

Ordinance No. 304.

Ord. No. 304  
Sep 1507

Be Ordinance to provide for an assessment, and levy, and collect a tax thereon, for street, and road work, within the City of Albany, Oregon, and to provide for the manner of collecting the same, and to provide for the manner of doing the work upon the streets, and roads in said City.

The People of the City of Albany do Ordain as follows:

Section 1. That the City Recorder shall at the same time, that he makes the assessment for other City purposes make the assessment for road and street work, and make an alphabetical list of all the persons in the City of Albany liable for street or road tax.

Section 2. The City Council shall at the same time, and in like manner as the taxes for other City purposes are levied, and upon the assessment roll, as equalized by the City Council, as provided by section 107, of Chapter 8, of the City Charter, make, and levy for street, and road purposes, a tax on all the property, both real, and personal on said assessment roll of \$1.50 upon each, and every "room" assessed, as shown by said roll, and at the same time shall levy an assessment of \$3.50 upon each male inhabitant within the city, between the ages of 21, and 50 years, excepting persons, who are public charges, or invalids, or active, or exempt firemen of any organized fire company of Albany, for street, and road purposes, to be used in the repair or improvement of the streets, and roads in the City of Albany.

Section 3. That the City Council shall cause the Recorder of said City of Albany, to issue

under the seal of (of) the City, a warrant to the City Marshal, as Tax Collector, Commanding him to collect the taxes assessed upon the assessment roll, annexed to said warrant, and to make due return thereon, to the City Council; which said warrant shall be substantially in the following form:

" To \_\_\_\_\_  
" City Marshal of the City of Albany, in Linn County, and  
" State of Oregon:  
" You are hereby commanded to collect the Street  
" and road tax levied on the \_\_\_\_\_ day of  
" 1899 in said City of Albany, County of Linn, and State  
" of Oregon, as shown by the assessment roll hereto  
" annexed, and make due return to the City Council,  
" within 30 days from this date; said taxes must be paid  
" either in money, or by labor upon the streets, under the  
" direction, and in accordance with the order of the  
" City Council, and Superintendent of Street. If paid in  
" work in lieu of money, said work, or labor to be  
" received in payment of said tax at the rate of \$1.00  
" for each day's labor, for the amount, as provided by  
" Section 10 1/2 Chapter 7, of the city charter, provided that  
" such labor is done to the satisfaction, and according  
" to the direction of the City Council, and Superintendent  
" of Streets."

Witness my hand, and official signature, and  
the seal of the City of Albany attached this \_\_\_\_\_ day of  
\_\_\_\_\_ A.D. 1899  
{Seal }

Recorder of the City of Albany.

It is further ordered: That the City Marshal shall immediately after  
he receives from the City Recorder the tax roll as  
provided for in section 3 of this Ordinance, give  
notice to the tax-payers upon said roll of the time  
when said taxes become due, and the places where  
the same can be paid, which said notice shall  
be given at least ten days, by being posted in at

least three public places in said city, or by publication in a daily, or weekly newspaper published in, and of general circulation in the City of Albany, if such day papers, or any of them shall within three days, after the last publication of said notice, notify the City Marshal in writing, that he elects to perform labor upon the Streets, in lieu of paying said tax in money, and that he will be ready at any time thereafter, upon receiving at least three days notice from the Superintendent of Streets to perform such work, either in person, or by substitute, upon the streets, with, or without a team, or tools, in payment of such taxes.

Section 5: The City Marshal shall at least twice a month, report to the City Council the amount of money collected, from whom collected, and the name of any person, or persons, that have notified him, as provided in Section 4, of this ordinance <sup>his</sup> or their election to pay their said road, or street tax in work.

Section 6: It shall be the duty of the City Council to elect, or appoint some suitable person to serve as Superintendent of Streets, who shall hold office during the pleasure of the Council, and be under its immediate direction, and control; Such Superintendent of Streets, shall receive as compensation for his services, such sum as the Council may fix, and direct.

