



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 58

**AN ORDINANCE PRESCRIBING THE DUTIES OF OFFICERS OF
THE CITY OF REXBURG, IDAHO.**

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF
THE VILLAGE OF REXBURG, IDAHO:

SECTION I: The City Clerk of the City, before entering upon the duties of his office, shall execute a bond to the city with two or more sureties, to be approved by the Mayor, in such sum as the council may require, and conditioned that he will well and truly perform the duties of clerk of the City of Rexburg and faithfully comply with the ordinances and resolutions passed, or that may be passed in relation to his office or duties, which bond together with the oath which he is required to take and subscribe, shall be placed in the custody of the City Treasurer.

SECTION II: He shall be the keeper of the Common Seal of the City, and shall affix it to all public instruments, or official acts of the Council which by law or ordinance are required to be attested by the City Seal; and in the meantime preserve said Seal in a secure place and secure from interference. He shall have custody of and safely keep all public records, documents, ordinances, resolutions and orders of the City Council, and such other papers and documents pertaining to the City affairs as may be delivered into his custody.

SECTION III: He shall attend all sessions of the Council, keep a faithful record of its proceedings in a book or books provided for the purpose and shall keep in a separate book a record of the titles and copies of ordinances passed by the Council, of the time and manner in which the same were published, and shall carefully index the same alphabetically; and he shall see that each ordinance is published as by law provided; and he shall preserve a copy of the paper or papers in which such publication may be made.

SECTION IV: He shall sign and affix the seal to all licenses, authorized to be issued: keep a record of the appointments of Officers of the City, and whenever a commission is issued by the Mayor and confirmed by the City Council, to any such Officer, the Clerk shall affix the City Seal thereto and countersign the same.

SECTION V: He shall, annually, on the Monday preceding the first Tuesday in May in each year, have his books and accounts closed, and on annual exhibit of receipts and expenditures ready for the inspection of the Finance Committee; and said report and exhibit to be submitted to the Council for its approval and thereupon published.

SECTION VI: At the first regular session of the Council the Clerk shall make a monthly report, stating specifically the amount received from each source of revenue, the total amount of warrants drawn and unpaid, and the fund out of which they are to be paid, the number and amount

of licenses issued an on hand, and generally make a specific showing of the financial condition of the city.

SECTION VII: The Clerk shall keep in a book to be known as the finance book, the number, date and amount of all City Warrants, the name of the person in whose favor, and for what purpose, such warrants are drawn upon the Treasurer, together with the name of the fund upon which said warrants are drawn.

SECTION VIII: It shall be the duty of the City Clerk, immediately after each a every meeting of the City Council at which warrants are ordered to be drawn, to make and deliver to the city Treasurer a certified list of such warrants, containing the matter set forth in Section 7 of this Ordinance.

SECTION IX: No warrants shall be paid unless they fully correspond with the certified list, and in case they do not correspond, the fact must be immediately reported to the Mayor, and must be reported tot eh City Council in writing at its next regular session.

SECTION X: It shall be the duty of the Clerk to keep a record of all licenses issued by him, which record will show the name of the person or persons to whom such license is issued, date of issuance and expiration, class and amount.

SECTION XI: At the first meeting of the Council in June, September, December and March of each year, the Clerk shall submit to the Council a list of licenses issued, showing the particulars set forth in Section 7.

SECTION XII: It shall be the duty of the Clerk, upon any person or persons neglecting or refusing to take out a license required by any ordinance, to at once notify the City Attorney who shall bring such in the name of the City of Rexburg, Plaintiff, for the recovery of the license money, and who shall also prosecute such person or persons criminally for breach of Ordinance. Upon the trial of any such action authorized by this section, the defendant shall be deemed not to have procured the proper license, unless he either produces it, or proves that he did not procure it.

SECTION XIII: The City Clerk shall be required to keep his office open for not less than three hours per day, such hours to be prescribed by the City Council; and shall perform all such other duties, not herein provided, as my be imposed upon him by law, and the ordinance or orders, or resolutions of the City Council.

SECTION XIV: The City Treasurer, before entering upon the duties of his office, shall execute a bond to the city of Rexburg, with good and sufficient sureties, to be approved by the City Council and in such sum as the Council may require, conditioned that he will faithfully and truly account for all moneys coming into his hands as treasurer, and that he will pay over to his successor all moneys which may be in his hands at the expiration of his term of office; and that he will well and truly perform all the duties of his office, prescribed in the ordinances and resolution of the Council, and such other condition as the City Council may require.

