

SECTION 68. PROPOSAL FORM.

The form of such proposed ordinance shall be in proper legal language approved by the Director of Law, or upon request of the persons desiring to propose such ordinance shall be drawn by him in due form and the Director of Law shall render such other services as may be requested by petitioners.

SECTION 69. PETITION.

The petition presenting the proposed ordinance shall contain such ordinance in full together with a statement containing not more than two hundred words giving the petitioner's reason why such ordinance should be adopted. Such petition shall be filed with the Director of Law who shall at once note the date of filing the same with him thereon and who shall determine the form, sufficiency and legality of the same. If not found in proper form he shall return the same to petitioners for correction. If of proper form he shall certify the same to the City Council. The Director of Law shall pass upon the petition and return the same to petitioners for correction or certify same to the Council within five days of the filing of the same with him.

SECTION 70. PASSAGE.

The Council shall either pass such proposed ordinance without alteration within thirty (30) days after the sufficiency of the petition has been determined and certified to it; or, within thirty days after such certification the Council shall call a special election, unless a general or regular primary election shall be held within six months thereafter, and at such special, primary, or general election such proposed ordinance shall be submitted without alteration to a vote of the electors of the City.

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof it shall thereupon become a valid and binding ordinance of the City. If the provisions of two or more ordinances adopted at the same election conflict the ordinance receiving the largest affirmative vote shall prevail. Any number of proposed ordinances may be voted upon at the same election and all such elections shall be held and the result determined in accordance with general law, provided that there shall not be more than one special election for such purpose in any period of one year.

SECTION 71. CONFORMITY.

The form of the initiative petition, the circulating thereof and securing of signatures to the same, and the form of the ballot to be used in submitting a proposed ordinance to the electors of the City shall be in accordance with and determined by the general laws governing the initiative in State measures.

THE REFERENDUM**SECTION 72. PROCEDURE.**

No franchise, ordinance, resolution or measure passed by the City Council, except however, that, whenever the Council is by law required to pass more than one ordinance, resolution or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this article shall apply only to the first ordinance, resolution and other measure relative thereto; ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof as provided by this Charter; ordinances or resolutions passed for the purpose of borrowing money by refunding bond, note, or certificates of indebtedness; and ordinances such as are provided in Section 73, shall go into effect until thirty days after its passage. If within said thirty days a petition, signed by not less than ten (10) percent of the qualified electors of the City based upon the number of votes cast for Mayor at the last Municipal election, requesting the repeal or submission to a referendum of said ordinance be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance. If upon such reconsideration said ordinance is not repealed the Council may, after the form, sufficiency and legality of the petition shall have been determined and certified by the Director of Law, submit the ordinance to a vote of the electors of the City at a regular or special election which may be called, at the discretion of the Council. If upon reconsideration by the Council such ordinance is lost, or if the Council fails to submit such ordinance to a referendum after the presentation of such petition requesting a referendum the same shall be null and void. If approved by a majority of the electors voting thereon at a referendum election such ordinance shall immediately go into effect.

SECTION 73. EMERGENCY ORDINANCES.

Ordinances passed as emergency measures or measures necessary for the immediate preservation of the public peace, health or safety shall be subject to referendum in like manner as other ordinances except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

SECTION 74. EXPENDITURES.

If by proper petition a referendum vote be required upon any ordinance providing for the expenditure of money, a bond issue, or a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of contract for such improvement, may be taken prior to such referendum election.

SECTION 75. CONFORMITY.

The form of referendum petitions, the circulating thereof and securing of signatures thereto, and the form of the ballot to be used in such referendum election shall be in accordance with and determined by the general laws governing the referendum on acts of the General Assembly of the State.

IMPROVEMENTS AND ASSESSMENTS**SECTION 76. LOCAL IMPROVEMENTS.**

The Council shall have power by ordinance or resolution to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property. The amount assessed against the property specially benefitted to pay for such local improvements shall not exceed the amount of benefits accruing to such property. Any cost for such improvement in excess of any sum assessed therefor shall be paid by the City.

SECTION 77. METHODS OF SPECIAL ASSESSMENT.

Special assessments upon property deemed benefitted by a public improvement shall be by any one of the following methods:

- (a) By a percentage of the tax value of the property assessed;
- (b) In proportion to the benefits which may result from the improvement;
- (c) By the foot frontage of the property bounding or abutting upon the improvement.

SECTION 78. PRELIMINARY ASSESSMENT.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the Council shall declare the necessity therefor by resolution, and such resolution shall include the method of assessment, the mode of payment, and the number of annual installments. Such resolution shall thereupon be certified to the Director of Finance and Public Record, who shall thereupon proceed to make an assessment report, in accordance with the method of assessment provided in the resolution, which report shall be filed with the Council, and shall show the lots and lands assessed, and the amount of the assessments as to each, and the number of installments not exceeding ten (10), in which such assessment shall be paid.

SECTION 79. NOTICES SERVED.

Upon the filing of such report the Director of Finance and Public Record shall cause written notice to be served upon the owner or owners or the agent or agents of the owner or owners of each lot or parcel of land to be assessed, or upon the persons in whose names the same may be assessed for taxation upon the tax duplicate, said notice to be served as is provided for service of summons in civil action; and as to all nonresidents and persons who cannot be found, a publication of such notice shall be made at least once in a newspaper of general circulation in the City. Said

notice shall contain a statement of the character of the proposed improvement, the fact that the assessment report has been filed with the Council, the rate of such assessments, the number of installments, and shall set a time and place when complaints and claims will be heard before the Board of Revision of Assessments.

SECTION 80. PLANS OF PROPOSED IMPROVEMENTS.

At the time of the passage of said resolution of necessity hereinbefore provided there shall be on file in the office of the Mayor, plans, specifications, estimates and profiles of the proposed improvement, giving all information necessary; and such plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

SECTION 81. BOARD OF REVISION OF ASSESSMENTS.

The Board of Revision of Assessments shall consist of the Mayor, the Director of Law and the Director of Finance and Public Record. The Mayor shall be the President of the Board and the Director of Finance and Public Record shall be the Secretary thereof. It shall meet at such times and places as is provided by its rules and shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessments, the necessity therefor, and the equity of the assessments as provided in the assessment report. A majority of those constituting the Board of Revision of Assessments shall have power to determine all complaints and objections submitted to it, and as to each improvement the Board shall, after such hearing amend, equalize, and adjust the assessment report, and shall report its findings as to the necessity for the improvements and any amendments it directs in the assessments to the Council.

SECTION 82. CLAIMS.

An owner of a lot or of land bounding and abutting upon a proposed improvement claiming that he will sustain damage by reason of the improvement shall present such claim to the Board of Revision of Assessments within two weeks after the service of notice of the completion of the publication hereinbefore provided. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damages and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damages which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising without his fault, from acts of the City or of its agents. The Board of Revision of Assessments shall report to the Council all such claims for damages filed with it.

SECTION 83. FINAL ASSESSMENT.

Whenever the Board of Revision of Assessments shall have made its final report to the Council as to any improvement, the Council, if it determines that the improvement shall proceed, shall pass an ordinance levying the assessment as reported by the Board of Revision of Assessments and directing that the improvement proceed.

In such ordinance it shall be sufficient to describe the lots