

CITY OF SHERWOOD
ORDINANCE NO. 98-1038

AN ORDINANCE REPEALING ORDINANCE 400 AND ENACTING UPDATED PROVISIONS FOR CARRYING INTO EFFECT THE POWERS OF INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS BY SECTION 1-A OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF OREGON AND TO AMEND THEIR MUNICIPAL CHARTERS RESERVED TO LEGAL VOTERS OF THE CITY BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON, AND DECLARING AN EMERGENCY

WHEREAS, in the course of preparing for codification of City ordinances, it has come to light that City Ordinance No. 400 adopted in 1949, is obsolete, inconsistent with State statute and the City Charter, and should be repealed, and provisions enacted to replace certain provisions thereof;

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 400 enacted July 27, 1949, is hereby repealed in its entirety.

Section 2. Initiative and Referendum proceedings for City measures shall be conducted in the manner and using the forms and procedures as prescribed by Oregon Revised Statutes Chapter 250. Section 250.005, et seq., as therein made applicable to cities in the State of Oregon. 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 or county elections officer of Washington County, and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within 10 days after presentation thereof to him.

Section 3. Initiative petitions must be signed by not less than 15% of the electors registered in the City at the time the prospective petition is filed. A petition to refer a City measure must be signed by not less than 10% of the electors registered in the City at the time the prospective petition is filed. The petition must be filed with the city elections officer not later than the 30th day after adoption of the City legislation sought to be referred.

Section 4. 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 sufficiently in advance of the election date to meet the deadlines established by the county elections officer or inclusion on the election ballot for

the election at which the amendment is to be voted upon. 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 5. 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 6. 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, or 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 citation and conviction thereof be punished by a civil penalty not exceeding \$500.00, in the discretion of the municipal court.

Section 7. 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 8. The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

Section 9. The mayor shall, within 10 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 7 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 ordinance shall continue in effect or cease to be in effect, according to such result from the time of such proclamation.

Section 10. No ordinance shall take effect and become operative until 30 days after its passage by the Council and approval by the mayor, or passage by four fifths (4/5ths) 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 three fifths (3/5ths) majority of all the members of the council and also approved by the mayor.

Section 11. Whereas, the City of Sherwood has at the present time pending initiative for a charter amendment affecting the peace, health and safety of the City, and it is necessary that the procedures therefore be consistent with state law, now therefore,

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

Duly passed by the City Council
 this 28 day of April, 1998

Jon Borner
 Jon Borner, City Recorder

Approved by the Mayor this 28 day
 of April 1998

Bill Boyle
 Bill Boyle, Mayor

	<u>Aye</u>	<u>Nay</u>
Aamold Turner	<u>✓</u>	___
Boyle	<u>✓</u>	___
Cottle	<u>✓</u>	___
Krause	<u>✓</u>	___
Tobias	___	___