

## C. F. 35,

## A BILL PROVIDING FOR THE CLASSIFICATION, INCORPORATION AND GOVERNMENT OF CITIES.

TERRITORY OF UTAH, }  
Twenty-ninth Session. }

In the Council February 17, 1890,  
Mr. C. C. Richards introduced the  
following:

## CITIES OF THE FIRST CLASS.

*Be it enacted by the Governor and  
Legislative Assembly of the Territory  
of Utah:*

## Chapter I.

Section 1. That all cities now existing in this Territory, and all cities hereafter incorporated or organized, having 20,000 or more inhabitants, shall be known as cities of the first class, and all of the provisions of this chapter relating to cities of the first class are hereby made applicable to all cities having 20,000 or more inhabitants, now existing in this Territory, as well as to all such cities hereafter incorporated or organized, and shall be so construed.

Sec. 2. All cities of the first-class shall be divided into five municipal wards, the boundaries of which shall be described by ordinance; but the boundaries of no municipal ward shall be changed within four months prior to any municipal election. Such wards shall be as compact in form and equal in population as may be. Each ward shall constitute an election precinct for municipal elections; *provided*, that when any ward shall contain five hundred legal voters, the city council shall divide such ward into two or more election precincts, and make the precincts as compact in form and equal in population as may be, so that there shall not be more than five hundred voters in any one precinct, but no election precinct shall be made out of parts of any two or more wards, nor shall the boundaries of any such election precinct be changed within two months prior to any municipal election. There shall be but one polling place in each election precinct, and but one ballot box used at any election therein. And the voters shall vote in the precincts in which they reside.

Sec. 3. The government of all cities of the first class is hereby vested in a city council to be composed of a mayor who shall be a qualified voter in his city, and fifteen councilmen, three from each ward, who shall be qualified voters in their respective wards. The mayors shall be elected by the qualified voters of their respective cities, and the councilmen shall be elected by the qualified voters of their respective wards; and they shall hold their offices for the term of two years and until their successors are elected and qualified.

Sec. 4. At the first municipal election held after the passage and approval of this act, and at all subsequent elections held in all cities of the first class, now existing in this Territory, and in all cities of the first class which may hereafter be incorporated or organized, there

shall be elected the following named officers: A mayor, recorder, treasurer, marshal, and an assessor and collector, who shall be elected by the qualified voters of their respective cities and shall reside therein, and fifteen councilmen and five justices of the peace; and they shall hold their offices for the term of two years and until their successors are elected and qualified. Three of such councilmen and one justice of the peace shall be elected from each municipal ward by the qualified voters of their respective wards, and shall reside therein. In case the mayor, recorder, treasurer, marshal, or assessor and collector shall move his residence outside the corporate limits of his city, or in case any councilman or justice of the peace shall move his residence outside of the municipal ward by and from which he was elected, his office shall at once become vacant, and shall be filled by the city council of any such city by appointment from the qualified electors of such city or ward in which the vacancy occurs, as the case may be, until the next ensuing municipal election. In case the vacancy occurs in the office of mayor, recorder, treasurer, marshal or assessor and collector the successor shall be appointed from the qualified electors of the city, and in case the vacancy occurs in the office of councilman or justice of the peace the successor shall be appointed from the qualified electors of the municipal ward in which the vacancy occurs.

Sec. 5. The judicial power of all cities of the first class shall be vested in the justices of the peace of such cities. Said justices shall have exclusive original jurisdiction of cases arising under, or by reason of the violation of any ordinance or by-law of said cities and shall have the same jurisdiction as precinct justices of the peace in either civil or criminal cases. The rules of practice and mode of proceeding in said justices' courts shall be the same as are or may be prescribed by law for justices' courts in civil or criminal cases. The jurisdiction of each of such justices shall be co-extensive with the corporate limits of the city.

From all final judgments of said justices' courts, appeals shall be allowed to the district or other appellate courts provided by law, in the same manner, and upon the same terms, as provided by law for appeals from justices' courts.

## CITIES OF THE SECOND CLASS.

## Chapter II.

Sec. 1. That all cities now existing in this Territory, and all cities hereafter incorporated or organized, having 5000 or more inhabitants, and less than 20,000 inhabitants, shall be known as cities of the second class; and all of the provisions of this chapter relating to cities of the second class are hereby made applicable to all cities having 5000 or more inhabitants, and less than 20,000 inhabitants, now existing in this Territory, as well as to all such cities hereafter incorporated or organized, and shall be so construed.

Sec. 2. The city council of any city now existing in this Territory, and of any city hereafter incorporated, are hereby authorized to appoint commissioners to take the census of said city, before any municipal election, for the purpose of ascertaining to which class any such city may belong; and whenever the city council of any city of the second class have reason to believe that the population of such city has increased so that the city belongs to the first class, it shall be the duty of the city council of such city to appoint such commissioners, and cause such census to be taken, verified and returned to them. If from the verified returns of said commissioners it shall be shown that any such city belongs to the first class, it shall be the duty of the mayor of such city to certify to the Governor of the Territory, attested by the seal of the city, the number of inhabitants of such city; and the Governor shall declare by public proclamation that such city belongs to the first class and is subject to the provisions of this act relating to cities of that class.

Sec. 3. The city council and officers of such city shall continue in authority from the date of such proclamation until the city council and officers, provided for cities of the first class, are elected for such city and qualified. At the first ensuing municipal election after the proclamation of the Governor that any city belongs to the first class, the qualified electors of such city shall vote for the officers provided by law for cities of the first class.

Sec. 4. All cities of the second class shall be divided into five municipal wards, the boundaries of which shall be prescribed by ordinance; but the boundaries of no municipal ward shall be changed within two months prior to any municipal election. Such wards shall be as compact in form and equal in population as may be, and each ward shall constitute an election precinct for municipal elections; *provided*, that when any ward shall contain 500 legal voters, the city council shall divide such ward into two or more election precincts, and make the precinct as compact in form and equal in population as may be, so that there shall not be more than 500 voters in any one precinct; but no election precinct shall be made out of parts of any two or more wards, nor shall the boundaries of any such election precinct be changed within one month prior to any municipal election. There shall be but one polling place in each election precinct and but one ballot box used at any election therein. And the voters shall vote in the precincts in which they reside.

Sec. 5. The government of all cities of the second class is hereby vested in a city council to be composed of a mayor, who shall be a qualified voter in his city, and ten councilmen, two from each ward, who shall be qualified voters in their respective wards. The mayor shall be elected by the qualified voters of their respective cities and the councilmen shall be elected by the quali-