

NEW CHARTER

Submitted to the People by Resolution of the Common Council of the Town of Springfield

AN ACT

To amend an act entitled an act to incorporate the town of Springfield, and to repeal all acts and parts of acts relating to the incorporation of the town of Springfield, and all acts amendatory thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF OREGON:

CHAPTER I. OF THE INCORPORATION AND BOUNDRIES OF THE CITY.

Section 1. The inhabitants of the City of Springfield are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Springfield," and by such name shall have perpetual succession, sue and be sued, plead and be impleaded, in all courts of justice in all actions, suits, or proceedings whatever; may purchase, hold and receive property, both real and personal, within said city for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, burial purposes, for the establishment and maintenance of a hospital for the reception of persons afflicted with contagious diseases or other diseases, for work houses, or for houses of correction; also for an erection of water works to supply the city with water, and may control, lease, still or dispose of the same for the benefit of the city, and it shall have and use a common seal, and may alter or change the same or make a new one at pleasure.

Section 2. The corporate limits of the City of Springfield shall be as follows: Commencing at a point on the North bank of the Willamette River at the southeast corner of Lot Three (3) in Section Thirty-four (34) in Township Seventeen (17) South, Range Three (3) West of the Willamette Meridian, running thence North 22° East 2311.98 feet to the southeast corner of the Robert E. Campbell Donation Land Claim Number 59 in said city and range; thence North along the East line of said donation land claim 1284 feet; thence East to a point of intersection with the East line of the Oregon and California Railway Company's right-of-way; thence southeasterly along and on such East line of said right-of-way to the intersection thereof with the North line of North "F" Street, as platted in the Springfield Investment and Power Company's addition to the City of Springfield, thence East on such North line of said street to the point of intersection thereof with the center line of Third Street, as the same is platted in said addition; thence northerly on such center line of Third Street, extended, to the point of intersection of such line with the South line of the County Road on the North line of the B. F. Powers Donation Land Claim Number 48 in said city and range; thence easterly and northerly on and along such County Road to the intersection thereof with a line drawn through the center of the west half of Section Twenty-five (25), from North to South, in said city and range, thence South on such line, through the center of the southeast Quarter of said section to the South line thereof; thence East on the line between Sections Twenty-five (25) and Thirty-six (36) in said city and range, Twenty (20) chains to the "Quarter" corner on said line; thence South on the center line through said Section Thirty-six (36) to the center of the Mill Race; thence northwesterly down the center of the Mill Race to the point of intersection with the East line of Fourth Street in the City of Springfield; thence South on such line to a stone corner, which is 184.65 feet South of the South line of South "C" Street in said city; thence South 73 degrees 15 minutes East 1000 feet; thence South 600 feet; thence West to the center of the Willamette River; thence northwesterly down the center of said river to a point due South of the place of beginning.

CHAPTER II. OF THE GOVERNMENT OF THE CITY.

Section 1. The power and authority given to the municipal corporation of the City of Springfield by this act is vested in a Mayor and Common Council, and their successors in office.

Section 2. The Councilmen shall compose the Common Council of the City of Springfield, and said officers shall be elected by the qualified voters of said city, at the same time as other officers are elected.

Section 3. The elective officers of said city shall be one Mayor, who shall be ex-officio President of the Common Council, four Councilmen, one Recorder, who shall be ex-officio Clerk of the Common Council, and one Treasurer.

Section 4. The Mayor shall be elected for four years, and shall hold his office thereafter until his successor be elected and qualified.

Section 5. The members of the Common Council shall be elected for four years, and shall hold their offices until their successors are elected and qualified.

Section 6. The Recorder and Treasurer shall each hold his office for the term of two years, and until his successor is elected and qualified.

Section 7. All officers of the City of Springfield in office when this act takes effect shall hold their offices until their terms of office for which they were elected expire, and until their successors are elected and qualified.