Section 7: It shall be the duty of the Superintendent of Streets, to notify all persons, who have signified their intention, to pay their road, or street tax in labor, of the time, and place where they shall appear for work, giving such persons, so notified, at least three days notice of the time, and place where they shall appear for the purpose of working the Streets, as provided herein.

Section 8: Every notified to labor upon the public Streets.

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under the provisions of this ordinance, shall be required to appear, at the place appointed by the Superintendent of Streets, at the time mentioned in such notice with such necessary tools, and implements as said Superintendent of Streets may direct, and work industriously, and diligently during at least eight of faithful labor, of each day, at such work, and in such manner as shall be directed by the Superintendent of Streets, and such Superintendent of Streets may, if he deems it necessary, require any person owning the same, to furnish a team of horses, or mules, or a wagon, cart, scraper, or plow to be employed, or used in the streets, under the direction of the Superintendent of Streets; such person shall be allowed a reasonable compensation, for the use of such team, wagon, cart, scraper, or plow, in discharge of any labor due from such person, the amount to be fixed by the City Council. If any person notified to work upon the streets, as herein provided, shall refuse to attend at the time appointed, or refuse to obey the directions of the Superintendent of Streets, or passes his time in idleness, or inattention, to the labor assigned him, such person, shall be returned as delinquent to the City Council.

Section 9: The City Council shall cause the Recorder to make out a delinquent list of tax-payers for for road and street work, at such time as they may deem it necessary, and shall cause the Recorder to issue a warrant thereon, under the seal of the City directed to the City Marshal, with directions, to sell either personal, or real property belonging to such delinquent tax payer, or a sufficient amount thereof to pay the costs, and expenses of such sale, and the amount of such tax together with the amount of (25%) twenty-five per cent of the amount of such taxes, added in addition, as a penalty of such delinquency. That no property real or personal, shall be exempt from levy or sale thereof.

All such sales shall be made in the same manner, with like effect, as like property is sold under execution under the general laws of Oregon.

Section 10. That all of the moneys collected, by the City Marshal under the provisions of this Ordinance, shall be set apart, and made a street fund, and shall not be used for any other purposes whatever, except for the improvement of streets, roads, and alleys, within said city.

Section 11. Whenever the Superintendent of Streets, shall find any person, or property, within the city liable to pay a tax for road, or street work, or any property for which he should have been assessed therefor not so assessed, the name of such person, and property shall be placed upon the roll, and by him assessed for the amount due from him, or upon the said property for street, or road purposes.

Section 12. That the City Council shall from time to time, and as often as they may deem it necessary, by resolution, or an order, duly made, and entered on its Journal of proceedings, determine what work shall be done, and upon what streets, and direct the Superintendent of Streets how he shall repair the same, and the kind of improvements to be made thereon, and direct what labor shall be hired, or employed thereon, and fix the compensation thereof. And the Superintendent of Streets, shall make, and return an itemized statement of all the work done, by whom done, and the compensation to be paid therefor.

Section 13. All Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed.

Section 14. This Ordinance shall take effect, and be in full

from, and after its approval by the mayor.

Approved, February 19<sup>th</sup> 1896.  
C. J. Burkhardt

Mayor of the City of Albany.

Attest:

J. W. Horton  
(Recorder of the city of Albany)

Passed the Council February 11<sup>th</sup> 1896.

Recorder's Certificate to Ordinance No. 304.

Office of City Recorder.

State of Oregon, }  
County of Linn }

J. W. Horton, Recorder of the city of Albany in Linn County, and State of Oregon, do hereby certify, that the foregoing Ordinance No. 304, has been by me carefully compared with the original ordinance bill no: 310, now on file in this office, and that it is a true, and correct transcript of all, and the whole of said original ordinance bill, No. 310, as passed by the Council of said city, the 11<sup>th</sup> day of February A.D. 1896.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the city of Albany, this 17<sup>th</sup> day of February A.D. 1896.

J. W. Horton  
(Recorder of the city of Albany)