SECTION XV: It shall be the duty of the Treasurer to receive and safely keep all moneys, funds or securities of any kind, which may come into his hands, and to disburse the same only upon

an appropriation and by resolution or ordinance of the City Council hereafter made, and upon warrant of the Mayor, countersigned by the Clerk of the City.

SECTION XVI: He shall keep in a suitable book, or books, provided at the cost of the City, a full and accurate account of all moneys or duns received or disbursed by him for the City, specifying when, to whom, on what account, and in what kind of funds received or disbursed.

SECTION XVII: He shall keep the account of each source of revenue to the City separate and distinct from any other, charging it with all payments, and crediting it with all funds received on account thereof.

SECTION XVIII: All warrants or orders redeemed and paid by him, and all vouchers, shall be delivered to the Clerk each month, or oftener and filed. All warrants redeemed by the Treasurer shall have written or stamped on the face of each the word "cancelled" before he shall deliver them to the Clerk to file.

SECTION XIX: He shall execute and deliver to every City Officer or other person paying money or funds into the treasury, a receipt therefore, specifying the date of payment, the amount upon what fund or account received, and the kind of fund or money received. The treasurer shall issue such receipts from blank receipt books, furnished him by the City Clerk, upon which shall be printed "City of Rexburg, Idaho" across the top of said receipts. Said receipt book shall contain duplicate receipts and stub, corresponding in numbers and form, showing the date of payment, the amount, upon what account received and the kind of funds or money received, one of which duplicate shall be delivered to the person from whom the money is received, corresponding duplicate shall be delivered to the clerk, provided, that the treasurer shall deliver all duplicate receipts in his hands at the end of each week or oftener, the stub to be retained by the treasurer until the expiration of his term of office, unless settlement be made oftener by the Council with him: then such stub to be deposited as the Council may direct.

SECTION XX: It shall be the duty of the Treasurer to make out and file monthly an itemized statement, with the City Clerk of all moneys received and paid out for the month ending on Monday preceding the [page torn] Tuesday of each month, and he shall at all times permit the Mayor or any member of the Council or committee thereof, to have full access to any and all of the books or papers of his office. He shall furnish the City Council at the first meeting in May, August, November, and February a detailed statement of the finances of the City from the period ending on the Saturday preceding the first Monday in May, August, November, and February of each year, which statement, after being approved by the Council, shall be published.

SECTION XXI: On the first Thursday after the first regular meeting in March of each year, the finance Committee of the Council shall examine the books, accounts, vouchers and papers of the treasurer, ascertain the money and City Warrants on hand, compare his accounts of receipts and payments with the duplicate receipts filed with the City Clerk and make a final settlement, and report their proceedings to the City Council at the next regular or special meeting thereafter. If said report is approved by the council the committee shall cause the necessary entrees to be made on the Treasurer's books, showing a settlement, which entries shall show they have examined his books and found them correct in said settlement. The cancelled warrants shall remain in the custody of the Clerk until ordered destroyed by the Council.

SECTION XXII: Every fund in the hands of the City treasurer shall be paid out in the order in which the orders are presented for payment, and in case there are no funds in the hands of said treasurer applicable for the payment of said warrants the treasurer shall endorse the same "not paid for want of funds" and enter the same in a book kept for said purpose, and thereafter said warrants shall bear interest at the rate of seven (7) percent per annum, or until there are funds in the hands of the Treasurer to pay the same.

SECTION XXIII: He shall deliver to this successor in office all books, papers, moneys, and other property pertaining to his office, and perform any and all other duties required of him by any ordinance of the City or resolution of the City Council.

SECTION XXIV: It shall be the duty of the City Engineer to give the lines and surveys of lots, and the proper grades of streets, sidewalks, and alleys with certificate of same, when applied to for that purposes by contractors, or by private individuals desiring to know the boundaries or grades of their property and shall receive therefore the following fees from the person employing him:

1st, For giving line of grade for building, or for curb of sidewalk for lot of fifty feet or less, frontage, \$3.00

2nd, For running lines and setting stakes for grades of streets and curbing, including profiles, cross sections and estimates when required, and certificates of same, at the rate of one and one half cents per liner foot, for the first five hundred feet or less and at the rate of one cent for each foot over five hundred feet.

