

ORDINANCE NO. 162.

AN ORDINANCE CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF WARRENTON TWO AMENDMENTS TO THE CHARTER OF SUCH CITY, ALL IN PURSUANCE OF AN INITIATIVE PETITION DULY PREPARED AND FILED WITH THE AUDITOR AND POLICE JUDGE THEREOF, AND ALSO CALLING A SPECIAL ELECTION TO VOTE ON SAID AMENDMENTS INDEPENDENT OF THE INITIATIVE PETITION, AND DECLARING AN EMERGENCY.

WHEREAS, a petition in due form, signed by more than fifteen per cent. of the legal voters of the City of Warrenton, and demanding that two proposed amendments to the charter of said City be submitted to the legal electors of such City, for their approval or rejection, at a special election to be held September 30, 1915, and to be called by the Common Council, has been filed with the Auditor and Police Judge of the City of Warrenton; and

WHEREAS, each of said proposed amendments is set out in full in said petition, to which reference is hereby made, and they are also hereinafter set forth in haec verba; and

WHEREAS, it appears necessary, for the immediate preservation of the public peace, health, and safety of the City of Warrenton, particularly in view of the immediate need for the construction of a sewer system, now required on account of the erection of a new district school building in said City, that this ordinance be in full force and effect from the time of its passage by the Council and approval by the Mayor; therefore,

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That there be, and there hereby is, provided and called a special election, which shall be held on the 30th day of September, 1915, to submit to the legal voters of the City of Warrenton for their approval or rejection, both of said amendments to the charter, in pursuance of said petition.

Section 2. That there be, and there hereby is, called a special election, to be held on the 30th day of September, 1915, ^{independent of said petition,} at which said two amendments to the charter of the City of Warrenton shall be submitted to the legal voters of such City for their approval or rejection, said amendments being in words and figures as follows:-

(1) Section 48 of said charter shall be amended so as to read as follows:

"Section 48. The Council shall have the power and authority to grade, pave, plank, gravel, curb and otherwise improve and repair the streets, highways, roads, avenues, lanes, and alleys, within the limits of the City. Any of the terms aforesaid shall be deemed to include the construction of crosswalks, gutters, curbing and sidewalks. The power and authority to

improve streets shall include the power and authority to construct and improve the sidewalks and pavements, and to determine and provide for everything convenient and necessary concerning such improvement or repair.

The fee of all recorded and necessary streets now within the City of Warrenton is granted to and hereby vested in such City, and they shall remain as open thoroughfares for the use of the public.

The term "improvement", as used in this section, shall be deemed to include grading, paving, planking, graveling, curbing, purchasing the right of way or otherwise acquiring it, opening, constructing, and otherwise improving, including the making of embankments, excavations, ditches or drains, or the construction of sewers.

No part of the expense of improving any street, highway, lane, road, alley or intersection of streets, or repairing the same, except as herein-after provided, shall be paid out of the general fund of said City, but the whole of the expense of such improvement shall be defrayed by special assessments upon lots, lands and premises, inclusive of water frontage out to the harbor line, to be included in a special assessment district to be constituted of the lots, lands and premises fronting upon the part of the street, road, highway, lane, alley or public thoroughfare to be improved, or proposed to be improved, and of such other lots, lands and premises as, in the judgment of the Council, may be benefited by such improvement or repairs; EXCEPT as otherwise provided by the charter, and, also, EXCEPT whenever any of the owners of the property so assessed for such improvement shall ask for the privilege of paying his or her assessments in installments, as hereinafter provided, the Council shall have the authority, to be exercised in its discretion, to pay out of the general fund, for said improvement, a sum of money equivalent to the amount left owing to the City through the acceptance of the provision for such payment in installments. And the Council shall have the power and authority, in its discretion, to issue and sell, from time to time, bonds of the City of Warrenton for the purpose of meeting such expenses or replenishing the said general fund, any other provision of the charter to the contrary notwithstanding; PROVIDED, however, that the bonds issued and warrants drawn upon said general fund for the purpose of meeting such expense shall not exceed, in the aggregate, at any one time, the sum of \$50,000.00, and any and all bonds issued and warrants drawn in excess of said amount for said purpose shall be void.

When the expenses of any improvement or repairs shall be assessed in a special assessment district, and there shall be within such district lands belonging to the City, or used for public buildings, or public grounds, and exempt by law from assessment, such part of the expenses of the improvement, as in the judgment of the Council would be justly apportionable to such public grounds, buildings, and city property, shall be paid from the general fund."