Section 8. The appointive officers of the city shall be as follows: one City Attorney, one Street Commissioner, one City Surveyor, one Marshal, who shall be Chief of Police, and a suitable force of police and night watchmen, all of whom shall be appointed by the Mayor, with the consent of a majority of the Common Council, at the first meeting following each biennial election, and shall hold their respective offices for two years, unless removed from office by the Common Council or Mayor, as in this act otherwise provided, and until their successors are elected and qualified. The duties of the several appointed officers shall be such as the Common Council may by ordinance prescribe.

Section 9. No person shall be eligible to any office, elective or appointive, in the corporation, who at the time of his election or appointment is not entitled to the privileges of an elector under the constitution of this state.

Section 10. The Mayor shall fill all vacancies in the appointive offices of said city by appointment, with the consent of a majority of the Common Council.

CHAPTER III. THE MAYOR: HIS POWERS AND DUTIES.

Section 1. The Mayor shall be the executive officer of the corporation, and must exercise careful supervision of its general affairs and subordinate officers. He shall have the power to call meetings of the Common Council and shall preside at their meetings. He shall have no vote except in case of a tie. He shall, at least once in each year, state to the Common Council the condition, financial and otherwise, and recommend such measures for the peace, health, improvement, and prosperity of the city as he may deem expedient. He shall at the first meeting of the Common Council after each general election appoint three members of the Council upon each of the following committees, to-wit: (1) Judiciary; (2) Finance; (3) Streets; (4) Fire, Water, and Sewer; (5) Health; (6) Printing and Police. Each of said committees shall have general power and supervision over the different subjects pertaining to its department, and such further powers and duties as may be prescribed by ordinance or assigned it from time to time by the Council.

Section 2. No ordinance passed by the Council shall go into force or be of any effect until approved by the Mayor, except as provided in the three succeeding sections.

Section 3. Upon the passage of any ordinance the enrolled copy thereof, attested by the Recorder, shall be submitted to the Mayor by the Recorder, and if the Mayor approves the same he shall write upon it "Approved," with the date thereof, and sign his name of office, and thereupon, unless otherwise provided therein, such ordinance shall become a law and be of force and effect. All ordinances shall be published once after their passage in some newspaper of general circulation in the City of Springfield.

Section 4. If the Mayor do not approve of an ordinance so submitted, he must, within ten days of the receipt thereof, return the same to the Recorder with his reasons for not approving it, and if the Mayor do not so return it such ordinance shall become a law as if he approved it.

Section 5. Upon the first meeting of the Council, after the return of any ordinance from the Mayor not approved, the Recorder shall deliver the same to the Council with the message of the Mayor which must be read, and such ordinance shall then be put upon its passage again, and if three-fourths of all members constituting the Council, as then provided by law, vote in the affirmative it shall thereupon become a law, without the approval of the Mayor, and not otherwise.

CHAPTER IV. OF OTHER CITY OFFICERS.

Section 1. The Recorder shall be the Judicial officer of the city and shall have jurisdiction of all offenses against the city or any ordinance thereof, and may fine or commit persons found guilty thereof, and shall hold a court therein at such place as the Council shall designate or provide, which said court shall be known and designated as the "Recorder's Court." He shall have authority to issue process for the arrest of persons accused of any offense against the ordinance or laws of the city, and may commit such persons to imprisonment, or admit them to bail pending trial; to issue subpoenas to compel witnesses to appear and testify if any cause before him and to compel obedience thereto; to issue any and all process necessary to carry into effect the judgment or effect of the Recorder's Court. All civil and criminal proceedings in the Recorder's Court for the violation of city ordinances or offenses against the city are governed and regulated by the general laws of the state governing justices of the peace and justice's courts, except that the accused shall not have the right of trial by jury, unless he demand the same before any witnesses are sworn on the trial of the cause, and shall pay the jury fee for one day and give security for the payment of all costs in such sum as may be designated by the Recorder, not exceeding \$100, with one or more sureties, who shall justify in the sum of \$200 over and above all debts and liabilities, exclusive of property exempt from execution, or in lieu thereof deposit with the Recorder as security for the costs

such sum as he may designate, not exceeding \$100.

