

ORDINANCE NO. 48

TOWN OF DUNDEE

Passed by the Council this 10th day of May 1949.

Approved by the Mayor this 10th day of May 1949.

ORDINANCE NO. 48

An ordinance to provide the carrying into effect in the Town of Dundee, Yamhill County, Oregon, the initiative and referendum powers reserved to the legal voters of municipalities by Section 1a of Article IV of the Constitution of the State of Oregon, and to enact and amend the municipal charters reserved to the legal voters of cities and towns by Section 2 of Article XI of the Constitution of the State of Oregon, and declaring an emergency, the people of the Town of Dundee do ordain as follows:

Section 1. The following shall be substantially the form of petition for the referendum to the people on any act passed by the town council of the Town of Dundee:

WARNING.

It is a felony for anyone to sign any initiative or referendum petition with any 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.

Petition for Referendum.

To the Honorable _____ Recorder for the Town of Dundee:

We, the undersigned citizens and legal voters of the State of Oregon and the Town of Dundee, respectfully order that the Ordinance No. _____ entitled _____ passed by the _____ council meeting of the Town of Dundee, at the regular meeting of said council, shall be referred to the people of the Town of Dundee for their approval or rejection, at the regular (special) election to be held on the _____ day of _____ A.D., 19____, and each for himself says: I have personally signed this petition: I am a legal voter of the State of Oregon, and Town of Dundee; my residence and post-office are correctly written after my name.

Name _____ Street _____ Number. _____ Post-office _____

(Twenty numbered lines for signatures.)

Section 2. The following shall be substantially the form of petition for any ordinance, charter, or amendment to the Town charter, proposed by the initiative:

WARNING.

It is a felony for anyone to sign any initiative or referendum peti-

tion with any 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 Town of Dundee:

We, the undersigned citizens and legal voters of the State of Oregon, and the Town of Dundee, respectfully demand that the following proposed ordinance shall be submitted to the legal voters of the Town of Dundee for their approval or rejection at the regular (special) election to be held on the _____ day of _____ A.D., 19____, and each for himself says: I have personally signed this petition: I am a legal voter of the State of Oregon and of the Town of Dundee: my residence and post-office are correctly written after my name.

Name _____ Street _____ Number _____ post-office _____

(Twenty numbered lines for signatures.)

Every such sheet for petitioner's signatures shall be attached to a full and correct copy of the title and text of the measure so proposed by the initiative petition; but such petition may be filed with the Recorder in numbered sections for convenience in handling, and referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded and may be filed in numbered sections in like manner. Not more than twenty signatures on one sheet shall be counted. When any such initiative or referendum petition shall be offered for filing, the Recorder, in the presence of the Mayor and the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petitions. If any such measure shall, at the ensuing election, be approved by the people, then the copies thereof so preserved, with the sheets and signatures and affidavits, and a certified copy of the Mayor's proclamation declaring the same to have been approved by the people, shall be bound together in such form that they may be conveniently identified and preserved. The Recorder shall cause every such measure so

approved by the people to be added to the ordinances, with the date of the Mayor's proclamation declaring the same to have been approved by the people. This ordinance shall not apply to the provisions of the local option liquor laws providing methods of determining whether the sale of intoxicating liquor shall be prohibited in this town.

Section 3. Each and every sheet of every such petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon and as a part thereof:

STATE OF OREGON,)
County of Yamhill) ss.

I, _____, being first duly sworn, say: (signers of sheet) 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, post-office address and residence correctly, and that each signer is a legal voter of the State of Oregon and the Town of Dundee.

(Signature and post-office address of affiant.)

Subscribed and sworn to before me this ____ day of _____, A.D., 19____.

(Signature and title of officer before whom oath is made, and his address.)

The forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors.

Section 4. If the Recorder shall refuse to accept and file any petition for the referendum or refuse to refer a petition for initiative to the common council, any citizen may apply, within ten days after such refusal, to the circuit court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the Recorder shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office. On a showing that any petition filed is not legally sufficient, the court may enjoin the Recorder and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title and numbers of such measure.

Section 5. When any measure shall be filed with the Recorder to be referred to the people of the town either by the town council or by the referendum petition, the Recorder shall forthwith transmit to the City Attorney a

copy thereof, and within ten days thereafter the City Attorney shall provide and return to the Recorder a ballot title for said measure. The ballot title may be distinct from the legislative title of the measure, and shall express, in not exceeding one hundred words, the purpose of the measure. The ballot title shall be printed with the numbers of the measure, on the official ballot. In making such ballot title the City 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 intentionally an argument, or likely to create prejudice, either for or against the measure. Any person who is dissatisfied with the ballot title provided by the City Attorney for any measure may appeal from his decision to the circuit court, as provided by section 4 of this ordinance by petition, praying for a different title and setting forth the reasons why the title prepared by the City Attorney is insufficient or unfair. No appeal shall be allowed from the decision of the City Attorney on a ballot title, unless the same is taken within ten days after said decision is filed. A copy of every such decision shall be served by the Recorder or the clerk of the court, upon the person offering or filing such initiative or referendum petition or appeal. Service of such decision may be by mail or telegraph, and shall be made forthwith. Said circuit court shall thereupon examine said measure, hear arguments, and in its decision thereon certify to the Recorder a ballot title for the measure in accord with the intent of this section. The decision of the circuit court shall be final. The Recorder shall print on the official ballot the title thus certified to him.

