

ORDINANCE BILL NO. 2 for 1961

ORDINANCE NO. 379

AN ORDINANCE ESTABLISHING THE MANNER AND METHODS OF EXERCISING THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF THE CITY OF SWEET HOME, OREGON, BY THE CONSTITUTION OF THE STATE OF OREGON; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ORDINANCE NO. 28 OF THE CITY OF SWEET HOME, OREGON; AND ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE BY THE DECLARATION OF AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Ordinance Provides Complete Procedure. This ordinance provides a complete procedure for the legal voters of the city of Sweet Home, Oregon, to exercise the initiative and referendum powers reserved to the people of the city of Sweet Home, Oregon, by the constitution of the state of Oregon.

Section 2. Qualifications for Signers of Petition.

(1) Any legal voter of the city of Sweet Home, Linn County, Oregon may sign a petition for the referendum or for the initiative for any proposal which he is entitled to vote upon.

(2) No person shall sign any name other than his own to any petition or knowingly sign his name more than once for the same proposal at one election; nor shall anyone sign who is not, at the time of signing, a legal voter of the city of Sweet Home, Linn County, Oregon.

Section 3. Initiative Petition. The following shall be substantially the form of petition for any measure, question, ordinance, new charter of amendment to the charter of the city of Sweet Home, Oregon, proposed by the initiative.

WARNING

It is an offense for anyone to sign any initiative or referendum petition with any name other than his own or to knowingly sign his name more than once for the same proposal or to sign such petition when he is not a legal voter of the city of Sweet Home, Oregon.

INITIATIVE PETITION

To _____, recorder of the city of Sweet Home, Oregon: We, the undersigned citizens and legal voters of the city of Sweet Home, Linn County, Oregon, respectfully demand that the following measure, proposed ordinance or amendment to the charter of the city of Sweet Home, Oregon, (as the case may be), shall be submitted to the legal voters of the city of Sweet Home, Linn County, Oregon, for their approval or rejection at the regular general election (or special city election) to be held on the _____ day of _____, 19____, and each for himself says: I have personally signed this petition; I am a legal voter of the city of Sweet Home, Oregon; my residence, street and number are correctly written after my name.

Name

Residence

Street and Number

(Here follow 20 numbered lines for signatures)

Section 4. Referendum Petition. The following shall be substantially the form of petition for the referendum to the people of the city of Sweet Home, Oregon, on any ordinance or part of an ordinance passed by the council of the city of Sweet Home, Oregon.

WARNING

It is an offense for anyone to sign any initiative or referendum petition with any name other than his own or to knowingly sign his name more than once for the same proposal or to sign such petition when he is not a legal voter of the city of Sweet Home, Oregon.

PETITION FOR REFERENDUM

To _____, city recorder of the city of Sweet Home, Oregon:
We, the undersigned citizens and legal voters of the city of Sweet Home, Linn County, State of Oregon, respectfully order that Ordinance No. _____ entitled (the title of the ordinance, or part of an ordinance, on which referendum is sought), passed by the council of the city of Sweet Home, Oregon, for their approval or rejection, at the regular general election (or special city election) to be held on the _____ day of _____, 19____, and each for himself says: I have personally signed this petition; I am a legal voter of the city of Sweet Home, Linn County, State of Oregon; my residence and street and number are correctly written after my name.

Name

Residence

Street and Number

(Here follow 20 numbered lines for signatures)

Section 5. Sheets for Signatures and Filing of a Petition. Before or at the time of beginning to circulate any petition for the referendum to the people of any ordinance, or part of ordinance, passed by the council of the city of Sweet Home, Oregon, or for any measure, question, ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, proposed by the initiative, the persons or organizations under whose authority the proposal is to be referred or initiated shall deliver to the city recorder a signed copy of such petition. This shall be filed by the recorder in his office. The city recorder shall immediately examine it and specify the form, kind and size of paper on which such petition shall be printed for circulation for signatures. To each and every sheet of petitioners' signatures shall be attached a full and correct copy of the proposal to be made by initiative petition. Each and every sheet of petitioners' signatures upon a referendum petition shall be attached to a full and correct copy of the ordinance on which the referendum is demanded. Not more than 20 signatures on any one sheet of either a petition for referendum or initiative shall be counted.

