

ORDINANCE NO. 438

AN ORDINANCE PROPOSING A COMPLETE NEW CHARTER FOR THE CITY OF STAYTON, REFERRING SUCH CHARTER TO THE LEGAL VOTERS OF THE CITY AT A SPECIAL ELECTION, AND DECLARING AN EMERGENCY.

WHEREAS, the present city charter of the City of Stayton, has become inadequate and cumbersome for the proper conduct of the present and foreseeable needs of the City to the extent that the City Council deems it to be in the best interest of the people of the City of Stayton that a new charter be submitted to the legal voters of said City for their approval or rejection, now, therefore,

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

SECTION I: The City Council of the City of Stayton, Marion County, Oregon, proposes a complete new charter providing for the government of the City of Stayton, Marion County, Oregon, and repealing all charters and provisions thereof, except as expressly reserved in the new charter, enacted prior to the time this proposed charter takes effect; as follows:

SECTION II: The proposed complete new charter for the City of Stayton shall be submitted to the legal voters of the City at a special City election hereby called by the City Council to be held on Tuesday, the 9th day of April, 1974, in accordance with the laws of the State of Oregon, and the present City Charter and ordinances. The polling place for the election is hereby designated as the City Hall at 362 North Third Avenue, Stayton, Marion County, Oregon. The polls shall be open at 8:00 A.M., and shall close at 8:00 P.M., Pacific Daylight Savings Time on the election day.

Cecelia Marty, Dora Dozler, Angie Gorman, Luella Jacoby, and Marion Dozler, are hereby appointed as clerks of the election, and Rose Bell is hereby appointed as chairman of the election, and they shall together constitute the election board for said special election.

SECTION III: The recorder shall post a copy of this Ordinance in full on the City Hall bulletin board and shall give notice of the election by posting notices thereof in at least three public and conspicuous places in the City of Stayton, at least ten days prior to the election date, which posted notices shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that on Tuesday, the 9th day of April, 1974, in the City of Stayton, Marion County, Oregon, a special election will be submitted to the legal voters for their adoption or rejection.

tion the following measure:


MEASURE NO. I: Shall the City of Stayton repeal all prior charter provisions except for those relating to the prior bond issues and the jurisdiction of the municipal court, and adopt a complete new charter providing for its government?

The election will be held at 8:00 A.M. and will continue until 8:00 P.M., Pacific Daylight Savings Time, on said date. The precincts and polling place is hereby designated as follows:

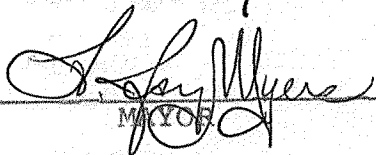
<u>PRECINCT NUMBER</u>	<u>POLLING PLACE</u>
NO. 75	City Hall, 362 N. 3rd Ave.
NO. 76	City Hall, 362 N. 3rd Ave.

WITNESS the hands of the Recorder and Mayor of the City of Stayton, together with the seal of said City upon the 6th day of March, 1974.

(SEAL)



RECORDER



MAYOR

The Recorder shall further cause a similar notice of election to be published in a newspaper of general circulation in the City of Stayton once a week for at least two consecutive weeks, the publications to be not more than thirty nor less than ten days prior to the date of the election.

SECTION IV: The Recorder shall maintain and keep on file

and open for public inspection at the office of the recorder at the Stayton City Hall, 362 North Third Avenue, Stayton, Marion County, Oregon, copies of this ordinance containing the proposed new charter, for a period of at least 30 days prior to said election.

SECTION V: That the form in which said question shall be submitted to the electors of the City on the official ballot at the special election shall be as follows:

"OFFICIAL BALLOT"

Special City Election held April 9th, 1974, in the City of Stayton, Marion County, Oregon, on a complete new charter submitted to the voters by the City Council.

MEASURE NO. I: Shall the City of Stayton repeal all prior charter provisions except for those relating to the prior bond issues and the jurisdiction of the municipal court, and adopt a complete new charter providing for its government?

Mark a cross (X) or a check mark () between the number and the answer voted for.

[] Yes, I vote for the complete new charter.

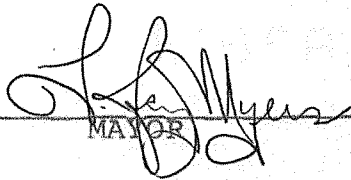
[] No, I vote against the complete new charter.

SECTION VI: This ordinance being necessary for the immediate preservation of the public peace and safety, an emergency

is hereby declared to exist and it shall be in full force
and effect from and after its date of passage.

Adopted by the Council this 4th day of March, 1974.

Approved by the Mayor this 4th day of March, 1974.



MAYOR

ATTEST:



RECORDER

STAYTON CHARTER OF 1974

A CHARTER

To provide for the government of the City of Stayton, Marion County, Oregon: and to repeal all charter provisions of the City, except provisions relating to existing debt, and authority of the municipal judge.

