

ORDINANCE NO. 380

AN ORDINANCE to provide the carrying into effect in the City of Canby, Clackamas 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, and providing for violation of this act and repealing all other ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1. The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the Initiative.

WARNING.

It is a felony for any one to sign any Initiative or Referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION.

To the Honorable _____

Recorder for the City of Canby

Clackamas County, Oregon.

We, the undersigned, citizens and legal voters of the City of Canby, Clackamas County, Oregon, respectfully demand that the following proposed Ordinance (or amendment to the city charter) shall be submitted to the legal voters of the City of Canby, Clackamas County, Oregon, for their approval or rejection at the regular (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 for the City of Canby, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER

(Here follow twenty numbered lines for signatures.)

SECTION 2. The following shall be substantially the form of petition for Referendum to the people on any ordinance passed by the City Council.

WARNING

It is a felony for any one to sign any Initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

REFERENDUM PETITION

To the Honorable _____

Recorder of the City of Canby

Clackamas County, Oregon.

We, the undersigned, legal voters of the City of Canby, Clackamas County, Oregon, respectfully demand that Ordinance No. _____ entitled (the title of the Ordinance on which the referendum is sought,) passed by the Council of the City of Canby at its meeting on the ___ day of _____, 19___, shall be submitted to the legal voters of the City of Canby, for their approval or rejection at the regular (or special) city election to be held on the ___ day of _____, 19___, and each for himself days: I have personally signed this petition; I am a legal voter of the City of Canby, Clackamas County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NAME

(Here follow twenty numbered lines for signatures).

SECTION 3. Each and every sheet of every petition for either Initiative or referendum containing signature shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:

STATE OF OREGON,)
)
COUNTY OF CLACKAMAS)
)
CITY OF CANBY)
) SS.

I, _____, being first duly sworn, say that all of the persons who 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 signed is a legal voter of the City of Canby.

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

(Signature and title of officer and his residence).

SECTION 4. The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

SECTION 5. Not more than twenty signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the Initiative or Referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.

SECTION 6. The Recorder of the City of Canby 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 reference to the registration books in the office of the County Clerk of Clackamas County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within ten days after presentation thereof to him.

SECTION 7. Initiative petitions for any proposed ordinance,

charter amendment or measure shall be signed by a number of legal voters equal to fifteen per centum of the votes cast for mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the City Council shall be signed by a number of legal voters equal to ten per centum of the votes cast for mayor at the last regular preceding municipal election.

SECTION 8. An amendment to the charter of the City of Canby may be proposed and submitted to the legal voters by resolution of the City Council without an Initiative petition; said resolution 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 to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said city.

SECTION 9. Where an amendment to the charter of the City of Canby may be proposed and submitted to the legal voters thereof by resolution of the City Council without an Initiative petition, the said resolution shall therein state the date of the regular municipal election, or the day of a special election at which said resolution will be submitted to be voted on, and shall call and make provision for said election.

SECTION 10. 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 supra have been ascertained, or when any resolution of the City Council shall be filed with the Recorder as provided in Section 8 herein, the Recorder shall forthwith transmit to the Attorney of said municipality a copy of such measure, who shall within five days provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said Attorney 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 create any argument for, or be liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said Attorney for any such measure may within five days after said ballot title is

returned to the Recorder appeal to the Common Council asking a different title and giving the reasons therefore, and stating why the title prepared by the said Attorney is improper and the Common Council shall by resolution approve the ballot title prepared by said Attorney, or shall by resolution prescribe another ballot title therefor and the ballot title so approved or so prescribed by the Common Council shall be the title placed upon the ballot. Such ballot title shall in no case exceed one hundred words, and shall not resemble in so far as possible any other ballot title filed for any measure. The Recorder of the City of Canby shall number such measures and ballot title 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 print said ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "Referendum ordered by petition of the people." Measures proposed by the Initiative petition shall be designated "Proposed by Initiative Petition". Charter amendments submitted by the City Council without initiative petition shall be designated "Charter amendments submitted to the voters by the Common Council".

PROVIDED, HOWEVER, that when charter amendments are to be submitted to the voters by resolution of the Council as in this ordinance provided, the Council may in said resolution provide for a ballot title for the measure so to be submitted and in the event of such provision being made by the Council the hereinabove provisions of this section relative to the filing of the measure with the City Attorney, the preparation by said Attorney of a ballot title therefor and the appeal to the Council from the ballot title so prepared shall not apply.

SECTION 11. Where a special election is called either on petition for proposed ordinances or charter amendments by the Initiative, or for submitting ordinances by the Referendum, or charter amendments proposed by the Council, the Recorder shall publish such proposed ordinances, referendum measure or charter amendment with the ballot title and number in full in a newspaper published in the City

~~of~~ Canby to be designated by the Council, once each week for two successive weeks, the first publication to be not less than fifteen days before the special election at which said proposed ordinance, referendum measure or charter amendment is to be voted on, and also post notice of election in six public places in the city at least ten days prior to such election, which posted notice shall state the time, place and purposes of the election, but need not contain the full amendment or ordinance being submitted. A like rule as to publication and posting shall be observed where proposed ordinances, referendum measure or charter amendments are to be submitted at the regular election.

SECTION 12. Legal voters of Canby 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, who is not at the time of signing the same a legal voter of the City of Canby, or any officer or other person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the city jail not exceeding six months or by both fine and imprisonment in the discretion of the municipal court.

SECTION 13. The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be, provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure 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 measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

SECTION 14. The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

SECTION 15. The mayor shall within fifteen days from the

time of such election proclaim by publication thereof in full, once in a newspaper published in the City of Canby, or by posting printed or typewritten copies of such proclamation in at least two conspicuous places in said municipality, the adoption of such measure and amendment which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 13 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 Common 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 proclamation.

SECTION 16. Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the Common Council, the same shall be filed with the Recorder within thirty days after the passage and approval of the ordinance in question.

SECTION 17. All other ordinances and parts of ordinances in conflict herewith be, and the same hereby are repealed.

SECTION 18. Since it is the desire of the City Council for the City of Canby, to present to the voters of said City at the regular elections to be held on the 2nd day of November, 1954, a matter of most importance, and by means of a Resolution as is herein provided, and it is necessary that this Ordinance take effect immediately in order that the same may be used for such purpose, and the Council deems it necessary for the peace, health and safety of the inhabitants of the City that this Ordinance take effect immediately, NOW THEREFORE, an emergency is declared to exist and this Ordinance shall go into force and effect upon its passage and approval.

Passed by the Council this 6th day of October, 1954, by the following vote:

YEAS: 5 NAYS: 0

Submitted to the Mayor this 6th day of October.

Approved by the Mayor this 6th day of October.

Attest:

R. B. Eversole
Mayor

A. B. Evans
Recorder.