3rd, For replacing or verifying any street monument or stake that has been removed or disturbed when required to do so, \$3.00.

4th, For all other work, at the rate of \$4.00 per day of eight hours.

SECTION XXV: The City Engineer shall keep a record of all surveys, measurements, and application for permits made, certificate of record and permits issued under the ordinance or order of the City Council, in a book or books kept for that purpose. A copy of all records and surveys and calculation books containing street or other City Work, with all maps, plans and profiles in which the City of Rexburg can in any manner be intersected, shall be and remain the property of said City and shall be kept at the office of the City Clerk and open to public inspection. All books, maps, plans and profiles shall be carefully preserved by the City Engineer and delivered to his successor in office.

SECTION XXVI: It is hereby made the duty of the City Engineer to examine all buildings and structures of every kind within the City Limits which for any reason he believes to be insecure or unsafe or dangerous to the life or property. He shall forthwith post a printed notice on all such buildings or structures, warning all persons of the insecure, unsafe or dangerous condition thereof, and he shall immediately serve a written notice upon the owner, or agent of the owner or person in charge of such building or structure to at once remove such insecure, unsafe or dangerous building or structure or place the same in a secure and safe condition subject to the approval of the City Engineer.

SECTION XXVII: In case such owner, agent or person in charge should fail, neglect or refuse for twenty four hours after the service upon him of said notice to begin the removal or repair of such insecure unsafe or dangerous building or structure the City Engineer shall promptly report the fact to the Mayor, and the City Engineer shall forthwith cause such building or structure to be removed, or repaired as to be secure and safe if it may be repaired at reasonable cost.

SECTION XXVIII: The cost of removing or repairing any such insecure, unsafe or dangerous building shall be a charge against the owner thereof, and the City Attorney is hereby empowered and directed to collect the same by said when necessary.

SECTION XXIX: Whenever the City Engineer is unable to make personal service of notice upon the owner, agent or person in charge of any insecure, unsafe or dangerous building or structure as herein provided, he shall cause the notice to be published three times in a news paper published within the City, which notice by publication shall be equivalent to personal service.

SECTION XXX: It shall be the duty of the Engineer to see at all times that the ordinance providing fire limits for the City of Rexburg is not violated by any person, contractor or otherwise, erecting or altering buildings within said limits in violation of the provisions of said ordinance.

SECTION XXXI: It shall be the duty of the City Physician to diagnose all cases of disease reported to him as suspected of being contagious and in case he finds such persons suffering from any contagious or infectious diseases to report all facts to the Board of Health, who in their discretion, any order, maintain, and enforce a strict quarantine of the person or persons so afflicted.

SECTION XXXIII: The Police Judge shall, before entering upon the duties of his office, execute to the City of Rexburg, Idaho, a bond in the sum of One Thousand Dollars (\$1,000) with at least two sureties, to be approved by the Mayor, conditioned for the faithful performance of his duties, and shall file said bond with his oath of office endorsed thereon, with the City Clerk.

SECTION XXXIII: The Police Judge shall have and exercise the jurisdiction defined in the statutes, and shall have and receive the same fees and compensation allowed to justice of the peace under the laws of the State of Idaho, for similar purposes.

SECTION XXXIV: The Police Judge shall, on Saturday, immediately preceding the meeting of the City Council, on the first Monday of each Month, pay over to the City Treasurer, the amount received by him during the month ending at 12 o'clock noon of said Saturday, for and on behalf of the City, taking duplicate receipts therefore, and shall thereafter, on said Saturday file with the City Clerk, under his official certificate a true and correct account of his transactions and receipts during the same period.

SECTION XXXV: No arrests shall be made for any violation of the City Ordinances without a warrant, except where the violation of said ordinance or ordinances is in the view or presence of the Mayor, Police Judge, or police of the City, and the Police Judge shall not issue a warrant for the arrest of any person, except upon a sworn confession charging an offence against an ordinance or ordinances of the City.

SECTION XXXVI: The Police Judge shall have the same power as the district court in the issuance of process, and to enforce due obedience to all orders, rules and judgments made by him, and all appeals from the action of the Police Judge shall be taken in the same manner, to the district court, as are, or may be provided by law for appeals from the justice's courts.