Section 6. Verification of Signatures. Each and every sheet of each petition for either initiative or referendum containing signatures shall be verified on the face thereof, by the person who circulated the sheet, by his affidavit in substantially the following form:

State of Oregon }
County of Linn }
City of Sweet Home } ss

I, _____, being first sworn, say:
Every person who signed this sheet of the foregoing petition signed his name to it in my presence. I believe that each has stated his residence and street and number correctly and that each signer is a legal voter of the city of Sweet Home, Linn County, Oregon.

(Signature, street and number and residence of affiant.)

Subscribed and sworn to before me this _____ day of _____ A.D.,
19____.

(Signature and title of officer before whom
oath is made and his post office address)

Section 7. --Certification of Signature.

(1) Certification by recorder. Within seven days after a duly prepared petition is deposited at his office, the recorder shall

(a) compare the signatures on it with the signatures on the registration records in the office of the county clerk of Linn County, Oregon, and

(b) Attach to the petition a certificate in the following form:

State of Oregon)
County of Linn) ss
City of Sweet Home)

I, _____, recorder of the city of Sweet Home, Oregon, certify that I compared the signatures on the attached petition with the signatures of the electors as they appear on the registration records in the office of the county clerk of Linn County, Oregon, and on the basis of those records I hereby certify that the signatures of the following persons, namely,

in the number of _____, are genuine.

In witness whereof, I have hereunto set my hand and affixed the seal of the city of Sweet Home, Oregon, this _____ day of _____, 19____.

(2) Signatures to be accounted. In determining whether a petition contains the number of signatures requisite to its being duly prepared, the recorder shall count, except signatures forbidden by this ordinance to be counted, all signatures on the petition which he certifies to be genuine.

(3) The forms of this section are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical errors.

Section 8. Requisite Number of Signatures and Computation.

Requisite number. The number of signatures on a petition requisite to it being deemed duly prepared shall be, for an initiative petition, 15 per cent, and for a referendum petition, 10 per cent of the number of votes cast for the office of councilman at the councilmanic election last preceding the deposit of the petition at the office of the recorder after its circulation.

Section 9. Acceptance and Filing of Petitions. The recorder of the city of Sweet Home shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by the county of Linn, Oregon, and if a sufficient number of qualified voters be found to have signed said petition, he shall file the same within 10 days after presentation thereof to him.

Section 10. Procedure Upon Filing of Initiative Petition. If any measure, question, ordinance, new charter of amendment to the charter of the city of Sweet Home, Oregon, is proposed by initiative petition, the petition shall be filed with the city recorder and he shall transmit it to the next session of the council of the city of Sweet Home. The council shall act upon the measure, question, ordinance, new

charter or amendment within 30 days, If the council rejects it or takes no action on it, the city recorder shall submit the petition proposal to the voters of the city at the next election held not less than 90 days after it was first presented to the city council. The council may ordain the ordinance or amendment and refer it to the people or it may ordain such ordinance without referring it to the people. If the ordinance is ordained without referring it to the people, it shall be subject to referendum petition in like manner as other ordinances. If the council rejects the ordinance or amendment or takes no action on it, it may ordain a competing ordinance or amendment, which shall be submitted by the city recorder to the people of the city of Sweet Home, Oregon, at the same election at which the initiative proposal is submitted and ordained within the 30 days allowed for its action on the proposal submitted by the initiative petitioner.

Section 11. Time for Referring Proposal by Petition. Where the referendum petitions shall be signed by the required number of legal voters against any ordinance or part of any ordinance passed by the council, the same shall be filed with the city recorder within 30 days after the passage and approval of the ordinance or part of ordinance in question.

Section 12. Submission of Proposal by Council. Any measure, question, ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, may be proposed and submitted to the legal voters of the city of Sweet Home, Oregon, by the council of the city of Sweet Home, Oregon, without an initiative petition, by resolution of the council. Said resolution shall be filed with the recorder of the city of Sweet Home, Oregon, for submission not less than 30 days before the election at which it is to be voted upon. No new charter or amendment to the charter of the city of Sweet Home, Oregon, shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city of Sweet Home, Oregon, at such election.

