

ORDINANCE 123.

The People of the Town of Jacksonville do Ordain as follows:
That there be and hereby is proposed the following Amendment to an act entitled "An Act to Incorporate the Town of Jacksonville," enacted by the 1st legislative assembly of the State of Oregon, approved and signed by the Governor of the State of Oregon, October 19, A. D. 1860, and all acts or parts of acts amendatory thereof, the same being the Charter of the Town of Jacksonville and which Charter and Act when so amended shall be made to read as follows:

AN ACT

To amend an act entitled "An Act to Incorporate the Town of Jacksonville," enacted by the 1st legislative assembly of the State of Oregon, approved and signed by the Governor of the State of Oregon, October 19, A. D. 1860, and all acts or parts of acts amendatory thereof, the same being the charter of the Town of Jacksonville, and to enact and provide a complete charter in the place thereof for the government of the City of Jacksonville and therein providing for a change of the name of said municipality from the name of "Town of Jacksonville" to the name of "City of Jacksonville," and therein providing and defining the geographical corporate limits and boundaries of said city; providing for a city council and all municipal officers, their election, appointment, term of office, powers and duties; providing the police powers and regulations of the city and the manner of the exercise thereof; providing a municipal court, its officers, powers, authority, jurisdiction and procedure and the powers and duties of its officers; providing power and authority for the punishment by fine, imprisonment and labor, one, both or all, for the violation of any ordinance, resolution, crime or police regulation; providing for the exercise of the right of eminent domain, the purposes for which private property may be condemned by the city and the procedure therein; providing for what act and improvements special benefit assessments may be levied, upon what property, the manner and procedure therein and the collection and payment thereof; providing for borrowing money on the faith of the city, the issuance of warrants and bonds and the limitation of indebtedness; powers and purposes of taxation and the collection of the same; providing and defining the qualifications of electors at all elections and the manner of conducting the same; the manner and procedure of exercising the Initiative and Referendum powers reserved to the municipality by the Constitution of Oregon; and fully providing and defining all and every power and authority of the council of the City of Jacksonville and the City of Jacksonville and fully providing for the government of the City of Jacksonville and everything needful and requisite to maintain, establish and promote the peace, good order, health, cleanliness, ornament, prosperity, general welfare and government of the city and to protect the property and persons of its inhabitants.

The People of the Town of Jacksonville do Ordain as follows:
CHAPTER I

Incorporation and Boundaries.

Section 1. The inhabitants of the county of Jackson living within the boundaries hereinafter described are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Jacksonville," and by such name they and their successors shall have perpetual succession; sue and be sued, plead and be impleaded, in all suits or actions of every kind and nature, may contract and be contracted with, may acquire, receive, hold and possess property, both real and personal, within or without said corporate limits, when necessary or convenient for municipal purposes, or any purpose hereinafter enumerated in this charter, or may sell, lease or dispose of the same, or contract within relation thereto for the benefit of the city, or in pursuance of powers granted in this charter; may exercise all the powers usual and necessary for a municipal corporation, including police power and the power of eminent domain, and all powers hereinafter enumerated or necessarily implied, and may adopt and use a corporate seal, and may alter the same at pleasure.

Section 2. The geographical boundaries and corporate limits of said city shall be as follows: Commencing at the southwest corner of the southeast quarter of section 31, township 37 south range 2 west of the Willamette Meridian, running thence east 160 chains; thence north to the south boundary line of J. N. T. Miller's land claim; thence west 160 chains; thence south to the place of beginning.

Section 3. Said city shall be divided into one or more wards, the boundaries of which shall be fixed by the city council, and the same may be changed and new wards created by ordinance.

CHAPTER II.

Section 4. All power given and vested in the City of Jacksonville, and the government of said city, shall be exercised and vested in a Mayor and City Council, and their successors in office, hereinafter described, unless otherwise specifically provided.

Section 5. The Mayor shall be elected and hold office for a term of one year, or until his successor shall have been elected and qualified.

Section 6. The city council shall consist of the mayor and four councilmen, who shall be elected and shall hold office for the term of one year or until their successors are elected and qualified. Until such time as the city shall by proper ordinance be divided into more than one ward, said councilmen shall be elected by the legal voters of the city, but should said city by proper ordinance be divided into two or more wards, then not more than two of said councilmen shall be elected from any one ward.