Section 2. The Recorder shall have jurisdiction and authority of a Justice of the peace within the limits of the City of Springfield, in both civil and criminal matters, and when exercising such jurisdiction and authority shall be subject to all the general laws of the State prescribing the duties of a Justice of the peace and the mode of performing the same; his duties as Clerk shall be prescribed by the Common Council.

TREASURER.

Section 3. The Treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

Section 4. The Treasurer must make a report to the Council of all moneys received and expended whenever required by the Council.

Section 5. The Common Council may prescribe such additional rules and regulations for the Recorder and Treasurer, not inconsistent with this act, as they may see fit.

POLICE

Section 6. The Mayor, with the consent of the majority of the Common Council, shall have power to appoint a Marshal and a suitable force of regular policemen and night watchmen, or to remove or suspend the Marshal, night watchmen or any member of the police, for any cause which he may deem sufficient, to be stated in the order of removal or suspension; and the Common Council may make all necessary and convenient rules and regulations for the organization and conduct of said police force.

CHAPTER V. OF ELECTIONS

Section 1. The Common Council shall have authority within the limits of the City of Springfield to provide the manner of conducting elections and canvass votes cast thereat, and to fill vacancies in office.

Section 2. No person shall be entitled to vote at any municipal election who has not been a resident of Springfield for the thirty days next preceding such election, and who is not a qualified legal voter in this State, or who shall have refused to pay any fine imposed upon him by a court of said city.

Section 3. At any city election immediately after the votes have been counted and the canvass completed in the manner provided or to be provided by the Common Council, the Recorder must make and issue a certificate of election to each person declared by the canvassers to be elected and deliver the same to him on demand; such certificate shall be prima facie evidence of the facts therein stated; but the Common Council is the final judge of the qualifications and the election of the Mayor and its members, and in case of a contest between two or more persons claiming to be elected there-to, must determine the same.

Section 4. A contest election for any officer other than Mayor and Councilmen must be determined according to the law of the State regulating proceedings in contested elections in county offices.

Section 5. All laws of this State regulating and governing general elections and proceedings and matters incidental thereto, shall apply as far as applicable to and govern elections under this act, except as herein otherwise provided.

Section 6. All officers elected or appointed under this act before entering upon the duties of their office must take and file with the Recorder an oath of office to the following effect: "I, A. B., do solemnly swear (or affirm) that I will support the constitution of the United States, and of his State, and that I will, to the best of my ability, faithfully perform the duties of the office of _____ during my continuance therein, so help me God." If the person affirms, instead of the last clause of said oath, there must be added: "And this I promise under the pains and penalties of perjury."

Section 7. The general election for said city shall be held biennially at such place as the Council may designate on the first Tuesday after the first Monday in November at the time of the general election.

Section 8. The term of office of all officers elected at any general election in said city shall commence on the first day of January after said election.

Section 9. The Recorder shall give ten days notice by publication in some newspaper published in the City of Springfield, or by posting notices thereof in three public places in said City of Springfield.

CHAPTER VI. OF VACANCIES IN OFFICE

Section 1. An office may be declared vacant upon the death or resignation of the incumbent, or upon such incumbent's ceasing to possess the qualifications of an elector. The office of Mayor may be declared vacant whenever the incumbent thereof shall be absent from the City for a period of sixty days; provided, that the Common Council may grant to the Mayor leave of absence not exceeding ninety days. The office of Councilman may be declared vacant whenever any incumbent thereof shall fail to attend two regular consecutive meetings of the Council, unless absent upon leave from the Council first obtained. All other city offices may be declared vacant whenever the incumbent shall be absent from the city for a period of thirty days; provided, that the Council may grant said officer leave of absence for a period not exceeding sixty days.

Section 2. The Common Council may remove or suspend from office any officer of the city, other than the Mayor or Councilmen, for a violation of duty, or neglect or refusal to perform the same; the grounds of such action to be stated in the order of removal or suspension.