Section 13. Ordinance or Resolution Ordering Special Election. Upon the filing with the city recorder of any measure, question, ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, either as proposed and submitted by resolution of the council or as filed by an initiative petition, or upon the filing of a referendum petition ordering the referendum of an ordinance, or part of an ordinance, the council of the city of Sweet Home, Oregon, may by ordinance or resolution order a special election for the purpose of submitting the measure, question, ordinance, part of an ordinance, new charter or charter amendment to the legal voters. Said ordinance or resolution ordering such special election shall state therein the date of the special election, at which such proposal or combination of proposals, will be submitted to the legal voters of the city of Sweet Home, Oregon, for their approval or rejection and to be voted upon. Said ordinance or resolution calling the special election shall also provide the manner in which such election shall be conducted, the polling place or places, the judge or judges and clerk or clerks of election, and other matters relating to the conduct and holding of the said special election. If such special election is held concurrently with the general, state and county election and shall also provide that the judges and clerks for such state and county election held within the city of Sweet Home, Oregon, at the same time shall be the judges and clerks of said special city election held at the same time and the same place and that the precincts and polling places for said special city election, in the event that it is held concurrently with the primary nominating or general election.

Section 14. Preparation of Ballot Title; Form and Use of Ballot Title; Procedure for Persons Dissatisfied with Ballot Title Prepared by City Attorney.

(1) When a copy of a petition for any proposal, to be referred to the legal voters of the city of Sweet Home, Oregon, either by the initiative or the referendum, is filed with the city recorder, as provided herein, or when the submission to the legal voters of the city of Sweet Home, Oregon, of any measure, question, ordinance, part of ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, is ordered by the council of the city of Sweet Home, Oregon, the city recorder shall immediately transmit two copies thereof to the city attorney.

(2) Within 10 days after receiving the said copies, the city attorney shall provide a ballot title for the proposal and return one copy of the petition to the city recorder, together with the ballot title so prepared by him.

(3) In writing the ballot title, the city attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the proposal and in such language that the same shall not be intentionally any argument or likely to create prejudice either for or against the proposal.

(4) A copy of the ballot title shall be furnished by the city recorder with his approved form of any initiative or referendum petition, to the persons or organizations under whose authority the proposal is initiated or referred.

(5) The ballot title shall be printed with the number of the proposal on the official ballot.

(6) Any person who is dissatisfied with the ballot title provided by the city attorney may appeal to the council of the city of Sweet Home, Oregon by a written appeal filed with the recorder of the city of Sweet Home, Oregon, praying for a different ballot title for the proposal and setting forth the reason why the title is insufficient or unfair. No appeal shall be allowed from the decision of the city attorney on a ballot title unless it is taken within five days after the ballot title is filed with the city recorder. Within three days after filing of the appeal at the office of the recorder, the council shall afford the appealing party a hearing and either shall approve by resolution the title or shall prescribe by resolution another ballot title for the proposal. The title thus adopted or approved shall be the ballot title for the proposal. The decision of the council shall be certified to the city recorder and the city recorder shall print on the official ballot the title thus certified to him. A copy of every such ballot title shall be served by the recorder by mail upon the person offering or filing an initiative or referendum petition, or appeal.

Section 15. Requisite of Ballot Title.

(1) Parts. The ballot title for a proposal shall consist of a caption designated the short title, followed by an abbreviated statement designated the long title.

(2) Short title. The short title shall be the caption of the ballot and it shall be the title by which the proposal is commonly referred to or spoken of and shall contain not more than 10 words.

(3) Long title. The long title shall be an abbreviated statement, not exceeding 100 words in length, setting forth the chief purpose of the proposal.

(4) Numbering of ballot title. The city recorder of the city of Sweet Home, Oregon, shall number such proposals and the ballot title shall be printed on the official ballot. The first proposal shall be numbered 51 in numerals. The succeeding proposals shall be numbered consecutively 52, 53, 54 and so on, at each election.

(5) It shall be the duty of the recorder to print said ballot title and numbers upon the official ballot.

(6) Proposals referred to the voters by petition shall be designated "Referendum Ordered by Petition of the People." Proposals submitted by the initiative petition shall be designated "Proposed by Initiative Petition." Any measure, question, ordinance, new charter or amendment of the charter of the city of Sweet Home, Oregon, submitted by the council of the city of Sweet Home, Oregon, without initiative petition or referendum petition, shall be designated "Measures, Questions, Ordinances, New Charters or Charter Amendments Submitted to the Legal Voters by the Council" as the case may be.

