

*Repealed
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ORDINANCE NO. 159

A BILL for an Ordinance to provide the carrying into effect in the Town of Stayton, Marion County, Oregon, the Initiative and Referendum powers reserved to the legal voters of municipalities by Section 1-a of Article IV of the Constitution of the State of Oregon, and to enact and amend their municipal charters reserved to legal voters of cities and towns by Section 2 of Article XI of the Constitution of the State of Oregon, repealing Ordinance No. 106 and all other acts and parts of acts in conflict herewith, and declaring an emergency.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. Charters of the Town of Stayton and amendments to the Charter of the Town of Stayton and ordinances may be proposed and submitted to the legal voters and qualified electors of said Town of Stayton by the Council, with or without initiative petition, but such proposed Charter, amendments to charter and ordinances shall be filed with the Recorder for submission not less than twenty days before the election at which the same is to be voted upon, and no charter, charter amendment or other measure so submitted, shall become effective until it is approved by a majority of the votes cast thereon at the election to which the same was so submitted.

Section 2. The people of the Town of Stayton may propose by initiative petition charters of the Town of Stayton, and amendments to the Charter of said Town, or may by such initiative petition propose any ordinance for said Town of Stayton by filing with the Recorder a copy of such proposed charter, amendment to charter or proposed ordinance together with their initiative petition attached thereto and the Recorder shall transmit such petition and proposed charter, amendment to charter or proposed ordinance to the Council at its next session, and the Council shall at such meeting, (if there be a quorum present, but if at such meeting the Council does not have a quorum, then at the next meeting of the Council in which there is a quorum present) either ordain or reject the same, as proposed, and if the Council shall reject said proposed charter, amendment to charter or ordinance, or take no action thereon, then the Recorder shall submit the same to the voters of the Town of Stayton at the next general or special election held in the Town of Stayton after the same

was first presented to the Council. The Council may ordain such proposed charter, amendment to charter or ordinance and refer it to the people, or it may ordain such proposed ordinance without reference to the people and in that case it shall be subject to referendum petition in like manner as other ordinances; if the Council shall reject said proposed charter, amendment to charter or ordinance, or take no action thereon, it may ordain a competing ordinance, amendment to charter or charter, which shall be submitted by the Recorder to the people of said Town of Stayton at the same election at which said initiative proposed charter, amendment to charter or ordinance is so submitted. Such competing charter, amendment to charter or ordinance, if any, shall be prepared by the Council and ordained within ten days after the meeting of the Council at which such proposed charter, amendment to charter or ordinance was rejected by the Council or at the meeting to which the same was submitted to the Council and no action taken thereon. The Mayor shall have no power to veto either of such measures or to veto any measure whatever enacted by the people. If conflicting charters, amendments to charter or ordinances shall be submitted to the people at the same election and two or more of such conflicting measures shall be approved by the people, the measure which shall have received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority.

Section 3. The copy of such proposed charter, amendment to charter or ordinance so filed with the Recorder as provided by the last section of this ordinance whether submitted to the Council by initiative petition or initiated by the Council upon its own motion without such initiative petition, may be either written with typewriter on paper 8 $\frac{1}{2}$ by 13 inches or may be printed in the manner as provided for printing pamphlets of proposed charters, amendments to charters or ordinances for distribution to the legal voters pursuant to the provisions of this ordinance, and if the copy of such proposed

charter, amendment to charter or ordinance so filed with the Recorder is written with typewriter and the same is presented upon initiative petition it shall be a sufficient compliance with this ordinance to write such petition with typewriter as well, but if such copy so filed be a printed copy of such proposed Charter, amendment to charter or ordinance then the initiative petition accompanying same shall be printed upon paper of the same size as the pages of the pamphlet so containing such printed charter, amendment to charter or ordinance.

Section 4. The following shall be substantially the form of petition for any proposed charter, charter amendment, or ordinance or other measure proposed by initiative petition:

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the proposed measure or ordinance, or to sign such petition when he or she is not a legal voter.

INITIATIVE PETITION.

To the Hon. _____

Recorder of the Town of Stayton, Oregon.

We the undersigned citizens and legal voters of the Town of Stayton in the County of Marion and State of Oregon, respectfully demand that the annexed (proposed charter, charter amendment or ordinance, as the case may be) shall be submitted to the legal voters of the Town of Stayton for their approval or rejection at the (regular general election or special election, as the case may be) to be held on the ____ day of _____, 19____, or in case a special election shall be held in said Town prior to such election, then the same shall be submitted to the legal voters of said Town at such special election, and each for himself or herself says:

I have personally signed this petition: I am a legal voter of the State of Oregon, County of Marion and of the Town of Stayton; my resident and Post Office address are correctly written after my name.

NAME RESIDENCE, STREET NUMBER POST OFFICE
(Here follows 20 numbered lines for signatures)

Section 5. The following shall be substantially the form of petition for the referendum to the people on any ordinance passed by the Council.

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the proposed measure or ordinance, or to sign such petition when he or she is not a legal voter.

PETITION FOR REFERENDUM.