CHAPTER VII. OF THE COMMON COUNCIL: ITS POWERS AND DUTIES

Section 1. At the first regular meeting of the Council, in January after each general election, or as soon thereafter as practicable, the Council shall choose by ballot one of its members to preside over the Council and perform the duties of Mayor, in the absence of the Mayor from the city, or if he be for any cause unable to act, said President of the Council shall have and exercise the powers and perform all the duties of Mayor.

Section 2. The Mayor and members of the Common Council shall receive no pay for their services, and the compensation of other officers shall be provided for by the Common Council.

Section 3. No member of the Common Council shall, during the period for which he is elected, be interested in any contract the expenses of which are to be paid out of the city treasury.

Section 4. A majority of the members of the Common Council shall constitute a quorum to do business but a less number may meet and adjourn from time to time and compel the attendance of absent members.

Section 5. The Common Council of said city shall not in any way create any debts or liabilities which shall singly or in the aggregate exceed the sum of \$2,500, nor shall the Common Council borrow money on the faith of the city, or loan the credit thereof, or both, to exceed in the aggregate the sum of \$2,500, except as in this act otherwise specially provided.

Section 6. The Common Council shall have authority to establish and adopt rules and by-laws governing their own proceedings and the conduct of any elective or appointive officers, and may punish any member or other person for disorderly behavior in their presence. Their proceedings shall be public and in case of any vacancy in any elective office the Common Council shall have power, and are required to fill such vacancy by appointment.

Section 7. The style of the enacting clause of every ordinance shall be: "The City of Springfield does ordain as follows."

Section 8. In the absence of the Recorder, or if he be from any cause unable to act, the Mayor may designate any person having the qualifications of a Recorder to act in his stead, who shall forthwith take the oath of office and perform the duties of Recorder during such temporary absence or inability and he shall receive the same salary as the Recorder, to be deducted from the salary and fees of that officer; and the order of the Mayor appointing such person shall be filed in the office of the Recorder.

Section 9. The Council may provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto, but its regular meeting must be held at least once in each month.

Section 10. The Council must keep a journal of its proceedings, and on the call of any two of its members must cause the yeas and nays to be taken and entered in its journal; but upon a motion to adjourn its yeas and nays shall not be taken unless upon call of three members.

Section 11. A member of the Council for words uttered in debate therein shall not be liable or questioned therefor in any other place.

Section 12. The Common Council shall have power and authority within the City of Springfield to provide for the punishment of all violations of the city ordinances by fine, or fine and imprisonment; but no fine shall exceed \$200, or imprisonment more than one hundred days.

Section 13. When any person shall be convicted of an offense under any law of said city, and shall be adjudged to pay a fine and costs, and shall fail to pay the same, he may in addition thereto be sentenced to labor for one day to each \$2 of said fine and costs on the streets or public works of said city, under the charge of the Marshal or other public officer, and the Common Council may provide such fetters and manacles as may be necessary to secure such person during such term of labor.

Section 14. The Common Council shall have power and authority within the corporate limits of the City of Springfield:—

- To levy and collect taxes for general and municipal purposes on all property, both real and personal, within the city limits which is taxable by law for state and county purposes.
- To provide for the survey of blocks, streets and alleys of the city, and for making and establishing the boundary lines of said blocks and streets; for the naming of the streets and widening and straightening the same, and numbering houses thereon.
- To regulate slaughter-houses and provide for their exclusion from the city limits or from any part thereof.
- To prohibit the throwing of any filth, garbage, or other impurities or material of any kind into the Willamette River or into any other water or stream within the city limits, or any other act by which the water supply of the city might be contaminated, or the general health of the inhabitants impaired.
- To establish hospitals and to prevent the introduction and spread of contagious and infectious diseases in the city, and to remove or quarantine persons afflicted therewith.
- To provide for the removal of standing water and offensive substances and to prevent streams from overflowing their banks.
- To fill up or drain any lots or blocks where stagnant water stands,

and make the costs thereof a lien upon the property, to be collected in like manner as for street improvements; but in such case the same must be reported to the Council and the necessity thereof declared.

8. To prevent, regulate, prohibit and remove nuisances, and to declare by ordinance what shall constitute the same, and to make the expense of abating such nuisance a lien upon the property where such nuisance exists.