Be it enacted by the people of the city of Stayton, Marion County, Oregon:

CHAPTER I.

Section 1. Title of Enactment. This enactment may be referred to as, the "Stayton Charter of 1974."

Section 2. Name of City. The municipality of Stayton, Marion County, Oregon shall continue to be a municipal corporation with the name "City of Stayton."

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in his office at the city hall at least four copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

CHAPTER II

POWERS

Section 4. Powers of the City. The City shall have all powers which the constitution, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 11. Salaries. The compensation for the services of each city officer and employee shall be such a reasonable amount as is fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the 30 days immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.

CHAPTER IV. COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once a month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council call a special meeting for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Record of Proceedings. The council shall ^{cause} ~~cause~~ a public record of its proceedings to be kept. Upon the request of any of its members the ayes and naves upon any question before it shall be taken and entered in the record.

Section 16. Proceedings to be Public. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions at Council Meetings. The Mayor shall be chairman of the council and preside over its deliberations. He shall not have a vote on questions unless a tie vote occurs. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each calendar year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is absent or is unable to perform the functions of his office, the president shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council meeting shall be necessary to decide any question before the council.

CHAPTER V.

POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall appoint the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall sign or veto all ordinances passed by proceedings approved by the council. He shall sign or veto all ordinances passed by the council within seven days after their passage. In the event the Mayor vetos an ordinance he shall state the reasons therefore in writing and shall return it to the council at its next meeting. Repassage by a majority of the council shall override the Mayor's veto. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 21. Municipal Judge. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Stayton, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All areas within the city shall be within the territorial jurisdiction of the court, and he shall have the authority and jurisdiction of a Justice of the Peace as provided in the prior city charter. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to

The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to issue any process necessary to carry into effect the judgments of the court, to punish witnesses and others for contempt of court, and to appoint a municipal judge pro tem to act in his absence. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 22. Recorder. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign orders on the treasury. Unless the city council designates otherwise, the Recorder shall act as the city treasurer. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

CHAPTER VI. ELECTIONS

Section 23. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 24. Notice of Regular Election. The recorder, pursuant to directions from the council, shall give at least ten days notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 25. Special Elections. The council shall provide the time, manner, and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 26. Regulation of Elections. Except as this charter or the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of council. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained therein.

Section 28. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a run-off election held the 2nd Tuesday after the regular election.

Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the second Monday of the year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 31. Nominations. A qualified elector who has resided in the city during the 30 days immediately preceding an election may be nominated for elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than 10 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. Council. The council shall be composed of a mayor and five councilmen elected from the city at large or from wards or districts if so designated by the council.

Section 8. Councilmen. The councilmen in office at the time this charter is adopted, shall continue in office, each until the end of this term of office as fixed by the charter biennial general election after this charter is adopted 2 councilmen shall be elected for a term of 4 years. At each subsequent biennial general election, three councilmen shall be elected. Of the 3, the 2 receiving the two highest numbers of votes shall each hold office for 4 years, and the one receiving the 3rd highest number of votes shall hold office for two years. No councilman shall serve more than 2 consecutive terms as councilman. An appointment pro tem to fill a vacancy shall not be considered part of a term.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years. No person shall serve more than 3 consecutive terms as mayor.

Section 10. Other Officers. Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the majority of the council. The council may combine designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 90 nor later than 30 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and that person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nominations for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VII

VACANCIES IN OFFICE

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in the case of a mayor or councilman, upon his absence from the city for 30 days without the

consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment by the mayor. A majority vote of the council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII.

ORDINANCES

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall substantially be, "The city of Stayton ordains as follows."

Section 35. Mode of Enactment. (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days. (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title. (3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council. (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. (5) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his

name and title of office, and within seven days thereafter the mayor shall sign it with the date of his signature, his name and the title of his office.

Section 36. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect and in case of an emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 37. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a curb or sidewalk, or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 39. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids. A contract in excess of \$2500.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 41. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed one-fourth of one per cent of the current true cash value of all taxable property in the city as determined by the county assessor;

nor shall its bonded indebtedness exceed three per cent of such true cash value at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. Torts. In no event shall the city be liable in damages for an injury to person, a damage to property, caused by a defect or a dangerous condition in a public thoroughfare, site, or facility, unless the city has had actual notice prior to the injury or damage that the defect or condition existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500 be recovered as damages for an injury or damage resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such injury or damage unless the claimant first gives written notice to the council within 30 days after the injury or damage is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 43. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 44. All charter provisions of the city enacted prior to the time that this charter takes effect, except such as relate to outstanding bonded indebtedness and authority of the municipal judge, are hereby repealed. Provisions relating to such indebtedness and to indebtedness incurred to refund the same shall be deemed repealed upon complete payment of such indebtedness and the interim thereon, without specific repeal of the charter provisions authorizing such indebtedness.

Section 45. Time of Effect of Charter. This charter shall take effect July 1, 1974.