

for the recovery of land which shall have been sold by the marshal of the City of Jacksonville, for any assessment, except in cases where the assessments for which the land was sold have been paid before the sale, or the land redeemed as provided by law, shall be commenced within three years from the time of the recording of the deed executed by the marshal.

Section 135. The council may provide by ordinance for the payment of any assessment or assessments levied or made in accordance with this chapter in installments and for the issuance of bonds for the unpaid assessments, as provided in Chapter V of title XXVI of Lord's Oregon Laws and all subsequent acts amendatory thereof, as far as the same may be practicable; provided, however, the council may determine what amount the property of an owner must be assessed in order to enable him to take advantage of the payment of the assessment in installments. Whenever the owner of property assessed in an amount entitling him to pay the same in installments, as hereafter to be provided by ordinance, files application, as to be provided by said ordinance, to pay said installments, thereupon the city council shall have and are hereby expressly empowered and authorized to issue said improvement bonds in amount sufficient to pay all deferred assessment installments and the issuance of said bonds shall be without the necessity of submitting the question of the issuance of the same to a vote of the people, and said bonds shall not be deemed or taken to be within or any part of the limitation of indebtedness as provided in Section 74 of this Charter.

#### CHAPTER XV. Road District.

Section 136. The territory embraced within the corporate limits of the City of Jacksonville, being that commencing at the southwest corner of the southeast quarter of section 31, township 37 south, range 2 west, Willamette Meridian, running thence east 160 chains; thence north to the south boundary of J. N. T. Miller's D. L. C. No. —; thence west 160 chains; thence south to the place of beginning, shall be and constitute a road district in Jackson county to be known as the Jacksonville Road District.

Section 137. The street commissioner, acting under such rules and regulations as shall be prescribed by the city council, shall have the care and supervision of the roads, streets, highways, alleys and other public grounds of said road district. Said street commissioner shall obey all orders given him by the mayor, but said mayor shall not make any order that conflicts with the provisions of this charter or the ordinances of the city or the rules and regulations of the council.

Section 138. All male residents of said road district between the ages of twenty-one and fifty years, inclusive, except active and exempt firemen and cripples who are disabled for manual labor, shall annually, on or before the first day of June of each year, pay in cash to the treasurer of the city the sum of \$3 as a poll tax, which shall be placed to the credit of the street fund of the city.

Section 139. The city council may prescribe the mode of collecting said poll tax, the officers to collect the same and all other things germane to its collection, management and disbursement, but all the proceeds of said tax must be expended for the benefit and improvement of roads, streets and alleys.

Section 140. The council shall have power and authority to provide by ordinance the amount which shall be levied on taxable property for street and road purposes, the manner in which the same shall be expended on said streets, roads and alleys, the manner of establishing the grades thereof, and all other things relative and necessary to the improvement and repair of the streets, roads and alleys of said city.

#### CHAPTER XVI. Initiative and Referendum.

Section 141. Proposed amendments to the charter of the City of Jacksonville may be submitted to the legal voters of said city by ordinance passed by the city council, which said ordinance shall embody or have attached thereto and made a part thereof, the complete text of the proposed amendments in such sections and subdivisions as the council shall deem necessary for an intelligent vote upon the various amendments proposed. Such ordinance shall appoint a time at which the legal voters of said city shall vote upon said proposed amendments. And said ordinance shall also prescribe a title to be printed upon the ballot, which title shall be such as, in the judgment of the council, shall fairly and impartially convey the import of the proposed amendment; provided, that if at the time of the passage of said ordinance it is not more than sixty days until the next general election, then in that event said proposed amendment shall be submitted by said ordinance at said general election, but if it be more than sixty days until the succeeding general election then in that event the city council may designate in said ordinance a time for the holding of a special election for the purpose of submitting said proposed amendment to a vote of the people, and the same shall be by said ordinance submitted at said special election; provided, further, that the day fixed for said special election shall be not less than twenty days subsequent to the passage of said ordinance.

Section 142. After the passage of said ordinance proposing said amendment, the city council, within the time as prescribed in Chapter III of this Charter, shall, by resolution, order said election and give notice thereof as prescribed in said chapter; provided, however, that said election shall be ordered to be held on the day and at the time and place designated in said ordinance, and the ballot title of said measure or measures as set forth in said ordinance shall be specified in said resolution and notice; provided, further, that the said ordinance, with the full text of said proposed amendments, shall be printed and published in two consecutive issues of a newspaper published in said city within ten days immediately preceding the date of said election. The council may, or may not, in its discretion, issue any statement to the voters containing a reason or reasons for said proposed amendments and any arguments thereon, and may provide for the printing and distribution, either of said arguments or of said proposed amendments, or any part thereof.

