

ORDINANCE NO. 441A

Introduced by Commissioner Norman Martin

AN ORDINANCE TO PROVIDE THE CARRYING INTO EFFECT IN THE CITY OF WARRENTON, CLATSOP COUNTY, OREGON THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF MUNICIPALITIES BY SECTION 1-a, 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, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON AND PROVIDING FOR VIOLATION OF THIS ACT AND REPEALING ORDINANCES NOS. 217, 271, 163a, 368a, 385a, 399a and 400a AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. The following shall be substantially the form of a petition for any Ordinance or measure or amendment to the Charter proposed by the Initiative.

WARNING

It is a felony for anyone to sign an 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 _____,
Auditor and Police Judge for the City of Warrenton,
Clatsop County, Oregon.

We, the undersigned, citizens and legal voters of the City of Warrenton, Clatsop County, Oregon, respectfully demand that the following proposed ordinance or measure (or amendment to the City Charter) shall be submitted to the legal voters of the City of Warrenton, Clatsop County, Oregon for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, 196_____, and each for himself says:

I have personally signed this petition; I am a legal voter of the City of Warrenton, Clatsop 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 or measure passed by the City Commission.

WARNING

It is a felony for anyone 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 _____,
Auditor and Police Judge of the City of
Warrenton, Clatsop County, Oregon.

We, the undersigned legal voters of the City of Warrenton, Clatsop County, Oregon, respectfully demand that Ordinance No. _____ entitled (the title of ordinance or measure on which the referendum is sought), passed by the Commission of the City of Warrenton at its meeting on the _____ day of _____, 19____, shall be submitted to the legal voters of the City of Warrenton for their approval or rejection at the regular (or special) 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 Warrenton, Clatsop County, Oregon, and my residence and street number are correctly written after my name.

NAME	RESIDENCE	STREET NUMBER
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(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 Clatsop) ss.
City of Warrenton)

I, _____ being first duly sworn, say that every person 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 signer is a legal voter of the City of Warrenton.

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 Auditor and Police Judge of the City of Warrenton 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 Clatsop 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 at least **Fifteen** (15%) regular per cent. of the votes cast at the last/preceding election, municipal.
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Referendum petitions against any Ordinance or measure passed by the City Commission shall be signed by a number of legal voters equal to at least Ten (10) per cent. of the votes cast at the last regular municipal election.

Section 8. An amendment to the Charter of the City of Warrenton, or a new charter, or a measure may be proposed and submitted to the legal voters thereof by Resolution of the City Commission without an initiative petition; said Resolution shall be filed with the Auditor and Police Judge for submission not later than fifteen (15) days before the election at which it is to be voted upon, and no amendment to the Charter or a measure 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 Warrenton, or a new Charter, or a measure may be proposed and submitted to the legal voters thereof by Resolution of the City Commission without an initiative petition, the said Resolution shall therein state the date of the regular municipal election or the date of a special election at which said Charter amendment or new Charter or measure will be submitted to be voted on and shall call and make provision for such election.

Section 10. When any measure for Initiative or Referendum legislation shall be filed by the Auditor and Police Judge after the number and genuineness of signatures thereto, as provided by Section 6 supra have been ascertained, or when any Resolution of the City Commission shall be filed with the Auditor and Police Judge as provided in Section 8 herein, the Auditor and Police Judge shall forthwith transmit to the attorney of said City a copy of such measure, who shall within two days provide and return to the Auditor and Police Judge 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

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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 said attorney for any such measure, may within two days after said ballot title is returned to the Auditor and Police Judge, appeal to the Commission asking a different title and giving the reasons therefor, and stating why the title prepared by the said attorney is improper, and the Commission 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 Commission shall be the title placed upon the ballot. The ballot title shall consist of a caption not exceeding six words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 100 words in length of the chief purpose of the measure, and shall not resemble, in so far as possible, any other ballot title filed for any measure. The Auditor and Police Judge of the City of Warrenton shall number such measures and ballot title in the most convenient and consecutive manner. The first measure shall be No. 51 in numerals and succeeding measures shall be numbered consecutively 52, 53, 54, etc. to and including 100, at each election. The measures shall be voted on by YES or NO vote. It shall be the duty of the Auditor and Police Judge 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 or new Charter or a measure submitted by the Commission without initiative petition shall be designated "Charter amendments submitted to the voters by the Commission", or "New Charter submitted to the voters by the Commission", or "Measures submitted to the voters by the Commission".

PROVIDED, HOWEVER, that when Charter Amendments or a new Charter or a measure are to be submitted to the voters by Resolution of the Commission as in this Ordinance provided, the Commission may in said Resolution provide for a ballot title for the measure so to be submitted. Such ballot title shall consist of a caption not exceeding six words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 100 words in length of the chief purpose of the measure. The first measure shall be numbered 51 in numerals and succeeding measures shall be numbered 52, 53, 54, etc. to and including 100 at each election. The measures shall be voted on by YES or NO vote. In the event the Commission may in said Resolution provide for a ballot title for the measure so to be submitted, 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 Commission 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 or measures by the Initiative, or for submitting Ordinances or measures by the Referendum, or on Charter amendments of or a new Charter or measures proposed by Resolution of the Commission, the Auditor and Police Judge shall post copies of such proposed Ordinance or Ordinances, referendum measure or Charter amendments or new Charter, with the ballot title and number in full, in at least five public and conspicuous places in the City of Warrenton not less than ten days preceding the date of the special election at which the same is to be voted upon, together with a statement of the time and place of election. The Auditor and Police Judge shall always have copies of every such measure at his office for inspection by any legal voter. The Auditor and Police Judge shall also cause a notice of election to be published in one issue of the official newspaper of the City Page Six, Ordinance.

at least ten days prior to the date of the election. Such official notice shall contain a statement of the time and place of election, together with the ballot title of each measure to be voted upon at the election.

Section 12. Legal voters of the City of Warrenton 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 of Warrenton, 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 One Hundred Dollars, or by imprisonment in the City jail not exceeding thirty days 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 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

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cast thereon. In cases of Ordinances which have been passed by the Commission and voted upon by referendum, proclamation of the result of such vote shall also be made.

Section 16. Where referendum petitions shall be signed by the required number of legal voters against any Ordinances passed by the Commission, same shall be filed with the Auditor and Police Judge within thirty days after the passage and approval of the Ordinance in question. No Ordinance shall take effect and become operative until twenty (20) days after its passage by the Commission and approval by the Mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the City.

Section 17. Ordinances Nos. 217, 271, 163a, 368a, 385a, 399a and 400a and all other ordinances and parts of ordinances in conflict herewith be, and the same hereby are repealed.

Passed by the City Commission of the City of Warrenton this 4th day of March, 1963, by the following vote:

YEAS: Martin, Rawls, Gramson and Johnson

NAYS: none

Approved by the Mayor of the City of Warrenton this 4th day of March, 1963.

J. Gramson
Mayor

ATTEST:

J. R. Baldwin
Auditor and Police Judge