

AN ORDINANCE

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AN ORDINANCE, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF WARRENTON AN AMENDMENT TO §49a OF THE CHARTER OF SUCH CITY, WHICH AMENDMENT IS SET FORTH IN FULL IN THIS ORDINANCE; PROVIDING POLLING PLACES; METHOD OF CONDUCTING THE ELECTION; NOTICES OF THE ELECTION; DECLARING AN EMERGENCY AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, There is considerable permanent construction and improvement of streets and public ways required in the City of Warrenton in the immediate future; that some of it is already under way; that under the present provisions of the charter, the cost of making such improvement would be prohibitive, and that it is absolutely necessary that a more practicable and workable method of financing such improvement be effected at the earliest possible date and that can only be done by amending said charter; therefore,

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:-

Section 1. That a special election be, and the same hereby is, called to be held throughout the City of Warrenton, Oregon, on the 19th day of May, A. D. 1922, at which there shall be submitted to the electors of such City, for their approval or rejection, a proposed amendment to the charter of the City of Warrenton, Oregon, which amendment is in the following words and figures, to-wit:

AN ACT

TO AMEND THE CHARTER OF THE CITY OF WARRENTON.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WARRENTON:-

That Section 49a of the charter of the City of Warrenton, Oregon, be, and the same hereby is, amended to read as follows, to-wit:

Section 49a: PAYMENT FOR STREET IMPROVEMENTS IN INSTALLMENTS. That whenever the Common Council of the City of Warrenton shall have proceeded to improve any street, or part of street or public way, or to lay any sewer, drain, water pipe, sidewalk or cross-walk, within the corporate limits thereof, and shall have assessed the costs of such improvement or construction to the property benefited thereby, or liable therefor, according to the provisions of the charter of said City of Warrenton, it shall be lawful for the owner of any property so assessed for such improvement or construction, in the sum of \$25.00 or more, at any time on or before the confirmation of such assessment, to file with the Auditor and Police Judge of said City, a written application to pay said assessment in installments, and such written application shall state that the said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street, or lay the sewer, drain, water pipe, sidewalk or crosswalk, for which said assessment is levied, and in the apportionment of the cost thereof. Said application shall also contain a provision that the said applicant and property owner agrees to pay said assessments in twenty (20) installments, ~~annually~~, where the assessment levied against property owned by him within the assessment district of said improvement shall exceed \$500.00, and in ten (10) annual installments where the assessment against said property shall be less than, or equal to, \$500.00, but more than \$250.00, and in five (5) annual installments where the assessment against said property shall be equal to, or less than \$250.00 down to the sum of \$25.00 (all assessments in sums less than \$25.00 to be paid in cash in accordance with the other provisions of the charter), with interest at the same rate on all of said assessments which have not been paid, as that expressed in the bond hereinafter provided for, to be issued to pay for such improvements. Said application shall also contain a statement, by lots or blocks, or other convenient description of the property of the applicant, assessed for said improvement or construction work.

All special assessments under the sum of \$25.00, or where no application for the payment of such special assessment in installments is made, as provided herein, shall be due and payable on confirmation of such assessment, or at such time thereafter, within thirty (30) days, as the Common 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 accrued interest on all unpaid installments included, assessed therein. Such special assessment 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 (30) 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 special assessments under the sum of \$25.00, on said remaining unpaid installments, together with interest due thereon, 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 street or other assessment, herein mentioned, remains due, may be joined as parties defendant.

(2) APPLICATION TO PAY INSTALLMENTS-- HOW KEPT AND ENTERED. The Auditor of the said City of Warrenton shall keep all such applications as are herein specified, in convenient form for examination. The application received for each street improvement, for the laying and constructing of sidewalks, crosswalks, sewers, drains, and (or) water pipes shall be kept separate, and the Auditor shall also enter in a book kept for that purpose, under a separate heading for each of said different classes of improvement, the date of filing each application, the name of the applicant, the description of the property, and the amount of the assessment, as shown in the application.

