

PROPOSED NEW CHARTER FOR THE CITY OF HEPPNER

(Continued from Page Two)

houses, laundries and dairies, and all other offensive trades, occupations or business.

(27) To regulate the plumbing, drainage and sewerage of buildings and the use of steam boilers and steam generators; gas and gas fixtures; to provide for the registration of all plumbers and all gas fitters and all stationary engineers; and to regulate electric wiring and to cause the same to be removed.

(28) To compel all persons erecting or maintaining privies, water closets, sinks, drains, or cesspools within two hundred and twenty feet of any street or alley in which a sewer has been or may hereafter be constructed, to connect the same therewith, at his own cost and expense, and to provide by ordinance that, when the person erecting or maintaining said privies, water closets, cesspools, sinks, or drain, neglects or refuses after ten days notice in writing by the Recorder or Chief of Police to so connect the same, with said sewer, the City may make such connections and assess the cost thereof against the property on which such privy, water closet, cesspool, sink, or drain is situated, and make the cost of such connection a lien upon the property. Such lien may, upon order of the Council, be entered in the Lien Docket of City liens and thereafter collected in the manner of assessments for street improvement, or in such other manner as the Council may direct.

(29) To regulate the construction of, care, use and management of hotels, tenement houses, theaters, shows, lodging houses and cellars for the better protection of the lives and health of the inmates dwelling therein and others.

(30) To regulate and provide for and determine the number and size of all places of entrance and exit from all theaters, public halls, places of amusements, churches and other buildings used for public gathering and the mode of hanging doors thereat.

(31) To prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal by tearing down of the same wherever situated within the City.

(32) To prevent the erection or moving of buildings within the City limits which shall be dangerous to the passerby or to the adjacent property or an obstruction to public travel; and in case any building or structure shall become dangerous to the passerby, the Council shall have the power to cause the same to be removed or made safe at the expense of the property upon five days notice to the owner thereof or his agent, and to determine by Resolution when the same is dangerous. Such expense shall be made a lien upon the property upon which said building or structure is situated. Such lien may upon order of the Council be entered in the City Lien Docket, and thereafter be collected in the manner as provided for the collection of assessments for street improvements, or may be collected in such other manner as the Council may direct.

(33) To define the fire limits and to prohibit the erection or repair of wooden buildings within the fire limits; to regulate the height, construction, inspection and repair of all private and public buildings within the City; and to create the office and define the duties of building inspectors, to establish sidewalk districts and to determine the character of sidewalks to be built or constructed in any of such districts and to specify the time at the expiration of which all sidewalks shall be of a specified character.

(34) To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings.

(35) To regulate or prevent the storage, manufacture and sale of dangerous explosives, or combustible material, including gunpowder, dynamite, giant powder, calcium carbide, nitro-glycerine, oil, gas, and gasoline and to provide for inspection of same; to prevent by all proper means all risks of injury or damage by fire arising from negligence or otherwise.

(36) To regulate the transportation of gunpowder, dynamite, nitro-glycerine and other combustible and explosives through the streets of the City.

(37) To regulate and prohibit the use of all guns, pistols, and firearms, missile weapons, fire works, fire-crackers, bombs and detonators of all descriptions.

(38) To regulate public orators, advertising notices, steam whistles, ringing of bells and playing of bands, and musical instruments in public places and resorts, and to prevent the same.

(39) To regulate, prevent and prohibit the erection, maintenance or display of sign boards and bill boards, and of sign posters, or other advertising matter which are offensive, improper, unsightly, indecent, lascivious or obscene upon, along or near the sidewalks, streets or public places. To regulate and prohibit the erection and hanging of banners and placards or flags in or across the streets or from houses or other buildings.

(40) To regulate the driving of horses, cattle, sheep, hogs, and other animals and livestock through the streets.

(41) To restrain and regulate the keeping of all fowls, and domestic animals, and to prevent any and all fowls or domestic animals from running at large within the City or any part thereof, and to punish those who allow such fowls or animals so to run; to provide for the impounding of the same and also to provide for the sale of such fowls or animals upon five days notice.