Section 143. If at said election said or any of said proposed amendments shall receive a majority of all of the votes cast for or against the same, then the amendment or amendments receiving such majority shall become a part of the charter of said city, as herein provided, to-wit: At the first regular meeting of the council after said election or at any special meeting thereof called or held for that purpose, the mayor shall issue a proclamation, which shall be spread upon the records, stating that said amendments were carried or lost (as the case may be), designating those that were carried or were lost, and proclaiming that from and after said date those that were carried should be a part of said charter and the charter amended to conform thereto. Said proclamation shall be substantially in the following form, to-wit:

Proclamation of the Mayor of the City of Jacksonville on Amendments to the Charter Submitted by Ordinance No. —.

By virtue of the authority in me vested as Mayor of the City of Jacksonville, I do proclaim that amendments No. — proposed by Ordinance No. —, received a majority of all of the votes cast for or against the same, or failed to receive a majority of all of the votes cast for or against the same (as the case may be). That from and after this date, amendments No. — are a part of the charter of the City of Jacksonville, and the same is amended to that effect.

Dated at Jacksonville, Oregon, this ..... day of ..... 19.....

Mayor.

Said proclamation within ten days after the same is issued by the mayor shall be published in one issue of a newspaper published in the city of Jacksonville.

Section 144. If any amendments to said city charter shall receive a majority of the votes cast thereon, and the mayor shall at the first regular meeting of the council or at a special meeting called or held for that purpose, refuse or neglect to issue said proclamation, then such facts shall be entered upon the record by the recorder and said recorder, in his name as such officer, shall issue a like proclamation as that prescribed in section 143 of this Charter, with the additional notice and statement that the mayor has neglected and refused to issue said proclamation as prescribed in said section 143, and said proclamation shall be spread upon the record and shall be published within ten days after the same is so issued, in one issue of a newspaper published in the City of Jacksonville.

And from and after the date of the issuance of either of the aforesaid proclamations the amendment or amendments so carried shall be a part of said charter and the charter shall be deemed amended to conform thereto. Within five days after any such amendments shall become effective, the recorder shall note the fact upon the record and shall copy into the record the amendments so carried. Thereafter the same shall be printed with the charter as a part thereof whenever the printing of said charter shall be authorized.

Section 145. The people of the City of Jacksonville shall have the power to petition by the initiative petition for amendments to the city charter. Said petition shall be proposed by not less than 10 per cent of the legal voters of the city, and shall be substantially in the following form:

#### INITIATIVE PETITION. 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 an election to be called and held in accordance with Chapter — of this charter, 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 146. If any amendment to the charter be proposed by initiative petition, said petition shall be filed with the City Recorder, and if it be not more than 20 days thereafter until the next regular meeting of the city council said recorder shall transmit the same to said council at said next regular meeting; provided, if said next regular meeting be more than 20 days after the date of the filing of said petition, then in that event the City Recorder immediately upon the filing of said petition shall forthwith transmit a certified copy of the same to the City Mayor, and it shall thereupon be the duty of said Mayor to call and convene a special meeting of said council not later than two days after the receipt of said certified copy, and said council shall at said regular or special meeting by resolution as prescribed in Chapter III of this Charter, order a special election for the purpose of submitting said proposed measure to a vote of the people, and said measure shall be by said resolution submitted at said election, and which submission shall be sufficient, if it refer to the ballot title only. Notice of said election shall be given as prescribed in Chapter III of this Charter.

Should any initiative petition be filed within 60 days of the date of any general election, then in that event said petition shall be transmitted by said recorder to the council at the next regular meeting thereof, and the same shall be submitted in the manner herein provided at the said general election.

Section 147. The resolution submitting said measure and ordering said election shall also prescribe a title to be printed upon the ballot, which title shall be such as, in the judgment of the council, shall fairly and impartially convey the import of the proposed measure. 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 148. The city recorder, upon the adoption of a resolution submitting any measure or measures proposed by initiative petition shall publish a copy of said measure or measures in two successive issues of a newspaper printed and published in said city within ten days immediately preceding the date fixed in said resolution for said election. The amendments thus voted upon which receive a majority of the votes cast thereon shall become a part of said charter in the same manner as herein provided for those proposed by the council, and shall be spread upon the record and printed in like manner.

