

Ordinance Bic No _____.

ORDINANCE NO. 28.

AN ORDINANCE TO PROVIDE for the carrying into effect in the City of Sweet Home, Linn County, Oregon of the initiative and referendum powers reserved to the legal voters of municipalities by Section 1a of Article IV of the Constitution of the State of Oregon and the power to enact and amend their municipal charters reserved to the legal voters of cities and towns by Section 2 of Article XI of the Constitution of the State of Oregon; and declaring an emergency.

THE PEOPLE OF THE CITY OF SWEET HOME DO ORDAIN AS FOLLOWS:

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Initiative - - Form of Petition.

The following shall be substantially the form of a petition for any ordinance or amendment to the Charter or supplementary or new Charter act proposed by the initiative:

INITIATIVE PETITION

To _____, Recorder of the City of Sweet Home, Oregon:

We, the undersigned legal voters of the City of Sweet Home in the County of Linn, State of Oregon, respectfully demand that the following proposed ordinance (or amend-

ment to the City Charter, or new or supplemental Charter) shall be submitted to the legal voters of the City of Sweet Home for their approval or rejection at the regular or special City election to be held on the _____ day of _____

A.D., 19____, and each for himself and herself says: I have personally signed this petition; I am a legal voter of the City of Sweet Home, my residence and street number are correctly written after my name.

Name	Residence	Street Number.
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1. _____

(Here follow 20 numbered lines for signatures.)

Section 2. REFERENDUM -- FORM OF PETITION

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

PETITION FOR REFERENDUM

To _____, Recorder of the City of

Sweet Home, Oregon;

We, the undersigned legal voters of the City of Sweet Home, respectfully demand that Ordinance No. _____ of the City of Sweet Home entitled (title of ordinance on which the referendum is sought) passed by the Council of the City of Sweet Home at its meeting on the _____ day of _____, 19____, shall be referred to the people of the City of Sweet Home for their approval or rejection at the regular (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; my residence and street number are correctly written after my name.

Name	Residence	Street Number
1. _____	_____	_____

(Here follow 20 numbered lines for signatures)

Section 3. Verification of Petition

Each and every sheet of such Initiative and Referendum petitions containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition; by his or her affidavit thereon, and as a part thereof:

STATE OF OREGON)
County of Linn) ss
City of Sweet Home)

I, _____, being first duly sworn, say that (here shall be legibly written or typewritten the names of the signers of the sheet) signed this sheet of the foregoing petition and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly, and that each signer is a legal voter of the City of Sweet Home.

(Signature and Post Office address of affiant.)

Subscribed and sworn to before me this _____ day of _____, A. D. , 192__.

Signature and title of officer and his residence.)

Section 4. The forms herein given are not manda-

tory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and technical errors. Not more than 20 signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure proposed by the initiative petition, or of the measure on which the referendum is demanded, as the case may be, shall be attached to each sheet or aggregate of sheets circulated for signatures by each person.

Section 5. Special Election.

Whenever any measure or measures shall have been referred or submitted by the initiative to the people in the manner herein provided and the ballot title therefor finally determined, or whenever any measure shall have or shall be submitted to the people by the Council, the Council may in its discretion call a Special election, and said resolution submitting said measure or measures shall state the time of said Special election, and in such event such measure or measures shall be voted upon at such Special election in the same manner and with the same effect as if voted upon at the ensuing regular election and notice thereof given by the Recorder of said City for a period of ten days by posting the same in three public places in the City of Sweet Home.

Section 6. Procedure upon Filing Petition

The Recorder of the City of Sweet Home shall accept for filing any petition for the initiative or for the referendum subject to verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the County Clerk of Linn County, State of Oregon, and if a sufficient number of qualified voters be found to have signed said petition

he shall file the same within five days after presentation thereof to him. Before filing any such petition, the Recorder shall, in the presence of the Mayor, detach the sheets containing the signatures and affidavits and cause them all to be attached to one copy of the measure so proposed by initiative or referendum petition. If any such measure shall, at the ensuing election be approved by the people, then the copy thereof so preserved with the sheets of signatures and affidavits and the certificates of the Mayor, attested by the Recorder, declaring the same to have been approved by the people shall be bound together in such form that they may be sufficiently identified and preserved. The recorder shall cause every such measure so approved by the people to be copied in the Ordinance Book of the City of Sweet Home, together with the date of the certificate of the Mayor and Recorder declaring the same to have been approved by the people.

Section 7. Ballot Title.

When any measure for initiative or referendum legislation shall be filed by the Recorder after the number and genuineness of signatures thereto as provided by Section 6 have been ascertained, the Recorder shall forthwith prepare a ballot title for such measure. The ballot title shall be printed with the numbers of the measure on the official ballot. In making such ballot title, the City Recorder shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument for or liable to create prejudice against such measure. Any person who is dissatisfied

with the ballot title provided by the City Recorder for any measure may appeal to the Council, asking for a different title and giving the reasons therefor, and why the title prepared by the City Recorder is improper, and the Council may approve the ballot title prepared by the City Recorder or may 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. Such ballot title shall in no case exceed 100 words, and shall not resemble in so far as possible, any other ballot title filed for any measure to be submitted at the election. The Recorder of the City of Sweet Home shall number such measure and ballot titles in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered 100 and the negative 101, in numerals, and the succeeding measures shall be numbered 102, 103, 104, 105, and so on. It shall be the duty of the Recorder to cause said ballot title numbers to be printed upon the official ballot. Measures referred to the voters by petition shall be designated "Referendum Ordered By Petition Of The People". Measures proposed by initiative petition shall be designated "Proposed By Initiative Petition". Charter amendments submitted by the Council without initiative petitions shall be designated "Charter Amendments Submitted To The Voters By the Council".