SECTION XXXVII: The City Attorney shall, before entering upon the duties of his office, take and subscribe to the oath of office.

SECTION XXXVIII: It shall be the duty of the City Attorney:

- 1st, To prosecute all actions for the breach of any of the ordinances of said City, when requested to do so by the Mayor, Police Judge or any of the City Officers.
- 2nd, To draw all ordinances, by laws, resolutions, documents or other legal papers relating to said City, upon direction of the Mayor and Council, and to give legal advice to the Council or any of the City officers upon all matters relating to the government of the City.
- 3rd, To attend all regular and special meetings of the City Council in order to advise said body upon any legal proposition which may arise during the proceedings of any said session.
- 4th, To see that the docket of the Police Judge is properly kept.

SECTION XXXIX: Every City Official mentioned in this Ordinance, violating any of the provisions of said ordinance, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the City Jail not to exceed 30 days, or both such fine and imprisonment.

SECTION XL: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE BOARD OF TRUSTEES AND APPROVED BY THE CHAIRMAN this 31st day of March, 1903.

W.N. Stephens, Chairman

(SEAL)

ATTEST:

A.M. Carbine, Village Clerk

The City Clerk shall take a bond to the city with two or more sureties to be approved by the mayor in the amount set by the city council, as well as an oath to uphold the city ordinances and both of them together shall be given to the city treasurer to hold in custody (Section 1). The city clerk shall keep the city seal and affix it to all public documents or official acts of the council which by law or ordinance are required to be attested by the city seal; he shall keep the seal in a secure place and free from interference, with this comes the responsibility of looking after all public records and other papers pertaining to city affairs which are delivered into his custody (Section 2). The city clerk shall attend all meetings of council and keep a good record of the proceedings in a minutes book, in a separate paper he shall keep titles and copies of ordinances which are published as well as seeing to it that all ordinances are published and preserve a copy (Section 3). The city clerk shall sign and affix the city seal to all licenses authorized to be issued, he shall keep a record of the officers of the city as well as seal and commissions issued and approved by the city council (Section 4). The city clerk shall annually at the appointed time have his books and accounts closed and ready for inspections of the finance committee who then submit a report to the city council and finally it shall be published (Section 5). At the first regular session of the council the clerk shall make a monthly report of the source of revenue, total amounts of warrants drawn and unpaid, and the fund of which they are to be paid, the number and amount of licenses issued and on hand, and generally make a specific showing of the financial condition of the city (Section 6). The clerk shall keep in a book known as the finance book, the information for all city warrants together with the name of the fund upon which said warrants are drawn (Section 7). It shall be the duty of the city clerk to keep track after a meeting of the city council of all warrants ordered during that session as well as give a list of them and pertaining information to the city treasurer (Section 8). No warrant shall be paid unless it corresponds with the official list and if it doesn't show up there then the mayor and city council shall both be informed (Section 9). The clerk shall keep a record of all licenses issued by him and all pertaining information to those licenses (Section 10). At the first regular session in each quarter the clerk shall submit to the council a list of licenses issued showing the particulars (Section 11). The clerk shall notify the city attorney on any person or person not taking out a license when they should and the attorney shall bring suit for the license money as well as prosecute the person or persons criminally (Section 12). The city clerk shall be required to have regular business hours prescribed by council and perform other function not listed here (Section 13).

The city treasurer shall execute a bond with sureties which is then to be approved by the council as well as the sum of the bond; he shall pay over to his successor all monies in his hands at the end of his term and that he will perform all the duties of his office as well as all other conditions as the city council may require (Section 14). It shall be the duty of the treasurer to receive and keep all funds or securities of any kind which may come into his hands and to disburse the same as set forth by ordinance or by warrant of the mayor which is then counter signed by the city clerk (Section 15). The treasurer shall keep a suitable book at the expense of the city, which details the accounts of all monies or funds received and paid out; certain kinds of information including when, to whom, on what account and in what kind of funds received or dispersed should be kept (Section 16). The treasurer shall keep the account of each source of revenue to the city, separate and distinct from and other, charging it with all payments, and crediting it with all funds received on account thereof (Section 17). All warrants or orders redeemed and paid by him, and all vouchers shall be delivered to the clerk each month or oftener and filed; all warrants