(3) **ASSESSMENT LIEN DOCKET.** After the expiration of the time for filing applications for the payment of assessments for the aforesaid improvements in installments, as herein provided, the Auditor shall enter in a document kept for that purpose, under a separate head for each class of said improvements, a description of each lot or parcel of land or other property against which assessment is made or which bears or is chargeable with the cost of such improvement, giving the name of the owner or owners and the amount of such unpaid assessment. Such docket shall stand thereafter as a lien docket for taxes assessed and levied in favor of said City, and for the amounts of such assessments therein designated and unpaid, with interest on such unpaid assessments at the rate of 6% per annum against each lot or parcel of land, or other property, until such assessment and interest are paid in the manner hereinafter provided, and all unpaid assessments and interest shall be and remain a lien on each lot or parcel of land, or other property, respectively, in favor of such City, and such lien shall have priority over all other liens and incumbrances whatsoever.

(4) **CITY IMPROVEMENT BONDS TO ISSUE FOR IMPROVEMENTS.** When such lien docket shall be made up, as hereinbefore provided, for said assessments, the City of Warrenton shall, by ordinance, authorize the issuance of its bonds, in convenient denominations, not exceeding \$500.00, and in all, equal to the total amount of unpaid assessments for said improvement, and for which application to pay, under the provisions of this Act, have been filed, as shown by said lien docket, and such bonds shall, by the terms thereof, mature in five (5), ten (10) and twenty (20) years, respectively, from the date thereof, and be payable in gold coin of the United States of America, and bear interest not to exceed 6% per annum, interest payable semi-annually said interest to be evidenced by coupons attached to said bonds; provided the optional right to take up and cancel such bond or bonds, upon the payment of the face value thereof, with accrued interest to the date of payment of any semi-annual coupon period, or after one year from the date of such bond or bonds, shall be, and is hereby vested in the City of Warrenton, and provided further, that the five-year bonds are issued only for an amount equal to, and for the purpose of, paying that part of the cost of the improvement upon which five-year installment applications have been made, and ten-year bonds are to be issued only for an amount equal to and for the purpose of paying that part of the cost of the improvement upon which ten-year installment applications have been made, and twenty-year bonds are to be issued only for an amount equal to, and for the purpose of, paying that part of the cost of the improvement upon which twenty-year installment applications have been made. Notice, stating that said bonds are to be taken up and canceled as aforesaid, and that the interest thereon shall cease at the interest-paying period next following, shall be published in the official newspaper of the City of Warrenton not less than twice during the month preceding said semi-annual interest payment period, and after such period, interest on the bonds designated in such notice shall cease. Such bonds before issuance shall be signed by the Mayor, and also by the Auditor and Police Judge of said City, under the seal of such City, and shall be registered consecutively by number and denomination of each in a book to be kept by the Auditor and to be known and designated as the "Improvement Bond Register". Each of such bonds, where they are issued for the improvements aforesaid, shall have distinctly and plainly inscribed or printed on the face thereof, the register number of said bond, and the words "Improvement Bond" with the name of the City of Warrenton. Such bonds shall be advertised for sale, in such manner and for such time as the Council may deem proper, and be sold for the highest price obtainable, but for not less than par and accrued interest, and the proceeds thereof shall be paid by the purchaser to said Auditor, and the par value thereof credited to the respective improvement funds for which said bonds are issued, and the accrued interest and premium, if any, accruing from the sale of said bonds shall be credited to the "Improvement Bond Sinking Fund".