To the Hon. _____

Recorder of the Town of Stayton, Oregon.

We, the undersigned citizens and legal voters of the Town of Stayton in the County of Marion, State of Oregon, respectfully demand that Ordinance No. _____ and entitled (Give title of such Ordinance) passed by the Council at a meeting thereof legally held on the _____ day of _____ 19____, shall be referred to the people of the Town of Stayton, for their approval or rejection at the (Regular general election or special election, as the case may be) to be held on the _____ day of _____ 19____, or in case a special election shall be held in said Town prior to such election, then the same shall be submitted to the legal voters of said Town at such special election, and each for himself or herself says:

I have personally signed this petition; I am a legal voter of the State of Oregon, County of Marion and the Town of Stayton; my residence and Post Office address are correctly written after my name.

NAME RESIDENCE. STREET NUMBER. POST OFFICE

(Here follows 20 numbered lines for signatures)

Section 6. Every sheet for petitioners signatures for initiating a proposed charter, charter amendment, or ordinance, or for referendum to any ordinance or other measure shall be attached to a full and correct copy of the title and text of such proposed charter, charter amendment or ordinance or other measure with not more than twenty signatures on any one sheet of such petition, but several petitions may be separately circulated and attached together at the time or prior to

filing the same with the Recorder, and each and every sheet of every such petition containing signatures shall be verified on the back or bottom thereof by the person who circulated said sheet of said petition, by his or her affidavit which shall constitute a part of said petition, and shall be substantially in the following form:

State of Oregon }
County of Marion } SS.

I, _____, being first duly sworn say, that each of the persons above named and whose signatures appear herein, signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each person has stated his or her name, Post Office address and residence correctly and that each signer is a legal voter of the State of Oregon and County of Marion, and of the Town of Stayton.

(Signature and Post Office Address of Affiant)

Subscribed and sworn to before me this ___ day of ___ 19__.

Notary Public for Oregon.

The forms set forth in this Ordinance are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors.

Section 7. Any petition for initiating any proposed charter, charter amendment, ordinance or other measure shall be signed by not less than fifteen per cent of the legal voters of the Town of Stayton computed upon the number of votes cast for the office of Mayor at the last general election, and it shall be necessary to have at least ten per cent of such voters sign any referendum petition before the same shall act to refer any ordinance, but the fact of such initiative petition not having a sufficient number of signers will not act to prevent the Council from initiating such measure upon its own motion.

Section 8. The action of the Council in ordaining any proposed charter, charter amendment or ordinance so presented to the Council by initiative petition, or proposed by the Council and

submitted to the people without initiative petition shall be done by resolution passed by the Council and such resolution as well as the proposed charter, charter amendment or ordinance, including all of the title and all of the text thereof, shall be spread at length upon the minutes of the meeting at which action thereon is taken, which shall constitute a reference of said measure to the people for their approval or rejection, and the Recorder shall thereupon do all necessary acts and things required by this ordinance for the purpose of referring such charter, charter amendment, ordinance or other measure to the people at the election held in the Town of Stayton not less than twenty days thereafter.

Section 9. When any proposed charter, charter amendment, ordinance or other measure shall be filed with the Recorder and referred to the people for their approval or rejection, the Recorder shall transmit to the City Attorney of said Town of Stayton either the original measure so proposed or a copy thereof, and within five days thereafter the said City Attorney shall prepare and return to the Recorder a ballot title for such measure, which said ballot title shall briefly express the nature of such proposed charter, charter amendment, ordinance or other measure in not exceeding one hundred words and shall be so stated to the best ability of such City Attorney in a true and impartial statement of the purpose of such proposed charter, charter amendment, ordinance or other measure, and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure. The ballot title so prepared shall be printed with the number of the measure, on the official ballot; Provided, However, Any person who is dissatisfied with the ballot title provided by the said City Attorney for any measure may within two days after said ballot title is returned to the Recorder appeal to the Council asking a different title and giving the reason therefor, and stating why the title prepared by said Attorney is improper, and the Council shall by resolution approve the title prepared by said City Attorney, or shall by resolution prescribe another ballot title therefor, and the ballot title so approved or so

prescribed by the Council shall be the title placed upon the ballot.

Section 10. The Recorder when making up the ballot for such election at which said proposed charter, charter amendments, ordinances or other measures are being so submitted to the people, shall use for each measure the ballot title so prepared and submitted to him, and containing not to exceed one hundred words, and shall place the same upon the official ballot in addition to the names of candidates or other matters to be voted upon at such election. The ballot title for such proposed charter, charter amendment, ordinance or other measures shall be printed on the official ballot in the order in which they were referred to the people. The affirmative of the first measure shall be numbered 300 and the negative 301 in numerals, and the succeeding numbers shall be numbered consecutively 302, 303, 304, 305, etc., at each election. Measures referred to the voters by petition shall be designated "Referendum order by petition of the people". Measures proposed by the initiative petition shall be designated "Proposed by Initiative Petition". Charters, charter amendments, ordinances or other measures submitted by the Council without initiative petition shall be designated "Charter, Amendment to Charter, (or other measures as the case may be) submitted to the voters by the Council".