Section 149. Ordinances and resolutions of the City of Jacksonville in addition to being passed by the council, may be proposed by the people through the initiative petition as follows: Not less than ten per cent of the legal voters of said city may propose any ordinance thereof to be voted upon by the legal voters by an initiative petition signed by at least ten per cent of the legal voters of said city, embodying or having attached thereto a copy of said ordinance or resolution. Said initiative petition shall be substantially in the form given in Section 145, and shall be verified in the same manner as is provided in Section 150.

Said petition shall be treated in all respects the same as a petition proposing amendments to said charter and the City Recorder shall transmit the same to the City Council or Mayor as provided in 146th Section of this Charter for the submission of an initiative petition and the action of the council, the times within which it must act, the time and manner of submitting the same to a vote of the people, the manner and time within which the election shall be ordered and held, the notice of said election, proclamation of the result thereof and all publications, matter, things and acts pertaining thereto shall be and conform as nearly as possible to the procedure in this chapter provided for the amending of the charter by initiative petition; provided, however, when said petition is transmitted to the city council said council may adopt or reject the same, provided, that if the council adopt said measure it shall do so by resolution and thereafter said measure shall without other action upon the part of the council become an ordinance or resolution of the City of Jacksonville with full force and effect as if duly passed or ordained by the city council, subject, however, to the referendum petition as hereinafter provided.

Section 150. When any ordinance shall be passed by the council it shall become effective on the eleventh day thereafter without further action by the council, unless within said time a referendum petition shall have been filed as herein provided. At any time within ten days after the passage of any ordinance by the council a referendum petition thereon may be filed with the recorder, the effect of which shall be to suspend the operation of said ordinance subject to a vote thereon by the legal voters of said city, provided, however, any ordinance, resolution, regulation or other measure, necessary for the immediate preservation of the peace, health or safety of the city, its inhabitants or property, which shall set forth and embody in a separate section the reason why it is necessary that it should become immediately operative and which ordinance, resolution, regulation or other measure, shall be approved by the affirmative vote of 4-5 of all the members elected to the city council, shall become immediately operative and the same shall be subject to but not suspended by the filing of a referendum thereon.

The following shall be substantially the form of petition for referendum to the voters on any ordinance passed by the council.

#### WARNING

It is 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 an election to be called and held in accordance with the provisions of Chapter ..... of the City Charter, 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 151. 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 152. That forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

This petition shall be signed by at least ten per cent of the legal voters of said city, and if against a part only of any ordinance shall have that part embodied in the petition or attached thereto. If against the whole of said ordinance, it shall have the whole of the same embodied or attached thereto. Several forms of said petition may be circulated at said time and when filed shall be deemed one petition.

Should said ordinance be lost it shall be the same as an ordinance submitted to the council and lost by a vote of the council. If the action of the council in passing the ordinance shall be sustained, the ordinance shall become effective from and after the proclamation of the mayor, or in case of failure to make said proclamation, from and after the proclamation of the recorder.

Section 153. In determining the number of legal voters whose signatures are required to any initiative or referendum petition the number of the legal voters of the city shall be the number who cast their ballots at the last general election held in said city at which a mayor was elected or voted for.

Section 154. Whenever any initiative or referendum petition is filed, the recorder shall at once enter upon his record a statement to the effect that the last general election a certain number of votes were cast giving the exact number of votes so cast so that the recorder may then show what number of legal voters are required on an initiative or referendum petition. At any time when any legal voter desiring to file an initiative or referendum petition shall demand of the recorder to know the number of legal voters required to sign said petition, said recorder shall give such voter a certificate stating the number of signatures required for initiative or referendum petitions.

Section 155. Should the mayor, recorder or council fail, neglect or refuse, strictly within the time herein required, to do any act or thing in this chapter prescribed to be done by them or either of them, any legal voter may mandamus said mayor, recorder or council in the Circuit Court of Jackson County, State of Oregon, to do such act or thing.