(5) **INSTALLMENT PAYMENTS-- PROCEEDINGS IN RESPECT THEREOF.** Thereafter there shall be due and payable annually, for five, ten, or twenty years, respectively, according to the amount of the assessment levied, and installment application made therefor, as hereinbefore before provided for, to the said Auditor, by the owner of each lot or parcel of property assessed for the aforesaid improvement, whose application to pay the cost of such improvement in installments has been filed, as hereinbefore provided, for one-fifth, one-tenth, or one-twentieth, as the case may be, of the cost of such improvement assessed against the property of such owner, as appears by said lien docket, together with the amount of one year's interest, at not to exceed 6% per annum on unpaid assessments or installments, the first of such payments to be due and payable at the expiration of one year from the date

of said assessment as shown by said lien docket, and the subsequent payments to be made at the expiration of each year thereafter, until the entire of such assessment has been paid. Should any owner, or owners, neglect or refuse to pay any installment, when the same becomes due and payable, for a period of twenty days, then the City of Warrenton shall have the option of declaring the same collectible in the manner, and with the same penalties as provided for the collection of delinquent street assessments; provided, if the Council prefers, a proceeding for such collection may be instituted in the Circuit Court for Clatsop County, Oregon, as hereinbefore provided for the collection of delinquent assessments in the first instance. It shall be the duty of the Auditor, at least twenty days before any installment and interest thereon, as set forth in said lien docket, are due, to make the proper extensions of such installments and interest on such lien docket, and at least ten days before the same becomes due, to notify the owner or owners of property affected by the lien, that the installments aforesaid will become due and payable on the due date. Such notice shall be given by mailing the same to such owner or owners, addressing same to his or their last known postoffice address, but a failure of such owner or owners to receive such notice shall not be taken or held to prevent the collection of the same, as herein provided. The Auditor shall issue a receipt to the person or persons paying said installments and interest, and shall make the proper entry on said lien docket, showing the amount of each payment and the date thereof; provided, however, that at any time after the issuance of said bonds, any owner, at that time or thereafter, of any property against which the assessment is made and docketed in said lien docket, may pay to the Auditor the whole amount of such assessment, as shown by such lien docket, together with the full amount of interest and costs accrued thereon to the date of such payment, and said Auditor shall enter in such lien docket, opposite the entry of the lien therein, the fact of such payment and the date thereof, and that the lien thereof is discharged.

(6) MONEY RECEIVED UNDER ACT PLACED IN WHAT FUNDS. After said Auditor shall receive and credit the funds accruing by virtue of this Act, he shall deliver them to the Treasurer of the City of Warrenton, and such Treasurer shall keep said funds and an account thereof separate and apart from other funds of said City. The amount of such funds paid on account of installments and interest on unpaid installments shall be placed to the credit of funds to be known and designated as "Improvement Bonds Sinking Fund", and "Improvement Bonds Interest Fund", respectively. The amount placed to the credit of the Improvement Bonds Sinking Fund shall, from time to time, under the direction of the Common Council, be deposited in such bank, or banks, as will pay the highest rate of interest thereon, or be invested in, or used for the purchase of improvement bonds of such City, at par. In the purchase of improvement bonds, the accrued interest thereon shall be paid out of the Improvement Bonds Interest Fund, and all interest received by the Treasurer, on account of coupons due, shall be placed to the credit of the Improvement Bonds Interest Fund. Interest due on improvement bonds shall be paid out of the Improvement Bonds Interest Fund if possible. All bonds purchased by the City shall be held by the Treasurer of the City of Warrenton as a sinking fund and shall be disposed of by direction of the Common Council, when required for the redemption of bonds previously issued, as they shall become due and payable.

(7) ENTRY OF PAYMENTS MADE IN LIEN DOCKET. Entry of payments of installments, interest, penalties and costs, made under the provisions of this Act, shall be made in the lien docket aforesaid, as the same shall be received, with the date thereof, and such payments made and entered in said lien docket shall be and operate as a discharge of such lien, to the amount of such payment, and from the date thereof.

(8) OBLIGATION UNDER THIS ACT NOT WITHIN LAW LIMITING CITY DEBT. No obligation incurred by the City of Warrenton, by virtue of this Act, shall be deemed or taken to be within, or any part of the limitation by law, or the City charter, as to indebtedness of said City, and must not be considered when calculating the indebtedness of said City under former charter restrictions, circumscribing the debt limit of the City.