Section 11. The manner of voting upon charters, charter amendments, ordinances or other measures referred to the people or upon referendum petition shall be the same as is now or may be required and provided by law, and no such measure shall be adopted unless it shall receive an affirmative majority of the total number of votes cast on such/proposed charter, charter amendment, ordinance or other measure and entitled to be counted under the provisions of this ordinance, and no referendum petition shall be sustained as against the ordinance to which it is invoked unless such referendum petition shall receive a majority of all votes cast upon such ordinance so referred by referendum petition.

Section 12. Not later than ten days before any election at which any proposed charter, charter amendment, ordinance or other

measure shall be submitted to the people for their approval or rejection, the Recorder shall cause to be printed in pamphlet form a true copy of the title and text of each proposed charter, charter amendment, ordinance or other measure so submitted to the people and to be voted upon at such election with the ballot title to each measure and with the number and form in which the ballot title thereof will be printed upon the official ballot.

The pages of said pamphlet shall be six by nine inches in size and the printing thereon shall be set in eight point Roman face type single leaded, and twenty-five ems in width, with appropriate heads, and printed on sized and super calendered paper twenty-five by thirty eight inches weighing fifty pounds to the ream, unless the Council shall direct that the same be printed of a different size type and in a different manner.

Section 13. The Recorder shall make distribution of such pamphlets so containing a copy of such proposed charter, charter amendment, ordinance or other measure to every voter in the Town of Stayton so far as possible, either by mail or carrier, not later than six days before the election at which such proposed charter, charter amendment, ordinance, referendum petition or other measures are to be voted upon, but the failure of the Recorder to furnish a copy thereof to any voter or voters shall not invalidate the result of the election.

Section 14. The voting on charters, charter amendments, ordinances or other measures submitted to the voters by initiative petition or by order of the Council, or by referendum petition shall be counted, canvasses and returned by the regular Board of Judges, Clerks, and other officials and in the same manner as votes for candidates are counted, canvassed and returned, and the return of such Judges, Clerks, Canvassing Board and other officials shall be prima facie evidence as to the matters therein contained and as to the regularity of all proceedings had in the conduct of such election and any charter, charter amendment, ordinance or other measure so referred to the people and receiving a sufficient majority for its passage as shown by the return

of such Judges, Clerks, Canvassing Board and other officials shall be sufficient to put said measure into full force and effect.

Section 15. Any person who is a qualified elector of the Town of Stayton may sign a petition for the referendum or for the initiative for any proposed charter, charter amendment, ordinance or other measure which he or she is legally entitled to vote upon. Any person signing any name other than his or her own to any such petition, or knowingly signing his or name more than once for the same measure at any election or who is not at the time of signing the same a legal voter of the Town of Stayton, or any officer or person willfully violating any provision of this ordinance shall upon conviction thereof be punished by a fine not exceeding fifty dollars, or by imprisonment in the Town Jail not exceeding 25 days, or by both fine and imprisonment in the discretion of the Recorder who is vested with jurisdiction for trying such cases.

Section 16. Referendum petitions shall not be invoked against any ordinance which is passed by the Council in carrying into effect the necessary administrative affairs of the City, or to ordinances to which is attached in a separate section an emergency clause stating the reason why it is necessary that such ordinance shall become immediately operative. Referendum petitions in order to refer any measure passed by the Council to the people for their approval or rejection must be filed with the Recorder within 30 days after the passage of such measure by the Council.

Section 17. Upon the approval by the legal voters of the Town of Stayton of any proposed charter, charter amendment, ordinance or other measure the Mayor of the said Town shall within fifteen days from the time of such election proclaim by publication thereof in one issue of the official newspaper of said Town, the adoption of such charter, charter amendment, ordinance or other measure, which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation such charter, charter amendment, ordinance or other measure shall become in full force and

effect from the date of its approval by the people, except cases provided in Section 2 of this Ordinance with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect according to such result from the time of such election.

Section 18. That Ordinance No. 106 and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 19. WHEREAS this Ordinance is enacted for the purpose of providing for said municipality a uniform system of procedure for use in said Town and the manner of exercising the Initiative and Referendum powers reserved to the legal voters of municipalities by Section 1-a of Article IV of the Constitution of the State of Oregon, and to enact and amend their municipal charters reserved to legal voters of cities and towns by Section 2 of Article XI of the Constitution of the State of Oregon, and

WHEREAS, the Town of Stayton has no Ordinance at the present time fully covering such matter,

NOW THEREFORE, it is the judgment of the Council that this ordinance is necessary for the preservation of the health, peace and safety of the people of the Town of Stayton, and that an emergency actually exists and that this ordinance shall take effect and be in full force immediately upon its approval by the Mayor.

Passed by the Council of the Town of Stayton, Oregon, this 6th day of April, 1920.

Approved by the Mayor of the Town of Stayton, Oregon, this 8th day of April, 1920.

Grant Murphy
Mayor.

ATTEST:

J. B. Grier
Recorder.