#### CHAPTER XVII. Miscellaneous.

Section 156. It shall be the duty of all persons owning lots or lands which have sidewalks abutting the same to maintain and keep in repair said sidewalks and not permit the same to become or remain in dangerous or unsafe condition. Any owner of lots or lands who neglects to promptly comply with the provisions of this section shall be answerable to any person injured by such negligence.

Section 157. The City of Jacksonville shall not in any event be liable in damages to any person for any injury caused by any defect or dangerous place, at, upon, or in any sidewalk, crosswalk, street, alley, bridge, culvert, public grounds, public buildings, or ditch, unless the mayor, or street commissioner shall have had actual notice of such defect or dangerous place, and a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of said accident or injury, and if any property holder, by his carelessness or neglect to perform any duty required of him by the terms of this act, contributed to cause said injury and damages, he shall reimburse the city for all damages which it has been compelled to pay in such case.

Section 158. No compensation whatever shall be paid the mayor or any of the councilmen for services performed by them as such officers. The recorder, treasurer, marshal, street commissioner and other subordinate officers shall each receive compensation for their services in an amount to be fixed by ordinance passed by the council.

Section 159. Whenever under the provisions of this charter publication of any notice, ordinance, statement, proceeding or other matter or thing is required to be made by printing in a newspaper, proof of such publication shall be made by the filing of the affidavit of either the printer, publisher or foreman of said newspaper, with the city recorder. Said affidavit shall have attached thereto a printed copy of the notice, ordinance, statement, proceeding or other thing or matter published. And whenever the publication of any notice, ordinance, statement, proceeding or other thing or matter is required to be made by posting, proof of such posting shall be made by the filing with the city recorder of the certificate of the officer posting such notice, ordinance, statement, proceeding or other matter or thing and in either case proof of such publication by printing or posting shall on its face show a compliance with the time, manner and form of the provision of the charter under which it is made. Such proof shall be filed not later than one day after the date upon which said publication or posting is completed. All proofs of publication shall be securely filed away and preserved by the city recorder and a full, true and correct copy thereof shall be entered upon the record and which record shall be a book kept for that purpose only and shall be entitled "PUBLICATION PROOFS."

Section 160. Whenever the publication of any notice, ordinance, statement, proceeding or other matter or thing is by the provision of this charter required to be published in a newspaper published in the City of Jacksonville and there be no such newspaper, then in that event posting of the same shall be deemed and taken as sufficient publication thereof; provided, further, however, the certificate of the officer making proof of such publication by posting shall fully set forth the fact that publication in a newspaper is omitted by reason of the fact that there is no newspaper being published in said city at such time.

Section 161. Whenever under any of the provisions or powers of this charter a lien is created or levy made upon or sale made of real property which at the time of the creation of such lien or the making of such levy or sale is or has been registered under the provisions of Chapter III of Title XLVIII of LORD'S OREGON LAWS, the city council shall by ordinance or resolution prescribe the form of notice of such lien, levy or sale, and which notice shall be made and prepared by the City Recorder; and by him transmitted to and filed with the County Recorder of Jackson County, State of Oregon and said County Recorder shall thereupon enter a memorial thereof upon the proper folium of the register of titles.

Section 162. Upon the adoption of the charter the city council shall cause all ordinances of the Town or City of Jacksonville to be fully revised and such ordinances and matters that are not of force or effect shall be expunged by repealing the same and thereupon such ordinances as are and should remain in force shall be made effective in proper manner and published in pamphlet form.

Section 163. All acts and parts of acts enacted by the Legislative Assembly or by vote of the people of Jacksonville be and the same hereby are repealed.

BE IT FURTHER RESOLVED that the 21st day of June, 1911, between the legal voting hours of said day, is hereby designated as the time for holding said special election, and the City Hall is hereby designated and appointed as the polling place for said election, and the following are designated and appointed as the Chairman, Judges and Clerks of said election, to-wit: J. Hartman, chairman, W. C. Kitto and F. Kashafer, judges, and S. P. De Roboam and J. B. Wetterer, clerks; and the Recorder is hereby instructed and directed to give notice of said election for the time and in the manner required by law.

Passed by the City Council this the 19th day of May, 1911, by the following vote:

Yeas: Britt, Dunford, Fick, Grieve (4).

Nays: None (0).

Submitted to the Mayor May 19th, 1911.

Approved by the Mayor May 19th, 1911.

T. T. SHAW,

Mayor of the City of Jacksonville.

Attest:

HENRY G. DOX,

Recorder of the City of Jacksonville.