

ORDINANCE NO. 197

A BILL

For

AN ORDINANCE referring and submitting an amendment to Chapter VII of the Charter of the Town of Stayton, Oregon, to the legal voters of said Town, for their adoption or rejection at the general primary election to be held on the 21st day of May, 1926; prescribing the Ballot Title for such proposed amendment; ordering notice of such election to be given; and declaring an emergency to exist.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That an amendment to Chapter VII of the Charter of the Town of Stayton, Oregon, a copy of which amendment is herewith attached, marked "Exhibit A", and made a part hereof, be, and the same is hereby referred ~~to~~ and submitted to the qualified legal voters of the Town of Stayton, Oregon for their adoption or rejection, at the general primary election to be held in said Town on the 21st day of May, 1926.

Section 2. That the Ballot Title of the proposed amendment shall be to amend Chapter VII of the Charter of the Town of Stayton as follows: " A Bill for an Act /providing a simpler and less expensive method of procedure for street improvements within said Town," and repealing all Acts and parts of Acts in conflict therewith.

SHALL THE CHARTER BE SO AMENDED?

Vote Yes or No by marking X between the number and answer voted for

100 Yes For the Proposed Amendment

101 No Against the Proposed Amendment

Section 3. That the Recorder of the Town of Stayton, shall, not later than five days before said election, cause notice thereof to be given by posting three copies of such notice, containing the ballot title and full text of said proposed amendment in public places within the Town of Stayton.

Section 4. That inasmuch as the procedure provided in said proposed amendment will expedite the work of improving streets within the Town of Stayton, it is the judgement of the Council that this Ordinance is necessary for the preservation of the peace, health and safety of the inhabitants of the Town of Stayton, and that an emergency exists and that this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

and the publication of the proclamation of the Mayor of said Town
of the result of such vote. And all Acts and parts of Acts in conflict
herewith are hereby repealed.

EXHIBIT A

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF STAYTON:

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

That Chapter VII of an Act entitled " An Act to incorporate the Town of Stayton, in Marion County, Oregon; to repeal all prior Acts with reference to the incorporation of said town; to render valid and binding all ordinances and other acts of said town under previous charters.", which was approved on February 2nd, 1903 and filed in the office of the Secretary of State on February 2nd, 1903, be, and the same is hereby amended as follows:

That Section 2 of said Chapter of said Act be and is hereby amended to read as follows:

"(Section 2. The Council may, of its own motion initiate the improvement of any street or streets or part or parts thereof within the Town of Stayton or whenever a petition signed by a majority of the owners of property which would be liable for the cost of such improvement shall be presented to the Council for the improvement of any street or streets or part or parts thereof the Council shall be bound to initiate proceedings for the improvement thereof as hereinafter provided; any such petition, however, must be accompanied by a good and sufficient bond or undertaking in an reasonable amount to be determined by the Council, indemnifying said Council against loss incurred or expenses contracted in case a remonstrance, sufficient to defeat such improvement should be filed as hereinafter provided; it being the intention of this provision that the Town should not be obliged to spend any money from its funds in initiating proceedings for street improvement when the Council is forced by petition to act, but that such expense should be born by those petitioning or by the property to be improved. The Council in improving any street or streets or part or parts thereof may, in its discretion employ an engineer to prepare plans, specifications and estimates for one or more kinds of appropriate improvements, at least one of which must be of a non-patentable kind, and the total

estimated cost of each class of improvement, and said engineer shall file such plans, specifications and estimates in the office of the Recorder of said Town. If the Council shall find such plans, specifications and estimates to be satisfactory it shall approve the same and shall determine the limits of the street or streets to be improved. The action of the Council in declaring its intention to improve any street or streets, or any part or parts thereof, approving and adopting the plans, specifications and estimates of the engineer and determining^{ing} the portion of the street to be improved may all be done at the same meeting of the Council by resolution.

Upon the passage of such resolution by the Council the Recorder shall give notice inviting bids for the making of said improvement by posting at least five copies of such notice in public places within the limits of the Town of Stayton for at least 5 consecutive days. The Council may, in its discretion, order the publication of such notice in one or more newspapers or magazines published in the State of Oregon. Such publication is not mandatory, however. Each bid submitted must be accompanied by a certified check equal in amount to 10% of the amount of the bid. When such bids are received and the amount of the lowest responsible bid for each kind or class of improvement has been ascertained, the Council shall, by resolution determine the kind or class of improvement to be made and the lowest responsible bid therefor, if any bid has been made. The Council in the same resolution may accept and adopt such lowest bid or it may reject all bids if none seems satisfactory to said Council. In case all bids are rejected the Council may either advertise anew for bids in the same manner as before, or it may declare its intention of making such improvement under its own direction and without any contract therefor. When the Council shall have either accepted a bid or rejected all bids the Recorder shall return to the respective bidders whose bids have been rejected the checks submitted with their bids, and shall retain the check of the successful bidder, if any bid be accepted. Such check shall be held until such time as a remonstrance sufficient to defeat said improvement shall)

PASSED by the COUNCIL this 10th day of May, 1926.

APPROVED by the MAYOR this 10th day of May, 1926.

George Kuech
Mayor of the Town of Stayton

ATTEST:

W. B. Lister
Recorder of the Town of Stayton

256 E

PROCLAMATION

WHEREAS, on the 10th day of May, 1926 the Council of the Town of Stayton, Oregon duly passed Ordinance No. 197 referring and submitting an amendment to Chapter VII of the Charter of the Town of Stayton to the voters of said town at the primary nominating election held in said Town on the 21st day of May, 1926, the ballot title of said proposed amendment being as follows:

" A Bill for an Act to amend Chapter VII of the Charter of the Town of Stayton providing a simpler and less expensive method of procedure for street improvements within said Town and repealing all Acts and parts of Acts in conflict therewith.

SHALL THE CHARTER BE SO AMENDED?

Vote Yes or no by marking X between the number and answer voted for

100 Yes For the Proposed Amendment

101 No Against the Proposed Amendment "

WHEREAS after due notice given as required by law an election was held in said Town on the 21st day of May, 1926 and said amendment was duly submitted to the voters of said Town; and

WHEREAS, the vote cast at said election was duly canvassed and the returns certified to me as required by law, said returns showing that 131 votes were cast for said amendment and 20 against it, and that said amendment was approved by a majority of the legal voters of said Town;

NOW, THEREFORE, I, George Keech, Mayor of the Town of Stayton, Oregon, by the authority in me vested, do hereby proclaim and declare that said Chapter VII of the Charter of the Town of Stayton has been amended by the voters of said Town in the manner shown in "Exhibit A" of said Ordinance No. 197 heretofore passed by said Council of said Town, and that this proclamation be published in the issue of the Stayton Mail of May 27, 1926 and that said amendment shall be in full force and effect from and after such publication.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the Town of Stayton to be hereunto affixed this 26th day of May, 1926.

George Keech
Mayor of the Town of Stayton