Section 7. The other elective officers of said city shall be a city recorder, city treasurer, street commissioner and city marshal, who shall each hold office for the term of one year, or until their successors are elected and qualified.

Section 8. Upon the adoption of this charter by a vote of the legal voters and its approval by the Mayor, the present incumbents of the offices of the town of Jacksonville shall be the officers of the City of Jacksonville, to-wit: The president of the present board of trustees of said town shall be mayor, the town recorder shall be the city recorder, the town marshal shall be the city marshal and the street commissioner shall be the street commissioner of the City of Jacksonville and the other four members of the board of trustees shall, with the Mayor, constitute the city council, and said officers and each of them shall hold their respective offices until, under and by virtue of the provisions of this charter, their successors have been elected and qualified.

Section 9. The city council in their discretion or as hereinafter directed, may appoint one city engineer, one city attorney, one electrical engineer, such other subordinate officers, and such assistants to the city marshal and other city employes, as may from time to time be deemed necessary, and may remove any such appointive officer at the pleasure of the council. In cases where an emergency exists, the mayor may appoint such assistants to the city marshal and such other employes as may be required for such emergency, but in case such appointments be made by the said mayor it shall not continue for a period of more than forty-eight hours, unless the same be ratified by the city council.

Section 10. No person shall be eligible to any office in said city who is not a qualified elector thereof and has not been a resident of said city for more than six months preceding his election or appointment, and no person shall be eligible to the office of mayor or councilman who, including the above qualification, is not a taxpayer in said city other than a poll tax payer.

Section 11. Should a vacancy occur in any of the elective offices, provided for herein, by death, resignation, order of the city council, or otherwise, such vacancy shall be filled by the city council by an election by said council of some fit and qualified person for such office, and such officer so elected by said city council shall thereupon from the date of his election hold said office for the balance of the unexpired term of his predecessor. Such election shall be held at the next regular meeting of the city council following the occurrence of such vacancy.

Section 12. All ordinances of the town of Jacksonville in force at the time of the adoption and approval of this charter and which are not inconsistent therewith, shall remain in force and effect as the ordinances of the City of Jacksonville until such time as they are amended or repealed by the city council or by the electors of said city under the initiative powers herein enumerated.

Section 13. All indebtedness of the Town of Jacksonville is hereby legalized, and the same shall remain in force against the City of Jacksonville until legally satisfied.

Section 14. The city council shall have the power, not inconsistent, however, with the express provisions of this charter, to prescribe the duty of each of the officers of said city, in addition to those specifically enumerated herein, and to compel the faithful discharge of such duties under penalty of dismissal.

CHAPTER III.

Elections.

Section 15. A general election shall be held in said city on the first Tuesday in March of each year, at which all the officers provided for in this charter shall be elected.

Section 16. The city council shall, not less than fifteen days prior to the first Tuesday in March of each year, order said general election, and shall publish said order by posting a notice signed by the city recorder in three conspicuous places in said city, which notice shall specify the officers to be elected and the time and place of holding said election.

Section 17. The council shall appoint three judges and two clerks of election; provided, that if any judge or clerk of election shall fail to attend, at the proper hour an election for which he shall have been appointed, the judges and clerks of election may appoint one in his stead. All judges and clerks of election must be electors of the city.

Section 18. All elections in the City of Jacksonville shall be held in accordance with the general election laws of the State of Oregon, so far as the same may be applicable, and shall be held at the place and time named in the notices of election.

Section 19. No person shall be allowed to vote at any municipal election in said city who does not possess all the qualifications of a legal voter as prescribed by the constitution and laws of the State of Oregon, and in addition thereto has not resided in the City of Jacksonville for a period of thirty days next preceding the date of said election, or who shall have refused or neglected, after proper demand, to pay any city fine legally imposed against him, and the council may prescribe such oath to be administered by the judges of elections as it may deem proper to ascertain such facts.