(9) REDEMPTION OF BONDS. At any time after the bonds, which may be issued by virtue of this Act, shall become payable, the City of Warrenton shall redeem such bonds, and to that end, shall redeem the same consecutively by number of such bonds, commencing with bond numbered one (1), and shall give notice of the readiness of said City to redeem by publication

in the official newspaper of said City, if any, and if not, in some newspaper, published and having general circulation in said City, once each week for three (3) successive weeks, giving therein the number of the bonds which will be redeemed and the time at which redemption will be made, and after such time so fixed for such redemption, no interest shall accrue, or become payable on such bonds. This method of redemption of bonds is cumulative to the optional one mentioned in paragraph (4) of this Act.

(10) REPEAL OF PARTS OF CHARTER AND ORDINANCES CONFLICTING HEREWITH. All parts of the charter of the City of Warrenton, and all ordinances and parts of ordinances of such City, which are in conflict with this amendment are hereby modified, or repealed, as the case may require, in order that this amendment may be in full force and effect when enacted.

proposed

Section 2. That said amendment to the charter of the City of Warrenton be, and the same hereby is, submitted by the Common Council to the electorate of said City of Warrenton, of its own initiative, and not by petition, and it is hereby referred to the electors of said City, for their adoption or rejection, as they may deem fit and proper, by voting upon the same at said special election.

Section 3. That the entire City of Warrenton shall ~~constitute~~ be precincts as required by the laws and regulations governing the general Primary Elections to be held in said City on May 19, 1922; that the polls shall be remain open for said special election during the same hours that they remain open for said Primary Elections, and the same officers, clerks and judges who serve in such capacity at said Primary Elections on May 19, 1922, are hereby appointed and designated to serve in the same capacity for said special election.

Section 4. That the qualifications of electors who may vote on said amendment are the same as those authorized by law to vote for the nominations or election of officers of said City, and said special election, except as herein otherwise specifically provided, shall be conducted in a manner similar to that of general elections in said City, and the votes cast are to be canvassed and returned in a similar manner.

Section 5. That the notice of said special election, containing a copy of said proposed charter amendment, and stating when and where such election will be held, shall be given by the Auditor and Police Judge of said City in the following manner: By publishing such notice in two successive issues of The Warrenton News, a weekly newspaper printed and published in said City, such publications to be made in the issues thereof dated May 5, 1922, and May 12, 1922, and by posting a copy of such notice at three public places in said City for a period of ten days prior to said special election, and such publication and posting of said notice shall be sufficient, without mailing out to the electors of said City, or to any one whomsoever, said notice, or any copy of the title and text of said proposed charter amendment, or any pamphlet or folder containing the same, notwithstanding the requirements of Ordinance No. 117, adopted by said Council and approved on May 21, 1914, or at all.

Section 6. That the ballot title for said proposed charter amendment shall be as follows: "An Act to amend Section 49a of the existing Charter of the City of Warrenton, to provide for the payment of assessments for the improvement of streets or parts of streets, laying sewers, drains, water pipes, sidewalks and crosswalks, in installments, and to provide a method for bonding the same".

Section 7. That inasmuch a great deal of street improvement in Warrenton is required at the present time; that such improvement can only be made effectively during the spring and summer seasons; that it is necessary that such improvement be commenced at the earliest possible date, and the cost of such improvement, under the present charter, would be prohibitive, and it is, therefore, necessary that this ordinance become effective immediately, in order to preserve the public peace, health and safety of said City. That an emergency is, therefore, hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Section 8. That all ordinances and parts of ordinances, so far as the same may be in conflict with this ordinance, be, and the same hereby are, repealed. Passed by the Common Council and approved by the Mayor on this 1st day of May, A.D. 1922.

Attest:

John E. Evers
AUDITOR AND POLICE JUDGE.

F. M. Starn, Mayor.