9. To provide for the establishment, equipment and maintenance of a fire department and fire companies, and for their regulation and for the purpose of procuring funds with which to purchase a fire truck, and apparatus and equipment for the same, the city Council is hereby authorized and empowered to borrow on the faith and credit of the city a total sum of money not to exceed \$7,000 and to cause to be issued and sold its general obligation coupon bonds bearing interest at a rate not to exceed six per centum per annum, the principal thereof maturing in not to exceed five years from their date, and to provide by taxation of all property within the corporate limits of the city a sinking fund to retire said bonds at their maturity, and to pay the accruing interest thereon. The bonded indebtedness herein provided shall be in addition to any and all other bonded indebtedness, heretofore and that may be hereafter incurred by the city under the existing charter and amendments.

10. To provide for the prevention and extinguishment of fires; to appoint fire wardens and prescribe their duties, and to compel any and all persons present to aid in the extinguishment of fires and the preservation of property exposed to danger in time of fires, and by ordinance to prescribe such other powers as may be necessary on such occasions; to construct cisterns for water for the extinguishment of fires.

11. To regulate the storage of gunpowder, giant powder, dynamite, nitroglycerine, and other combustible materials; the use of candles, lamps and other lights in shops, stables and all other places; to prevent, remove, or secure any fireplace, stove, or other apparatus which may be dangerous in causing fires; To regulate and prescribe the manner of building partition and party walls and fences.

12. To determine and prescribe the manner and size of all places of entrance and exit from all public halls, churches, theaters, schools and all other buildings used for public gatherings, and the mode of hanging the doors thereof.

13. To establish fire limits of the City and prescribe the kind of building to be constructed therein; to prohibit and regulate the erection and repair of wooden buildings within such fire limits, and to restrain and limit the height of buildings within such limits.

14. To regulate and prohibit the running at large of poultry and domestic animals within the city limits, and to impound and sell the same, and to prevent the discharge of firearms in said city.

15. To regulate the rate of speed upon all railroads or other roads within the corporate limits, and to prevent fast and furious riding or driving upon the streets and alleys therein.

16. To prevent and restrain any riot, noises, disturbances, or disorderly assemblages in any place within the corporate limits; to regulate and prohibit the carrying of deadly weapons in a concealed manner.

17. To say by ordinance whether or not any bicycle, tricycle, or similar wheeled vehicle, or any steam engine or portable steam or traction engine, or harvesting header or reaper, or other harvesting machinery, shall be driven through in running order or publicly conveyed through any street or alley of the city, and to designate upon what, if any, street or streets or alley the same may be done or prohibited.

18. To license, tax, regulate and restrain dance halls, billiard tables, pool tables, pigeon-hole tables, or any table where balls and cues are used, bowling alleys, shooting galleries, card tables and card rooms, and all places of public amusement maintained and conducted for profit.

19. To prohibit any person or persons within the corporate limits of Springfield from selling or giving away any spirituous, malt, or vinous liquors to any minor or person under the age of twenty-one years, and to prohibit any person or persons from in any manner, directly or indirectly, selling or giving away, through an agent or employe or otherwise, any cigarette, cigar, smoking tobacco in any form to any minor under the age of twenty-one years.

20. To define who are common drunkards; to prohibit the selling or giving away of any intoxicating liquors to any such common drunkards and to fix the penalty thereof.

21. To restrain or prohibit the smoking of opium, or the running of opium houses or places for smoking opium; to define what is an opium house or place for smoking opium, and to punish the keeper or proprietor thereof, and opium smokers and frequenters of such houses.

22. To restrain and prohibit bawdy houses and houses of ill-fame, and to define the same; to punish whores, lewd women, and women of ill repute; to punish any person who loiters about or inhabits or frequents a house of ill-fame or ill repute, or lives with a whore or prostitute woman or woman of ill repute.

23. To define and prohibit unlawful gaming and gambling, and to suppress gaming and gambling houses, and punish persons found guilty of gambling or unlawful gaming, or keeping or owning such houses.