Section 20. It shall be the duty of the city recorder to call a mass meeting of the electors of said city to be held in the city hall at a date named in a public written notice given by said city recorder, which said written notice shall specify that at said meeting the elective officers to be voted for at the next ensuing election may be named at such mass meeting. Such mass meeting must be held not less than fourteen, nor more than thirty days next preceding any municipal election; provided, however, that no person shall be allowed to vote at such mass meeting for the nomination of candidates to be voted for at any municipal election who shall not be a qualified elector of said city, and an assemblage of electors constituting more than twenty of the electors of said city may nominate candidates for the respective offices to be voted for at any election.

Section 21. All persons to be voted for at an election of said city shall, not less than seven days before such election, file with the recorder of said city, a certificate of nomination made by some political or mass convention, or a nomination signed by not less than twenty legal voters of said city, together with the candidate's written acceptance of said nomination, and thereupon the recorder shall enter the name of all such candidates upon the ticket to be voted for at the next following election, and not otherwise; and the recorder shall cause a sufficient number of proper tickets to be printed and distributed prior to the opening of the polls on the day of election. The expense of printing such tickets shall be borne by the city.

Section 22. At all elections of the City of Jacksonville, the polls shall be opened at 10 o'clock a. m., and shall be kept open until 4 o'clock p. m., except one hour, from 12 m. to 1 p. m.

Section 23. The judges and clerks of election shall each be paid \$2.50 for their services.

Section 24. Immediately after the close of the polls, the ballots shall be counted, and full returns made out and certified to by the judges of election. Immediately after the ballots are counted the judges and clerks of election shall post a certificate in front of the voting place in which they shall certify the number of votes cast for each candidate for each of the respective offices. The ballots shall then be placed in packages and the packages securely sealed, and the contents of the package endorsed thereon, and within six hours of the closing of the polls said returns and packages containing the ballots shall be deposited by one or more of said judges of election with the city recorder.

Section 25. On or before the first Saturday next following an election, the city council shall meet and canvass the returns of said election, and the city recorder shall, upon the order of the council, issue and deliver without delay or charge to the persons elected, a certificate of election under his hand and the seal of the city.

Section 26. The new council, when duly organized, shall be the sole judges of the qualifications and elections of its members. Contests for other city offices shall be heard and determined by the council when organized for business, and all such contests shall be governed by the law of the state regulating contested elections for county officers, so far as the same are applicable; but in the event of two or more candidates for the same office having an equal and the highest number of votes therefor, the council shall decide by lot which of said candidates shall hold said office.

Section 27. All persons elected or appointed to any city office shall, before entering upon the duties thereof, take and subscribe an oath or affirmation to support the constitution and laws of the United States, and of the State of Oregon, the charter and ordinances of the City of Jacksonville, and faithfully perform all duties of the office to which he has been elected or appointed; and if a bond shall be required of such officer, he shall give the same, it to be subject to the approval of the mayor and council, and such oath and such bond, when the latter is approved, shall both be filed with and safely kept by the city recorder, but the recorder's bond and oath of office shall be deposited with the treasurer.

Section 28. The council shall meet on the second Tuesday in March, following the date of each general municipal election, take the oath of office, and shall hold regular meeting at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor, by written notice delivered to each member then present within the city at least three hours before the time specified for the proposed meeting, which notice shall specify the object and purpose of such meeting, and no other business shall be transacted at any special meeting than that named in said notice. Personal appearance by any member of the council at any special meeting shall be deemed as to him equivalent to due notice.

Section 29. The terms of all officers elected shall begin on the second Tuesday in March, or as soon thereafter as they shall duly qualify, but if they fail to qualify within ten days from and after said day, then said office may be by the council declared vacant, and the council at the same meeting at which said office is declared vacant, proceed to fill said vacancy by appointment; and all vacancies occurring from any cause in any elective office shall be filled by the council by appointment of some qualified elector of the city, to said vacancy, who shall hold said office to the next election, and until his successor is elected and qualified.

CHAPTER IV.

The Mayor—His Powers and Duties.