Section 8. MANNER OF VOTING.

The manner of voting upon measures submitted to the legal voters shall be the same as is now or may be provided by law. No measures shall be adopted unless it shall receive the affirmative majority of the total number of lawful votes cast on such measures and entitled to be counted thereon.

If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the act receiving the greatest number of affirmative votes shall be certified to be the law adopted.

Section 9. Petitions When to Be Filed --
Publication of Notice Thereof.

Petitions for proposed ordinances, or Charter acts, or amendments by the initiative and petition for submitting ordinance by the referendum shall be filed with the signatures and verifications complete with the Recorder of the City of Sweet Home not later than the thirtieth day before the city election at which such proposed ordinances, or Charter acts or amendments are to be submitted or referred to the voters and the Recorder, after verifying the number and genuineness of the signatures and the preparation of a ballot title therefor, and in case of an act proposing and submitted by resolution of the Council without an initiative petition after the filing thereof, shall cause to be published in the City of Sweet Home a true copy of the ballot title and text of each measure by the City Recorder by posting the same in three public places in said City where the same can be easily seen and read by the public at least ten days before the date of the election at which such measure or measures are to be voted upon. Preceding the copy of such act shall be a statement that the same will be submitted to the legal voters at a regular or special election, as the case may be, giving the date of such election.

Section 10. Number of Signatures Necessary.

A petition for a proposed ordinance or Charter act or amendment by the initiative shall be signed by a number of

the legal voters of the City equal to 15 per centum of the total number of votes cast at the last preceding regular election, and a petition for submitting an ordinance by the referendum shall be signed by a number of legal voters of the City equal to 10 per centum of the total number of votes cast at the last preceding regular City election; and unless such petition shall comply therewith the same shall be nugatory and without effect. Referendum petitions against any ordinance passed by the Council shall be filed with the Recorder within 10 days after the passage of such ordinance and its approval by the Mayor or his failure to return same, and no ordinance of the Council shall take effect and become operative until thirty days after its passage by the Council and approval by the Mayor or his failure to return same, or until 30 days after the final passage of an ordinance vetoed by the Mayor, except measures necessary for the immediate preservation of the Public health, safety or good of the City; and no such emergency measure shall become immediately operative unless it shall state in a separate section the reason why it is necessary it should become immediately operative and shall be approved by the affirmative votes of three-fourths of the Council by ayes and nays, and also approved by the Mayor. In case the petition for any measure proposed by initiative or referred as hereinbefore provided to the legal voters shall not have been filed within the time by this ordinance limited in order to be regularly submitted at the next regular City election, the same shall be submitted at the next following City election.

Section 11. Measures Referred by the Council.

An amendment to the Charter of the City of Sweet Home or a new or supplemental Charter may be proposed and submitted to the legal voters of the City by resolution of the Council without an initiative petition, but the same shall be filed with the recorder for submission not later than fifteen days before the election at which it is to be voted upon, and no amendment of the Charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the City. The ballot title of such amendment shall be the same as prepared and submitted with such amendment, or new or supplemental Charter, or by the resolution of the Council.

Section 12. Who May Sign Petitions ~~ev-~~ Penalty for Unlawful Signing.

Legal voters of the City of Sweet Home are qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person signing any name other than his own to a petition or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of the City, or any officer or other person wilfully violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine not exceeding One Hundred Dollars or by imprisonment, in the discretion of the Recorder.

Section 13. Canvass of Vote - Certificate of Result.

The votes on measures and Charter amendments, or a new or supplemental Charter, shall be counted, canvassed and

returned by the regular board of judges, clerks and officers as votes for candidates are counted, canvassed and returned, and it shall be the duty of the Recorder of the City of Sweet Home in the presence of the Mayor to proceed on or before the fourth day after any election to canvass the votes given for each measure or amendment and the Mayor shall upon making such canvass file with the Recorder a certificate declaring each measure or amendment which shall have received the affirmative majority of the total number of votes cast thereon to be adopted and upon such certificate being filed such measure or amendment shall become and be in full force and effect except in cases provided for in section 8 with reference to two or more laws on the same subject, and containing provisions that are conflicting. In cases of ordinances which have been passed by the Council and voted upon by a referendum, a certificate of the result of such vote shall also be made, and such result from the time of the filing of such certificate shall be effective.

Section 14. None of the provisions of the act of the Legislative Assembly of the State of Oregon constituting Chapter 226 of the General Laws of the year 1907 or as amended shall apply to or be in force in the City of Sweet Home. The procedure and acts specified in this ordinance shall constitute the sole and exclusive procedure for the exercise within said City of the power and authority reserved by the Constitution of the State of Oregon to the legal voters of cities and towns to enact or amend their City Charters or municipal legislation.

Section 15. It is hereby adjudged and decreed that existing conditions are such that this ordinance is necessary for the immediate preservation of the public health, safety and good of the City of Sweet Home, and therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor.

Passed by the Common Council, 31 day of May,
1928.

Ayes 6

Nays 2

Evelyn Hartnett
Recorder of the City of Sweet Home.

Submitted to the Mayor, 31 day of May, 1928.
Approved 1 day of June, 1928

Ernest Schall
Mayor of the City of Sweet Home.