736. SEC. 95. The form of ballots shall be, "for the incorporation," and "against the incorporation."

Form of ballots.

2737. SEC. 96. If two-thirds of all the legal votes cast for and against such proposition shall be cast "against the incorporation," then the same may be discontinued. The vote provided for in this and the two preceding sections shall not be construed to discontinue any corporation until the said corporation shall have made ample provisions for the payment of all its indebtedness, and for the faithful performance of all its contracts and obligations, and shall have levied the requisite tax therefor.

Discontinuance by two-thirds vote; provision for accrued indebtedness, contracts and obligations.

2738. SEC. 97. The vote for this purpose shall be taken, canvassed and returned in the same manner as in other municipal elections, and all expenses of the same shall be paid by the corporation so voting, when the result of the vote shall be "against the incorporation"; but by the petitioners when the result shall be "for the incorporation."

Canvass of vote; by whom expenses to be paid.

2739. SEC. 98. The books, documents, records, papers and corporate seal of any city or town so discontinued shall be deposited with the county clerk of the county for safe keeping and reference in future; and all court records of any mayor or other officer shall be deposited with the nearest justice of the peace of the township, who shall have authority to execute and complete all unfinished business standing on the same.

Disposition of records and seal; completion of unfinished business.

2740. SEC. 99. Whenever the incorporation of any city or town shall have been discontinued under the provisions of the four preceding sections, the clerk of the county wherein such corporation was situated shall pub-

Publication of discontinuance.

lish such fact for thirty days in a county paper, if one is published in the county; if not, shall post three notices for the same length of time, and also certify the fact to the secretary of state.

Collection of
tax and payment
of indebtedness;
disposition of
surplus funds.

2741. SEC. 100. For the payment of its indebtedness, the corporation shall issue warrants in cases where there is no money in the treasury, and the county treasurer shall collect the tax which shall be levied to pay such indebtedness as hereinafter contemplated and prescribed as he collects other taxes, and pay the said warrants; and any surplus of this fund shall be passed over to the temporary school fund of the district where the same is levied.

Vacating of
town site.

2742. SEC. 101. When any tract of land may have been, or may hereafter be filed upon, platted and recorded as a town site in accordance with the provisions of any act of congress or law of Colorado, and no town organization under the laws of Colorado shall have been perfected by the inhabitants residing thereon, or the owners thereof, the same may be vacated by consent of all such inhabitants or owners, and be disposed of as the said inhabitants or owners shall agree; *provided*, that a statement, signed and certified to by a majority of said inhabitants or voters, setting forth the fact of the vacation of such town site, be filed with the clerk of the county in which the same shall be situated.

Incorporation
deemed legal if
not questioned
within one year
from date of
formation.

2743. SEC. 102. Any city or town which has been formed, organized or incorporated previous to the passage of this act, or which may hereafter be formed, organized or incorporated, and have exercised or shall exercise the rights and powers of a municipal corporation, and shall have in office a board of officers exercising the duties of their offices, and the legality of the formation or organization shall not have been or shall not be legally denied or questioned within one year from the date of its formation or organization, shall be deemed to be a legally incorporated city or town; and its formation, organization or incorporation, shall not thereafter be questioned.

Acts repealed.

2744. SEC. 103. Section 3 of article X, of chapter LXXXIV of the revised statutes of Colorado is hereby repealed.

2745. SEC. 104. All general laws providing for the organization and government of incorporated cities and towns in the state of Colorado are hereby repealed; *provided*, that the existence of cities and towns heretofore incorporated within the state, which shall choose to retain their present organization shall not be affected, nor the power or duties thereof in any manner changed or abridged, by any provisions of this act.

Application of provisions of this act.

Approved, April 4, 1877.

CHAPTER CI.

UNIVERSITY OF COLORADO.

AN ACT CONCERNING THE UNIVERSITY OF COLORADO.

[Session Laws, 1874.]

2746. SECTION 1. Each county shall be entitled to send one pupil under the age of sixteen years to said university, tuition free; said pupil to be selected by competitive examination before the county superintendent of such county, and given to the highest scholarship.

Who entitled to free tuition; how pupil to be selected.

AN ACT TO REPEAL CHAPTER EIGHTY-SEVEN OF THE REVISED STATUTES, AND TO PROVIDE FOR THE GOVERNMENT AND SUPPORT OF THE UNIVERSITY OF COLORADO.

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

2747. SECTION 1. That chapter eight-seven of the revised statutes of Colorado is hereby repealed.

Repeal.

2748. SEC. 2. The objects of the University of Colorado, established by law, near Boulder City, in Boulder county, and state of Colorado, shall be to provide the best and most efficient means of imparting to young men and women, on equal terms, a liberal education and thorough knowledge of the different branches of literature, the arts and sciences, with their varied applications. The univer-

Objects of the university