Section 30. The mayor shall be the executive officer of the city and shall supervise its affairs, and all of its officers and employes, with the exception, however, of the city council. He shall be a member of the said city council, but shall not vote upon any question except in case of a tie, and then he shall cast the deciding vote; but in case of an election by the council to fill any vacancy in any elective office he shall have the same right to vote as any other councilman. He shall have power to call special meetings of the city council whenever he deems it necessary so to do upon giving the proper notice prescribed herein. At the last regular meeting of the council before the annual election in each year he shall make a written statement describing generally the condition of the affairs of the city, and recommending such measure for its government as he shall deem expedient and necessary. He shall at the first regular meeting of the council after each annual election appoint three members of the council on each of the following committees, to-wit, finance, streets, sewers and drains, water and light, health, police regulations, and liquor licenses. Said committees shall be standing committees of the year and shall have general supervision over the different subjects pertaining to their departments and such further powers and duties as the council may prescribe either by ordinance or resolution.

Section 31. He shall sign each ordinance approved by him within five days of its passage by the council. If he does not approve of the ordinance passed by the council he must within ten days from such passage return to the city recorder his objections thereto in writing, stating over his signature that said ordinance is disapproved by him and his reasons therefor, and the same shall by said recorder immediately be filed and made a public record; and if the mayor fails to return the said ordinance within said time the same shall be considered passed without his signature. Should the mayor disapprove and veto an ordinance passed by said city council the said recorder shall report said disapproval and veto with his written reasons therefor to the said city council for its action at its next regular session. Whereupon if three of the members of said council shall vote for the adoption of said resolution or ordinance it shall become and be a valid ordinance of the City of Jacksonville, subject, however, to the referendum act hereinafter provided.

Section 32. He shall, by virtue of his office, be the chairman of the committee on police regulations and of liquor licenses, and as such chairman it shall be his duty to make a personal and careful investigation and inspection of all matters coming before said committees.

Section 33. Should a vacancy occur in any of the elective offices provided for herein, by death, resignation, order of the council, or otherwise, such vacancy may be filled by the mayor by appointment, which said appointment shall remain in force until an election is held by the council for the purpose of filling such office, as herein provided.

CHAPTER V.

The City Council—Its Powers and Duties.

Section 34. A majority of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner, and under such penalties as the council may prescribe. They shall judge of the qualifications, elections and returns of their own members and the other officers elected under this charter and shall determine contested elections. The council shall have the power and authority to adopt and establish rules and by-laws governing their proceedings, and the conduct of any and all elective and appointive officers, and may punish any member or other person for disorderly conduct in their presence or at any of the meetings of the council, and with the concurrence of the mayor and three of the other members of the council may, upon a proper hearing and for good cause shown, expel any member of the city council, or any other officer of the city, except the mayor; and four-fifths of said council may at any regular meeting upon a proper hearing and for a good cause shown, declare the office of mayor vacant and proceed to the election of his successor; Provided, however, that before any officer of the city shall be expelled or his office be declared vacant, there must first be filed with the recorder of said city a statement under oath, verified by the person signing the same, and preferring charges against such officer, which said statement must contain the exact nature of said charges and the cause of such removal, and at least two days before the matter shall be determined or heard a certified copy of said charges shall be served upon said officer by delivering to him in person or leaving said certified copy at his residence, or last known address. With a copy of said charges there shall also be served a notice of the time and place when the same shall be heard and such officer shall have the right to be present at such hearing, and if he requires it, may at his own expense, be heard by counsel in his behalf.

Section 35. None of said councilmen shall receive any compensation for their services as such officers, nor for any service of any kind done, rendered or performed on behalf of the city, and neither the mayor nor any member of the council shall, during his respective term of office be interested, either directly or indirectly in any contract the expense of which is to be paid by said city; provided, however, that when any member of the council or the mayor is called upon to perform and does perform any special duty where he is required to incur expenses, such actual expense, if previously authorized by the council, shall be paid by the city.

Section 36. The council may provide the time and place of its regular meetings, but its regular meetings must be held at least once in each month, and the date of holding the same shall not be changed oftener than twice in any one year, and all of the meetings and proceedings of said council shall be public.

Section 37. The council must keep a journal of its proceedings and upon demand of any two of its members shall cause the yeas and nays upon any question before them to be taken and the result thereof to be entered in the journal.