(42) To regulate and restrain the keeping and running at large of dogs; to punish those persons who allow their dogs to be unlicensed or to run at large against the regulations established, and to provide for the impounding of dogs and for the killing of the same when kept in violation of such regulations, or on which no license has been obtained or tax paid provided by the Council.

(43) To protect the public from injury by run-aways, by punishing persons who leave horses or other animals in the streets without being fastened; to provide the place or manner in which horses or carriages standing upon the public streets, thoroughfares, in public places shall be fastened and secured.

(44) To provide for the punishment by fine not exceeding \$100.00, or by imprisonment not exceeding fifty days, of any person or persons who may wilfully, wrongfully or maliciously injure, deface, interfere with or destroy any private property or property belonging to the City or in which the City has an interest, right or estate, and to provide that the Municipal Court of Heppner shall have jurisdiction to enforce such punishment or punishments.

(45) To tax, license, regulate, restrain or prohibit the sale of spirituous, vinous, or malt liquors.

(46) To prevent and suppress gambling and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress opium smoking and houses or places kept therefore and punish any keeper of such house or place, or who smokes opium therein or frequents the same; to prohibit the sale of cigarettes, cigars and tobacco to minors.

(47) To prevent the sale and circulation and disposition of obscene literature, including books, papers, prints, pictures and the like and to punish any person who sells or offers to sell, or who circulates or disposes of such literature, book, paper, print, picture and the like.

(48) To prevent trespassing and punish trespassers upon real or personal property.

(49) To restrain intoxication, fighting and quarrelling, any disturbance or unlawful or indecent practice, and to define what shall constitute the same, and to provide punishment for persons committing the same.

(50) To prevent and restrain any riot, noise, disturbance or disorderly assemblage in any street, house or building or place within the City.

(51) To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.

(52) To prohibit persons from roaming the streets at unreasonable hours, and to define what shall be unreasonable hours.

(53) To prohibit the carrying of dangerous weapons in a concealed manner.

(54) To prohibit and prevent cruelty to children and animals, and to punish persons guilty thereof.

(55) To prohibit the exhibition of deformed and crippled persons, and to prohibit persons from begging upon the streets and public places.

(56) To establish, change, discontinue or re-establish City Jails, Workhouses, and Houses of Detention.

(57) To regulate public dance halls and public dancing and skating rinks; and to prohibit any person or persons from engaging in any immoral dance or dances, and to define the same.

A public dance hall is hereby defined for the purpose of this Act to be any building room, hall or other place which is kept or used for public dancing or in which compensation is paid directly or indirectly to the owner, proprietor, manager or operator thereof, where men and women are permitted to engage in dancing.

(58) To license, tax, regulate, suppress and prohibit theatrical and other exhibitions, shows, amusements, tipping houses, billiard tables and other tables upon which balls and cues are used, bowling alleys and shooting galleries, rendering houses and pig pens.

(59) To license, tax and regulate auctioneers, ordinaries, wash houses, livery and feed stables, feed yards, drays, hacks, wagons, and other vehicles, hawkers, peddlers, money changers, solicitors, and retail vendors of goods by sample or future delivery and to define what shall constitute the same.

(60) To lay out, establish, vacate, widen, open and extend streets or parts of streets and alleys or parts of alleys in said city; and to lay out, establish, erect construct and maintain side-walks, sewers, ditches, curbs and gutters and any or all public grounds or works provided for in this Act.

(61) To regulate, restrain and prevent obstructions within or upon the public streets, alleys, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstruction upon five days notice being given.

(62) To provide for the construction, cleaning and repair of sidewalks, and curbs adjacent to lots, blocks or parcels of land, by the owner thereof, and for making, cleaning, or otherwise improve, clean and keep clean and in repair streets, alleys and sidewalks, either at the expense of the owner of the adjacent property or at the general expense of the City, or both, and to establish, alter and regulate the grade thereof; provided, that if sidewalks are to be constructed, cleaned or repaired at the expense of the owner of the adjacent property, the same shall be done in accordance with such regulations as to mode and method of construction and material used as the Common Council may adopt by ordinance.

