

ORDINANCE NO. 400.

AN ORDINANCE to provide the carrying into effect in the City of Sherwood, Washington 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 ordinances and parts of ordinances in conflict herewith, and declaring an emergency.

THE CITY OF SHERWOOD DOES ORDAIN 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 Sherwood
Washington County, Oregon.

We, the undersigned, citizens and legal voters
of the City of Sherwood, Washington County, Oregon, respect-

fully demand that the following proposed ordinance, (or amendment to the city charter) shall be submitted to the legal voters of the City of Sherwood, Washington 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 City of Sherwood, Washington 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 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 Sherwood,
Washington County, Oregon.

We, the undersigned, legal voters of the City of Sherwood, Washington County, Oregon, respectfully demand that Ordinance No _____ entitled (the title of ordinance

on which the referendum is sought), passed by the Council of the City of Sherwood, at its meeting on the _____ day of _____, 19____, shall be submitted to the legal voters of the City of Sherwood 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 City of Sherwood, Washington 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,	}	SS.
COUNTY OF WASHINGTON		
CITY OF SHERWOOD.		

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 Sherwood.

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 Sherwood 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 Washington 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 Sherwood may be proposed and submitted to the legal voters thereof by ordinance of the Council without an initiative petition; said ordinance shall be filed with the Recorder for submission not later than fifteen days before the election at which any amendment 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 Sherwood may be proposed and submitted to the legal voters thereof by ordinance of the Council without an Initiative petition, the said ordinance shall therein state the date of the regular municipal election, or the date of a special election at which said amendment will be submitted to be voted on, and shall call and make provision for the holding of 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 ordinance of the Council shall be filed with the Recorder as provided in Section 8 herein, the Recorder shall forthwith transmit to the attorney of said city 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 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 five days after said ballot title is returned to the Recorder appeal to the Council asking a different title and giving the reasons therefor, and stating why the title prepared by the said attorney is improper and the 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 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 Sherwood shall number such measures and ballot titles 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 Council without initiative petition shall be designated "Charter amendments

submitted to the voters by the Council".

PROVIDED, HOWEVER, that when charter amendments are to be submitted to the voters by the Council as in this ordinance provided, the Council may 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 Sherwood to be designated by the Council, once each week for two successive weeks, the first publication to be not less than twelve days nor more than twenty 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 three 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 the City of Sherwood 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 Sherwood, 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 ten days from the time of such election proclaim by publication once in a newspaper published in the City of Sherwood, 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 Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinances 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 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 Council and approval by the mayor, or passage by a two-thirds vote over the veto of the mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency shall become immediately operative until same is passed by a two-thirds majority of all the members of the Council and also approved by the mayor.

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

WHEREAS, the City of Sherwood has at the present time no ordinance or charter amendment, providing for the exercise therein of the initiative and referendum powers reserved to the voters by the Constitution; and

WHEREAS, it is necessary that certain proposed charter amendments affecting the peace, health and safety of said City be submitted to the voters thereof at as early a date as possible and in order so to do it is necessary to enact this ordinance; now, therefore,

AN EMERGENCY is hereby declared to exist and this ordinance shall immediately go into force and effect upon its adoption and approval.

Passed by the Council this 27 day of July 1949

by the following vote:

YEAS: 4

NAYS: 0

Submitted to the Mayor this 27 day of July 1949

Approved by the Mayor this 27 day of July 1949

C. H. Sanders

Mayor

Attest:

Floyd C. Shoop
Recorder