24. To define vagrancy and punish vagrants, and to provide for the support, restraint, punishment, or employment of vagrants and paupers.

25. To regulate and prohibit any and all stores, shops, theaters, public halls, and places of public entertainment and amusement, billiard halls, or other business houses or places from keeping open on Sunday.

26. To license, tax, regulate, restrain and prohibit laundries, brokers, pawnbrokers, and money changers, drummers, commercial travelers, hotel runners, auctioneers, taverns, hawkers, and peddlers and the selling of goods by sample, and to define what shall constitute the same.

27. To establish, license, tax, and regulate market houses and places for the location of the same.

28. To regulate, license, tax, and prohibit the keeping of stallions and other animals kept for breeding purposes.

29. To control and regulate the manner of constructing awnings and advertising signs and sidewalks and compel repairs and changes in signs, awning and sidewalks already constructed, at the cost of the owner or owners thereof.

30. To control and regulate the manner of setting out ornamental trees and shade trees within the streets or public property or parks of the city.

31. To regulate and control the construction and location of all telegraph, electric light, and telephone lines, and telegraph, electric light, and telephone poles, and all electric and other apparatus for lighting streets and public buildings in said city, and of laying of water mains and pipes; to control the manner of constructing and the location of gas mains and pipes.

32. To control the manner of constructing and the location of street-car and bus lines and the manner of operating the same, and to fix the rate of fare thereon.

33. To control and regulate the manner in which public carriers operate and manage their conveyances, automobiles, motor trucks, or other vehicles, and the shape and width of tires to be used on the wheels of the same, and to tax and license such carriers.

34. To regulate the weights and measures within the city limits.

35. To provide a tax on dogs and other domestic animals within the city and to enforce the collection of the same, and to collect or otherwise dispose of dogs and other domestic animals when such tax is not paid.

36. To provide for vacating any street or alley upon the petition or abutting upon such street or alley, or the part thereof to be so vacated, or with the consent of three-fourths of all the owners of property attaching or abutting upon such street or alley, or the part thereof to be so vacated.

37. To build culverts, bridges and sewers.

38. To provide for the lighting of the streets, alleys and public buildings of the city.

39. To provide water for the city.

40. To appropriate for any item of the city expenditure, and provide for the payment of the debts and expenses of the city.

41. To divide the city into wards, and to prohibit any elector from voting in any ward in which he does not reside.

42. To provide judges and clerks of elections, and the manner of their appointment and compensation.

43. To provide penalties for the violation of any ordinance which said Common Council is authorized to pass.

44. To establish and regulate a police force, and to impose fines, forfeitures and penalties.

45. To purchase, take and hold real property when sold for a delinquent tax or assessment levied upon or imposed under the authority of the City of Springfield, and to sell and dispose of the same.

46. To license, tax, and regulate all such callings, trades, and employments as the public good may require to be licensed, taxed or regulated, and as not prohibited by law.

47. To license, tax, and regulate junk dealers and dealers in second-hand merchandise.

48. To license, tax, and regulate and restrain theatricals and other exhibitions, shows and other public amusements and shooting galleries.

49. To prevent and punish trespass upon real or personal property.

50. To provide for the prevention and removal of all obstructions from the streets, alleys, crosswalks and sidewalks, and for the cleaning and repairing of the same.

51. To restrain and punish intoxication, quarreling, and disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

52. To regulate and prohibit the use of guns, pistols, and firearms, air guns and sling shots, fire works of all kinds, firecrackers, bombs, and detonating works of all description.

53. To regulate the driving of stock through the streets and alleys.

54. To prevent cruelty to animals within the city limits.

55. To permit, allow and regulate the laying down of tracks for street-cars or other railways upon such street or streets as the Council may designate.

56. To regulate and prevent public criers and advertising noises, steam whistles, ringing bells, and to control and limit traffic within the city limits.

57. To prohibit the exhibition of deformed or crippled persons, and to prevent such persons from begging.

58. To provide for the cleaning and sprinkling of the streets and