(63) To control and limit the speed and traffic on the streets, alleys and elsewhere in the City.

(64) To regulate the use of sidewalks, prevent the extension of building fronts and house fronts over the street line and to prohibit the building and use of barbed wire fences, to regulate the limits within which it shall be lawful to erect steps, porches, bay windows or structural ornaments to houses and buildings fronting on any street, alley or lane of the City.

(65) To regulate the opening of street surface, the laying of gas, water and sewer mains and pipes, and the erection of gas, electric or other lights, and poles and the repairing and maintaining of the same.

(66) To prohibit and regulate the planting and use of trees such as may be detrimental to the sidewalks, curbs and gutters or sewers, and to cause such trees to be cut down or removed.

(67) To cause and provide for the survey of the boundaries of the City and all streets, lots and blocks within such boundaries, and to have plats made for the same and adopt such plats as official plats of the City for City purposes; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any lot, block or tract of land within the City not lettered, numbered or otherwise designated. A certified copy of such ordinance shall be transmitted by the Recorder to the recording officer of Morrow County, Oregon, for record.

(68) To regulate and change the numbering of houses and lots on the streets and avenues and naming of streets and avenues within the City.

(69) To provide a series of conduits under the streets, lands, alleys and public places of the City or any part or parts thereof, when deemed necessary, for the use of telephone, telegraph, electric and other wires, or for other purposes either by constructing such conduits itself or authorizing their construction by others upon such terms and conditions as the Council may impose, and to regulate and control the use of such conduits and to establish reasonable rentals to be paid by any person or company using any of such conduits for the use thereof by whomsoever the same may be constructed, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper.

(70) To provide and compel by ordinance, the owners of lots or parcels of land to make such improvements and repairs and build, construct and repair sidewalks, sewers, ditches, curbs and gutters of such material as the Council may determine, adjacent to, or abutting upon such lot or parcel of land, at the expense of such owner, and to provide for the selling of such lots or parcels of land adjacent to or abutting upon which any such work or improvement may be constructed or made, for the purpose of paying the costs of the same and the costs and expenses of sale thereof, and to provide the manner in which such improvements shall be made and the expense thereof, which shall be assessed and collected in the manner provided for in this Charter.

(71) To provide for the disbursing of all moneys to which the City is or may become entitled to by law or which may be assessed or authorized to be collected for City purposes within said City.

(72) To borrow money on the faith of the City or loan the credit thereof, or both, for purely municipal purposes; provided, that the money so borrowed shall not create a City indebtedness in excess of Fifteen Thousand Dollars, except as otherwise provided for in this Charter, and as evidence of such indebtedness the Council may cause warrants to be issued, or such other evidence as they may deem advisable; and provided further, that all moneys so borrowed shall be authorized by an ordinance providing for the same, which ordinance shall state the amount of money necessary to be borrowed, the purpose or purposes for which such money is needed, the time within which the same shall become due, and the rate of interest thereon.

(73) To establish fire companies and regulate the same; to provide fire apparatus, and to appropriate money for the same.

Section 50. The powers and authority given to the Council by this Act, and the means and manner of execution thereof has not been provided for by this Charter, such powers, authority or duty may be done or performed in such manner and through such means as the Council may prescribe by ordinance or resolution, according to the nature of the case.

CHAPTER IV.

EXECUTIVE DEPARTMENT.

Article I.

The Mayor—His Powers and Duties.

EXECUTIVE POWER WHERE VESTED:

Section 51. The executive power of the City of Heppner shall be vested in the Mayor, and in such Boards, Departments, Municipal Officers and Employees as may be prescribed by this Charter, and Ordinances not inconsistent with this Charter.

MAYOR, QUALIFICATION OF:

Section 52. The Mayor must have been a resident of the City of Heppner for at least one year next preceding his election or appointment to such office; he shall also be the owner of real estate in the City of Heppner, and shall be at least twenty five years of age. He shall also be and have the qualifications of an elector of the State of Oregon, and shall be elected by the people and shall hold office for a period of two years, and until his successor is elected and qualified.