(2) That there be added to the charter the following section:

"Section 48a. Whenever the assessment levied against a lot of 25 by 100 feet, or an equivalent quantity of land, shall amount to the sum of \$25.00 or more, for the expense of laying and maintaining any sewer, drain or fill, or for the opening, constructing, improving or repairing of any street, road, highway, or other public thoroughfare, or for any other municipal improvement, the expense of which may be assessed against the property thereby benefited, under the provisions of the charter, the Council ~~shall~~ order that the assessment for such improvement shall be paid in five equal installments, one to be paid at the time the assessment would ordinarily become due, and one to be paid each year thereafter, at such times as the Council shall order, together with interest on all deferred payments, at the rate of 6% per annum until the whole shall be paid; provided, however, that all persons entitled to the benefit of this provision shall, on or before the confirmation of such assessment, file with the Auditor and Police Judge his or her written application that he or she be allowed to pay the cost of such improvement in installments, and shall state in such application that he or she thereby waives any and all irregularities in all the proceedings to make the improvement, and also give therein a particular description of his or her property affected thereby, and thereupon and thereafter such property owner and such prop-

erty thereby affected shall pay the cost of the improvement in installments as above provided; provided, further, that such property owner and such property shall have the privilege, at the due date of any of said installments, of paying the whole of such assessment and accrued interest thereon, and thereupon have such property released from the lien of said assessment; provided, further, that when the assessment of any person or persons owning property jointly, or any company or corporation, owning property so assessed for such improvement, shall exceed the sum of \$25.00 each, then such person or persons, company or corporation, shall have the privilege of this section as to making payments in installments and upon like terms as individuals aforesaid.

"All special assessments, except such installments thereof as the Council shall make payable at a future time, as provided herein, shall be due and payable on confirmation, or at such time thereafter as the Council may prescribe. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment, as the same shall become due, with the accrued interest on all unpaid installments included therein. Such special roll may be made and confirmed without notice to the person assessed. In case any installment of assessment against any lot or parcel of land shall not be paid within thirty days from the time the same becomes due, the Council shall have the privilege and option of declaring, by resolution or ordinance, that all of the remaining unpaid installments which stand against the same property shall at once become due and payable; and, when so declared, all such installments may be collected at the same time and in the same manner as in the case of the first installment then overdue, or said remaining unpaid installments may be collected at one time by a suit in the Circuit Court of the State of Oregon for Clatsop County, in which suit the persons owning the property upon which the unpaid installments for any one improvement, or included in that special assessment district, shall be due, may, any or all of them, be joined as parties defendant."

Whenever application shall be made to pay any assessment in installments, as in this section provided, the Common Council may, without submitting the question to the electors of the City, issue and sell bonds of the City of Warrenton, in such manner, upon such terms, of such denomination, for such length of time, and to bear such rate of interest not exceeding 6% per annum, as the Council may by ordinance direct, sufficient to cover said deferred payments, interest thereon, and the expense of floating such bond issue, any other provisions in the charter to the contrary notwithstanding; provided that the aggregate amount of bonds so issued, in all instances, shall not exceed the sum of \$100,000.00, to be outstanding and unpaid at any one time, and any issued in excess of that sum shall be void.

Whenever, in the judgment of the Council, it shall be more desirable that said assessments, or any of them, including assessments for sewer construction, be made, levied, confirmed, bonded, enforced, collected and disposed of, in the same manner that other provisions of the charter permit and provide for construction and improvement of streets and the method of paying therefor, then this latter plan may be adopted by the Council."

Section 3. That the Auditor and Police Judge shall give twenty days' notice of said election, by posting in four conspicuous places in said City, for a period of 20 days, consecutively, prior to said election day, notices of the election, stating the purpose of the election, the date and time the same will be held, and the voting place or places.

Section 4. That, except as in this ordinance otherwise provided, said election shall be held, conducted, the votes cast, counted and canvassed and returned as provided by the charter and ordinances of the City of Warrenton, and the polls of such election shall be opened at the hour of 9 o'clock A. M. and remain open until the hour of 7 o'clock P. M. on said 20th day of September, 1915.

Section 5. That the voting precinct for said election shall consist of the entire City of Warrenton, and the voting place of such precinct shall be in the City Hall of said City; and the following named persons are hereby appointed judges of said election: Emil Erickson
Spencer Cook and W. F. Gork and
and Amey Mahoney and H. C. Wicklund are

hereby appointed clerks of said election.

Section 6. That the passage of this ordinance at this time, and the taking effect of same forthwith is necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Warrenton, and an emergency is, therefore, hereby declared to exist, and this ordinance shall be in full force and effect from the time of its passage by the Council and approval by the Mayor.

Passed by the Common Council this 7th day of September, 1915.

Approved by the Mayor this 7th day of September, 1915.

Attest:

Amey Mahoney
Auditor and Police Judge.

George Schmidt
Mayor.