Section 38. In case the city recorder, city marshal, treasurer or the street commissioner shall be absent or unable to perform any of the duties devolving upon him during his term of office, the mayor may in his discretion appoint some other person to act as such officer during the time that such disability continues, and such appointee shall receive the same compensation as is received by the regular officer for performing the same services and such sums so paid shall be deducted from the salary of such regular officer; provided, however, that the mayor shall not have such power in the event that the officer so absent or disqualified from acting shall have previously designated or appointed a competent deputy to perform the duties of said office during his disability, but this section shall not be construed so as to deprive the city council as herein prescribed from the power and right to remove any officer.

Section 39. The City of Jacksonville can not enter into any contract except by ordinance or resolution duly adopted in the manner herein provided, and all ordinances shall contain the enacting clause: "The People of the City of Jacksonville do ordain as follows:" An ordinance can be adopted only upon a majority vote of the council and the approval of the mayor, or if the mayor does not approve, then upon a three-fourth's vote of all of the members of the council.

CHAPTER VI.

The Recorder—His Powers and Duties.

Section 40. The city recorder shall be the clerk of the city council; shall keep the journal of their proceedings and all records of the city; he must keep the accounts of the city showing all moneys received and disbursed by the city, and must countersign all warrants on the city treasury, keep a true account thereof and of the financial condition of the city; and do such other things as the council may, by ordinance, prescribe.

Section 41. He shall keep, in proper books for that purpose, a list of all road poll taxes and all assessments for municipal taxes, or betterment assessments for improvements, showing the names of persons liable to pay the same, whether or not they have been paid, and the property assessed, if any.

Section 42. The recorder shall be the judicial officer of the city, shall hold and preside over a court to be called the "Recorder's Court," and shall have exclusive jurisdiction of all violations of city ordinances. He shall by virtue of his office be ex-officio justice of the peace with all powers of such justice of the peace within the justice district of Jacksonville, and shall perform the duties of such justice of the peace during a vacancy in said office or the disability or absence of any incumbent thereof.

Section 43. All civil and criminal proceedings before the recorder, as such, shall be governed and regulated by the laws of the State of Oregon in relation to justices of the peace, except that in all proceedings for or on account of the violation of a city ordinance, the trial shall be without a jury.

Section 44. All fines collected by the city recorder, and all other moneys coming into his hands as such recorder, he shall forthwith turn over to the city treasurer and take his receipt therefor, and shall make a monthly report thereof in writing to the city council.

Section 45. He shall issue all licenses when directed so to do by the city council. He shall draw all orders for the payment of money after the same has been ordered by the city council, sign the same and present the same to the mayor for his signature.

Section 46. He shall record, in a book to be kept for that purpose, all ordinances which are finally adopted, and all resolutions passed by the council; and such record, when signed by the recorder, with the date when such ordinance became operative, shall be competent evidence of such ordinance or resolution.

Section 47. In pleading any ordinance of the City of Jacksonville, it shall be sufficient to state the number of such ordinance and the date when it was signed by the mayor or became operative, whereupon the court shall take judicial knowledge of the same.

Section 48. Absence of the recorder from the city for a period of more than one week, without the consent of the council, or carelessness or inattention to his duties or disobedience to a proper order of said court shall be sufficient cause to authorize the council to declare his office vacant. The mayor may appoint a recorder pro tempore to hold the recorder's court and transact any other duties required during the absence of the recorder, during which period the acting recorder shall receive the salary of the office.

Section 49. Whenever any police or officer turns over to the recorder any cash bail taken by him for the appearance of any person charged with an offense, the recorder shall thereupon take the affidavit of said officer as to the person and offense charged, and if any such person does not appear and answer such charge during that day, the recorder shall declare such cash bail forfeited for the use and benefit of the city, and shall thereupon make a record of the matter on the records of said court, and forthwith pay the sum forfeited to the city treasurer, and shall enter the fact of such payment and a copy of the treasurer's receipt below on the margin of his record of such proceedings. If the person so charged with an offense appears for trial during the day, the recorder shall hold such cash so deposited to answer any fine and costs that may be assessed against the defendant after the determination of his case.

Section 50. In all trials before the city recorder for violation of any city ordinance, the recorder shall have power to cause to be subpoenaed by the city marshal any witness or witnesses within the city limits, but none of said witnesses shall be allowed any witness fees for attending upon