(7) When any measure, question, ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, is to be submitted to the legal voters by resolution or ordinance of the council as in this ordinance provided, the council may in said resolution or ordinance provide for a ballot title for the proposal so to be submitted, and in the event of such provision being made by the council, the hereinabove provisions of this section and of Section 14 hereof relative to the submission of the proposal to the city attorney, the preparation by the city attorney of a ballot title therefor, and the appeal to the council from the ballot title so prepared shall not apply.

Section 16. Notice of Election, Special and General, and Advertising Proposal.

(1) Publishing and posting. In the case of an election, special or general, the city recorder shall give not less than 10 days' notice of each general or special election and the proposals, if any, to be submitted, and, if a general election, state the said election will be held concurrently with the general state and county election, and in case of a special election, such notice shall also name the polling place or places and the hours of opening and closing the polls, which election notice shall be posted in five conspicuous and public places within the city of Sweet Home, Oregon, and also by publishing said notice and proposal, if any, in a newspaper published in the city of Sweet Home, Oregon, for not less than two issues thereof, within 20 days immediately preceding such election, the first publication of such notice to be more than 10 days prior to such election. It shall not be necessary to include the full text of any proposal in such election notice, but only the ballot title of such proposal.

(2) No other form of notice required. It shall not be necessary in connection with any election herein mentioned or for which provision is made by this ordinance or which is called pursuant to the provisions of this ordinance, to prepare or distribute any voter's pamphlets or to distribute to the voters any copies of the proposed measure, question, ordinance, part of an ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, or to give any other form or kind of notice.

Section 17. Voting and Number of Votes Necessary to Adopt Proposal; Conflict Between Proposals Adopted. The manner of voting upon proposals submitted to the people shall be the same as is now or may be required by law. No proposal shall be adopted unless it receives an affirmative majority of the total number of votes cast on the proposal and entitled to be counted under the provisions of this ordinance. If two or more conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such ordinance may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the charter of the city of Sweet Home, Oregon, are approved at the same election, the amendment receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such amendment may not have received the greatest majority of affirmative votes.

Section 18. Canvassing Returns; Proclamation of Results and Filing with Proposal.

(1) The votes on any measure, question, ordinance, part of an ordinance, new charter or amendment to the charter of the city of Sweet Home, Oregon, shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned. Immediately upon the completion of the canvass of the votes on the proposals submitted to the voters pursuant to this ordinance, the mayor shall issue a proclamation

- (a) recapitulating the vote on the proposal,
- (b) declaring whether the vote shows a majority of those who voted on the proposal to be in favor of it, and
- (c) in case the vote shows the majority of them to be in favor of the proposal, announcing it to be effective from the date of the vote.

(2) Publication or posting. The recorder shall give public notice of the proclamation by

- (a) publishing it once in a newspaper of general circulation in the city or
- (b) posting copies of it in five public places within the city, including the city hall.
- (3) Filing with proposal. The proclamation shall be filed with the proposal.

Section 19. Repealing clause. Ordinance No. 28 of the city of Sweet Home, Oregon, is hereby repealed.

Section 20. Separability Clause. If any section or part of this ordinance is declared by the courts to be unconstitutional, or in violation of any of the provisions of the charter of the city of Sweet Home, Oregon, or in violation of any law of the state of Oregon, or invalid for any other reason, such declaration shall not affect the validity of any other portion of this ordinance.

Section 21. Penalty Clause. Any officer or person who shall willfully violate any provision of this ordinance shall, upon conviction, thereof by the municipal court of the city of Sweet Home, Oregon, be punished by a fine of not more than \$50.00 or by imprisonment in the city jail for not more than 25 days, or by both such fine and imprisonment.

Section 22. Establishment of Effective Date by the Declaration of an Emergency. It is hereby determined and found that it is in the best interests and welfare of the people of the city of Sweet Home that the initiative and referendum procedures be clarified. By virtue of the foregoing reason, an emergency is hereby declared to exist and this ordinance shall be full force and effect immediately upon and after its passage by the city council and approval by the mayor of the city of Sweet Home, Oregon.

Passed by the council and approved by the mayor this 14th day of February, 1961.

ATTEST:


City Manager Pro Tem


Mayor

First Reading: January 10, 1961
Second Reading: January 24, 1961
Third Reading: February 14, 1961