Section 6. Initiative petitions proposing any ordinance, charter or amendment to the charter shall be signed by a number of voters equal to not less than 15 per centum of the votes cast for Mayor at the last preceding election, and said signatures shall be verified in the manner herein provided and the registration lists on file in the office of the county clerk of Washhill County shall be used to verify said signatures.

Section 7. Referendum petitions against any ordinance or resolution

shall be signed by a number of voters not less than 15 per centum of the votes cast for Mayor at the last preceeding election and said signatures shall be verified in the manner herein provided, and the registration lists on file in the office of the county clerk of Yamhill county shall be used to verify said signatures. The petition shall be filed with the Recorder, within thirty days after passage by the council and approval by the Mayor.

No town ordinance, resolution or franchise shall take effect and become operative until ten days after its passage by the council and approval by the Mayor, unless the same shall be passed over his veto, and in that case it shall not take effect and become operative until ten days after such final passage, except measures necessary for the immediate preservation of the peace, health or safety of the town, and no such emergency measure shall become immediately operative unless it shall state in a separate section the reasons why it is necessary that it should become immediately operative and shall be approved by the affirmative vote of three-fourths of all the members elected to the town council, and also the Mayor.

Section 8. Whenever an ordinance, charter, or amendment to the charter of the Town of Dundee, shall be proposed by initiative petition, said petition shall be filed with the Recorder, and he shall transmit it to the next session of the town council. The council shall either ordain or reject the same, as proposed, within thrity days thereafter, and if the council shall reject said proposed ordinance, charter, or amendment, or shall take no action thereon, then the Recorder shall submit the same to the voters of the town at the next ensuing election if the same shall be held not less than ninety days after the first presentation of said ordinance, charter, or amendment to the charter to the town council. Provided that in the event a regular election shall not be held within ninety days the town council may by ordinance order special elections to vote upon any ordinance, charter or amendment to the charter.

A new charter or amendment to the charter may be proposed and submitted to the people by ordinance or resolution of the town council, with or without an initiative petition, but the same shall be filed with the Recorder

for submission not less than sixty days before the election at which they are to be voted upon, and no charter or amendment of a town charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the town of Dundee.

Section 9. The manner of voting upon measures submitted to the people shall be the same as is now or may be required and provided by law; no measure shall be adapted unless it shall receive an affirmative majority of the total number of respective votes cast on such measure and entitled to be counted under the provisions of this act. If two or more conflicting ordinances or two or more conflicting amendments to the charter shall be approved by the people at the same election, the ordinance or amendment receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such ordinance or amendment may not have received the greatest majority of affirmative votes.

Section 10. Not later than eight days before any regular (special) election, at which any proposed ordinance, charter, or amendment to the charter is to be submitted to the people, the Recorder shall cause to be printed in pamphlet form a true copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee, or duly authorized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the Recorder for printing and distribution any argument advocating such measure; said argument shall be filed not later than thirty days before the regular (special) election at which the measure is to be voted upon. Any person, committee, or organization may file with the Recorder for printing and distribution, any arguments they may desire, opposing any measure, not later than twenty days immediately preceding such election. Arguments advocating or opposing any measures referred to the people by the council, or by referendum shall be governed by the same rules as to time, but may be filed with the Recorder by any person, committee, or organization; in the case of measures submitted

at a special election, all arguments in support of such measure at least thirty days before such election. But in every case the person or persons offering such arguments for printing and distribution shall pay to the Recorder sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the measure to be printed by the Town; and he shall forthwith notify the persons offering the same of the amount of money necessary. The Recorder shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures to be submitted as herein provided, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. The title page of every measure bound in said pamphlet shall show its ballot title and ballot numbers. The title page of each argument shall show the measure or measures it favors or opposes and by what persons or organization it is issued. Not later than eight days before the regular general election at which such measures are to be voted upon, the Recorder shall transmit by mail or carrier to every voter in the town whose address he may have, one copy of such pamphlet.

Section 11. The votes on measures and questions shall be counted, canvassed, and returned by the regular boards of judges, clerks and officers, as votes for candidates are counted, canvassed and returned. It shall be the duty of the Recorder, in the presence of the Mayor, to proceed within ten days after the election, and sooner if the returns be all received, to canvass the votes given for each measure; and the Mayor shall forthwith issue his proclamation, giving the whole number of votes cast in the town for and against each measure and question, and declaring such measures as are approved by majority of those voting thereon.

Section 12. Every person who is a qualified elector of the Town of Dundee and who has been a resident of the Town of Dundee for six months immediately prior thereto may sign a petition for the referendum or for the initiative for any measure which he is legally entitled to vote upon.

Section 13. Whereas, the Town of Dundee has been facing a definite

need to provide for an increase to \$7,500.00, the amount of voluntary floating indebtedness which the town may incur; and whereas, in order to provide for this increase it will be necessary to submit to the people of the town a new charter, containing provisions therefor; and whereas, this ordinance is enacted for the purpose of providing for the said town a uniform system of procedure for use in said town in the manner of the exercise of the initiative and referendum powers; and whereas, it is necessary that a new charter be adopted in the manner provided by law at as early a date as possible, and in order properly 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 effect upon and after its adoption and approval.

Passed by the Council this 10th day of May, 1949.

Approved by the Mayor this 10th day of May, 1949.

Earl J. Smith
Mayor.

A T T E S T

Edna Allen
Recorder.