shall be stamped if redeemed and have cancelled written on them before they are filed by the city clerk (Section 18). The treasurer shall give receipts to anybody paying into the treasury which specifies the date, amount, and accounts involved; the receipts are to come from receipt books furnished to him by the city clerk which shall meet requirements as contained within this ordinance; duplicates shall be made and delivered to the city clerk and a copy delivered to the person when the money was received and all such stubs are to be deposited as the council shall direct (Section 19). The treasurer shall have the duty to make and file monthly itemized statements with the city clerk of all monies collected and paid on a timeline set forth by this ordinance (Section 20). On a specified date the finance committee shall review the books and report their proceedings to the city council at the next regular, at the council's approval markings shall be made in the book showing the books have been found correct and then all canceled warrants shall be destroyed (Section 21). Every fund in the hands of the treasurer shall be paid out in order in which payments are submitted, in the case that there is no fund which is applicable to pay a warrant the warrant shall be so stamped and entered into a book kept for this purpose and the warrant shall accumulate interest at a rate of seven percent annually until the warrant can be paid (Section 22). The treasurer shall deliver to his successor all books and property in his possession which pertains to his office and perform any services required of him either by council or ordinance (Section 23).

The city engineer shall have the responsibility to give lines, surveys of lots and the proper grades of the streets and sidewalks when applied for by contractors, or private individuals desiring to know the above and receive fees set forth in this ordinance by the person employing him (Section 24). The city engineer shall keep a copy of all records and surveys done as well as other documents issued under ordinance or order of the city council in a book set aside for such documents, any other documents which pertains to said subject matter shall still be kept in the office of the city clerk and open to public inspection with other records being preserved by the engineer for his successor (Section 25). It is the duty of the city engineer to examine all buildings of every kind which he believes to be insecure or unsafe and immediately post a printed notice warning all persons as well as serving written notice to the owner or his agent that they must immediately remedy the situation according to the city engineer (Section 26). If such owner or affiliate in charge of the property shall ignore or neglect the service for 24 hours then it shall be reported to the mayor, and the City engineer shall either fix it if is reasonable or else remove the building (Section 27). The cost of removal or repair shall be a charge against the owner and the city attorney shall be empowered to collect, by suit when necessary (Section 28). When the city engineer may not be personally present to serve notice then they may cause it to be published three times in a newspaper within the city and it shall be equivalent to a personal service (Section 29). It is the responsibility of the city engineer to see that the ordinance providing fire limits for Rexburg is not violated by any person by building within the fire limits set by said ordinance (Section 30).

The city physician shall have the duty to diagnose all cases of disease reported to him which may be contagious and report all facts to the Board of Health which may take steps to enforce a strict quarantine of the person or persons affected (Section 31).

The police judge shall execute a bond in a specified amount with at least two sureties which shall be approved by the mayor, and then file it together with the oath of office with the city clerk

(Section 32). The police judge shall have and exercise jurisdiction as defined within statutes, his compensation and fees shall be the same as specified by the state of Idaho for a justice of similar purposes (Section 33). The police judge shall before the first council meeting of each month file with the city treasurer all funds procured in the name of the city from the previous month and give duplicate receipts for all transactions (Section 34). No arrests shall be made for any violation of an ordinance without a warrant except where the violation is in the presence or view of the mayor, police judge or police of the city, and the police judge shall not issue a warrant for the arrest for the arrest of any person, except upon a sworn complaint charging an offense against the ordinances of the city (Section 35). The police judge shall have the same power as the district court in the issuance of process as well as to enforce due obedience to all ordinances, rules and judgments made by him, and all appeals from the action of the Police Judge shall be taken in the same manner, to the district court, as are, or may be provided by law for appeals from the justice courts (Section 36).

The City attorney shall, before entering upon the duties of his office, take and subscribe to the oath of office (Section 37). It shall be the city attorney's duty to prosecute any breaches of ordinances when requested by any of those in power; to draw all ordinances and any legal papers relating to the city of Rexburg and give legal advice to then council or any city officers relating to the government of the city; to attend all regular and special meetings of the city council in order to advise them; to see that the docket of the Police Judge is properly kept (Section 38).

Every city official mentioned in this ordinance which violates any of the provisions of said ordinance shall be deemed guilty of a misdemeanor and punished by a fine or by imprisonment in the city jail not to exceed 30 days or both (Section 39). All ordinances and parts of ordinances in conflict with this ordinances are hereby repealed (Section 40).