

ORDINANCE NO. 36

AN ORDINANCE TO PROVIDE THE CARRYING INTO EFFECT IN THE TOWN OF TROUTDALE, MULTNOMAH 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 DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

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 _____
Multnomah County, Oregon.

We, the undersigned, citizens and legal voters of the Town of Troutdale, Multnomah County, Oregon, respectfully demand that the following proposed Ordinance (or amendment to the city charter) shall be submitted to the legal voters of the Town of Troutdale, Multnomah 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 of the Town of Troutdale, Multnomah 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 Town of Troutdale,
Multnomah County, Oregon.

We, the undersigned, legal voters of the Town of Troutdale, Multnomah County, Oregon, respectfully demand that Ordinance No. _____ entitled (the title of the ordinance on which the referendum is sought), passed by the Common Council of the Town of Troutdale at its meeting on the ____ day of _____, 19____, shall be submitted to the legal voters of the Town of Troutdale 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 of the Town of Troutdale, Multnomah 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 3. Each and every sheet of every petition for either initiative or referendum 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 affidavit thereon as follows:

STATE OF OREGON }
COUNTY OF MULTNOMAH } ss.
TOWN OF TROUTDALE }

I, _____, being first duly sworn, say that all of the persons who were the signers of this sheet signed the sheet of the foregoing petition, and each of them signed his name, residence and street number correctly and that each signed is a legal voter of the Town of Troutdale.

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 Town of Troutdale 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 Multnomah 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 10 per centum of the votes cast for mayor at the last regular preceding municipal election.

SECTION 8. An amendment to the charter of the Town of Troutdale may be proposed and submitted to the legal voters by resolution of the Council without an Initiative petition; said resolution shall be filed with the Recorder for submission not later than twenty 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 Town of Troutdale may be proposed and submitted to the legal voters thereof by resolution of the 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 shall 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 be any argument for, or 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 therefor, 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 Town of Troutdale 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 even 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 Town of Troutdale 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 if there be no newspaper so published, then the Recorder shall post notice of election in four 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 or 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 the Town of Troutdale are qualified to sign a petition for the referendum or for the initiative for any measure which they are 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 Town of Troutdale, 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 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 Town of T routdale, 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, same shall be filed with the Recorder within thirty days after the passage and approval of the ordinance in question.

No Ordinance shall take effect and become operative until thirty days after its passage by the Common Council and signing by the Mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become effective or immediately operative until same is passed by the unanimous vote of all members of the council present at the meeting, and signing by the mayor.

MAYOR

SECTION 17. ~~WHEREAS~~, ~~the~~ hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the Town of Troutdale, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect when signed by the mayor.

Passed by the Common Council this 9th day of March, 1954, by the following vote:

YEAS: _____

NAYS: _____

Submitted to the mayor this 9th day of March, 1954.

Signed by the Mayor this _____ day of _____, 1954.

ATTEST:

Jessie Beer Tap
Recorder