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-:-JACKSONVILLE POST:-:-

Official Paper of the City of Jacksonville, Oregon

A weekly newspaper published every Saturday at the county seat of Jackson County, Oregon. D. W. BAGSHAW, Editor.

Entered as second-class matter June 22, 1907, at the post office at Jacksonville, Oregon, under Act of Congress of March 3, 1879.

SATURDAY, APRIL 22, 1911

SUBSCRIPTION: One year by mail \$1.50. Advertising rates furnished on application.

With prospects of a bountiful crop of fruit with good prices, this promises to be one of the most prosperous years in the history of Rogue River's fruitgrowers. Cultivating the soil, caring for the trees, thinning the fruit, and later on the picking and packing, will afford labor at fair wages to a small army of men, women, and children. Besides the work in the orchards many men will be employed in constructing the numerous buildings now under way, or which will be soon commenced. Then considerable road work has been planned by the county court requiring a large force of men. Municipal improvements of various kinds are now being made and others planned in the different towns of the valley which will afford employment to many. Taken as a whole: there is every reason to believe that the progress and prosperity of the whole valley and its people, in 1911, will equal or surpass that of any former year.

ORDINANCE NO. 135.

An ordinance to provide for the carrying into effect in the City of Jacksonville, Jackson 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 amend 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 to amend Ordinance No. 117 entitled "An Ordinance providing for the manner of submitting to the legal voters of the Town of Jacksonville, proposed amendments to the charter of said town and providing how said charter may be

amended, and providing further for the manner of exercising the other initiative and referendum powers reserved by the Constitution to the people of said town, and providing the manner of passing ordinances by the initiative and of submitting to the people for decision, ordinances passed by the Board of Trustees of said town, and designating the time within which ordinances passed by the Board of Trustees shall become operative where not submitted to a vote of the people, and defining the time within which elections may be held for voting upon the questions submitted to the legal voters of said town, and providing in detail for the procedure to be followed for the exercise of the initiative and referendum powers reserved to the people."

THE PEOPLE OF THE CITY OF JACKSONVILLE DO ORDAIN AS FOLLOWS:

THE PEOPLE OF THE TOWN OF JACKSONVILLE DO 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 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 of the City of Jacksonville, Jackson County, Oregon:

We, the undersigned, citizens and legal voters of the City of Jacksonville, Jackson County, Oregon, respectfully demand that the following proposed ordinance (or amendment to the city charter) shall be submitted to the legal voters of the City of Jacksonville Jackson 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 Jacksonville, Jackson County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER
(Here follow twenty numbered lines for signature)

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 Jacksonville, Jackson County, Oregon:

We, the undersigned, legal voters of the City of Jacksonville, Jackson County, Oregon, respectfully demand that Ordinance No....., entitled (title of ordinance on which the referendum is sought), passed by the City Council of the City of Jacksonville at its meeting on the.....day of.....19....., shall be submitted to the legal voters of the City of Jacksonville 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 Jacksonville, Jackson 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 3. Each and every sheet of every petition for either the 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 Jackson, }
City of Jacksonville. }

I,....., being first duly sworn, say that (here shall be legibly written or typewritten the name of the signers of the 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, residence and street number correctly, and that each signer is a legal voter of the City of Jacksonville.

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

(Signature and title of officer and his residence.)

Section 4. That 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 proposed by the Initiative petition or the measure demanded for submission by the 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 Jacksonville 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 Jackson 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 Jacksonville may be proposed and submitted to the legal voters thereof by resolution of the City Council without an Initiative petition; said resolution shall be filed with the Recorder for submission not later than ten (10) days before the election, at which it 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 municipality.

Section 9. Where an amendment to the charter of Jacksonville may be proposed and submitted to the legal voters thereof by resolution of the City Council 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 resolution will be submitted to be voted on.

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 resolution of the City Council shall be filed with the Recorder, as provided in Section 8 herein, the Recorder shall forthwith transmit to the Attorney of said municipality 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 City Council asking a different title and giving the reasons therefor, and stating why the title prepared by the said Attorney is improper, and the City 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 City 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 to be submitted at the same election. The recorder of Jacksonville 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 City Council without initiative petitions shall be designated "Charter amendments submitted to the voters by the City Council."

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 on charter amendments proposed by resolution of the City Council, the Recorder shall publish such proposed ordinances, referendum measure or charter amendment with the ballot title and number in full in the official newspaper of Jacksonville once or oftener within the ten (10) days immediately preceding the special election at which said proposed ordinance, referendum measure or charter amendment is to be voted on, or in the event of there being no official newspaper, by posting printed or typewritten copies of such measures in at least two conspicuous places in said city for a like period of ten (10) days. A like rule as to publication or posting shall be observed where proposed ordinance, referendum measure or charter amendments are to be submitted at the regular election.

Section 12. Legal voters of Jacksonville are entitled 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 an election, who is not at the time of signing the same a legal voter of Jacksonville, 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 fifteen days from the time of such election proclaim by the publication thereof in full once in the official newspaper, or in the event of there being no such newspaper, by posting printed or typewritten copies of such proclamation in at least two conspicuous places in said municipality, the adoption of each 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 City 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 16. Where referendum petitions shall be signed by the required number of legal voters against any ordinance passed by the City 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 City 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 measure shall become immediately operative until same is passed by a majority of all the members of the City Council and also approved by the Mayor.

Section 17. WHEREAS, some question has arisen concerning the regularity, sufficiency and legality of the adoption of said Ordinance No. 117 and of Ordinance No. 123 entitled: "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 19th, A. D. 1890, 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. 1890, 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 limitations 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 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;" and

WHEREAS, said proposed charter in part provides that the duties hitherto devolving on the President of the Board of Trustees shall in the future be performed and discharged by the Mayor, and the duties hitherto devolving on the Board of Trustees shall in the future be performed and discharged by the City Council; and

WHEREAS, said proposed charter further provides that the name 'Town of Jacksonville' should be changed to that of 'City of Jacksonville.'

NOW, THEREFORE, whenever in this Ordinance the words "Mayor," "City Council," and "City of Jacksonville" appear, said words shall be construed to mean the same officials and the same municipality as designated in the said act enacted by the 1st legislative assembly of the State of Oregon, entitled "An Act to incorporate the Town of Jacksonville," approved and signed by the Governor of the State of Oregon on October 19, A. D. 1890, as "President of the Board of Trustees," "Board of Trustees," and "Town of Jacksonville."

Section 18. WHEREAS, Chapter XVII of the said Charter of the City of Jacksonville contained provisions of a general nature for the manner and procedure of the exercise of the initiative and referendum powers reserved to the voters of municipalities by the Constitution of the State of Oregon; and

WHEREAS, said charter in part specifically provides that in all matters of procedure provided for therein or which may not be provided for by subsequent ordinance or charter amendments, the provisions of the general laws of the State of Oregon shall govern;

NOW, THEREFORE, this ordinance is enacted for the purpose of providing for said municipality a uniform system of procedure for use in said city and the manner of exercising said powers as near in conformity with the provisions of said charter as absolute conformity with the general laws of the State of Oregon on such subjects will admit.

Section 19. WHEREAS, the officials of said municipality are of the opinion that proposed charter has never been legally adopted; and

WHEREAS, an issue of bonds to the amount of Thirty Thousand Dollars (\$30,000.00) for the purpose of providing a system of water works for said municipality has been attempted to be authorized under the provisions of said proposed charter; and

WHEREAS, owing to the irregularities and illegalities connected with the passage of the same, it is impossible to sell and dispose of said bonds; and

WHEREAS, the charter of said municipality imposes upon its officials the duty of providing said municipality with a supply of good, pure and wholesome water, and for said purpose, said officials have attempted to sell and dispose of bonds therefor, which it has been unable to do owing to the above irregularities and illegalities; 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 City Council on this the 10th day of April, 1911.

Yes—Britt, Dunford, Fick and Grieve.

Nays

Submitted to the Mayor of the City of Jacksonville, this 10th day of April, 1911.

Approved by the Mayor of the City of Jacksonville, this 10th day of April, 1911.

T. T. SHAW
Mayor of the City of Jacksonville.
Attest: HENRY G. DOX,
(SEAL) Recorder.