SALARY OF MAYOR:

Section 53. The Mayor of the city of Heppner shall receive for his service as Mayor such compensation as the Common Council may prescribe by ordinance.

DUTIES OF MAYOR:

Section 54. The Mayor shall exercise a careful supervision over the general affairs of the City and its subordinate officers. It shall be his duty from time to time to make such recommendations to the Council as he may consider to be for the welfare of the City. On or before the last regular meeting in December of each year, he must communicate, by message to the Council, a general statement of the condition and affairs of the City.

MAYOR—PRESIDE OVER COUNCIL:

Section 55. The Mayor shall preside over the Council, when in session and shall have authority to preserve order, to enforce the rules of the Council, and to determine the order of business, subject to such rules, but shall have no vote except in case of a tie vote, when he shall cast the deciding vote on all questions except on the passage of ordinances. He shall perform such other duties and exercise such other authority as may be prescribed by this Charter or by any City ordinance not inconsistent therewith, or any law of the United States and of the State of Oregon.

MAYOR TO CALL SPECIAL MEETINGS OF COUNCIL:

Section 56. The Mayor may call special meetings of the Council, and communicate to it the object for which the meeting is called.

APPOINTMENT OF OFFICERS:

Section 57. The Mayor shall appoint all officers, employees, and agents of the City created by this Charter or which may be created by ordinance or otherwise, whose appointment is not in this Charter otherwise provided for, and at the first regular meeting of the Council in January of each year, the Mayor shall appoint one Chief of Police, one City Attorney, one City Engineer, and such other police officers as may be required from time to time, who shall each hold his office for one year, and until his successor shall have been appointed and qualified, unless sooner removed by the Mayor with the approval of the Council, or by a vote of the majority of the Common Council, except that police officers outside of the Chief of Police may be appointed for a shorter period, as exigencies may require. He may also appoint from time to time such other officers as may be required; but all appointments made by the Mayor, shall be with the consent and approval of the majority of the Council.

No person once rejected shall again be reappointed during any one term, except by the consent of a majority of the Council. All officers appointed by the Mayor and confirmed by the Council may be removed at any time by a vote at the discretion of the majority of the whole Council; and the Mayor may suspend any officer until the Council disposes of and acts upon the charges preferred against such officer.

MAYOR MAY INVESTIGATE OFFICERS AND ACCOUNTS:

Section 58. The Mayor with the consent of the Council may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for that purpose, the offices and

accounts of any department of the City or of any employee, and the official acts and conduct of any official or employee in the administrative service of the City, and the money securities and property belonging to the City in charge or in the possession of such department, officer or employee. For the purpose of ascertaining the facts in connection with such examination, the Mayor shall have full power to compel the attendance of witnesses, to administer oath, and to examine such persons as he may deem necessary.

MAYOR MAY SUSPEND DURING INVESTIGATION:

Section 59. The Mayor shall have power to suspend, pending an official investigation, any appointive officer of the City, or from any official defalcation or wilful neglect of duty, or official misconduct.

MAYOR EMPOWERED TO ENFORCE ORDER:

Section 60. The Mayor shall take all proper measures for the preservation of public order and the suppression of all riots and unlawful assemblage, for which purpose he may use, command and compel the police force or any person to assist. In case of emergency the Mayor may appoint temporary policemen for a term not exceeding ten days, and the appointment shall be filed with the Recorder in case such appointment is for a period of not less than five days. Such temporary officers shall receive such compensation as the Council may prescribe.

MAYOR TO ENFORCE CONTRACTS AND AGREEMENTS:

Section 61. The Mayor shall see that all contracts and agreements made with the City and for its use and benefit are faithfully kept and performed, and to that end shall cause any legal or equitable proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreement with the City.

MAYOR TO INSTITUTE SUITS TO CANCEL FRANCHISES:

Section 62. The Mayor must upon a resolution passed by the Council directing him to do so, cause to be instituted, on behalf of the City, such actions or proceedings as may be necessary to revoke, cancel or annul any franchise that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City.

Article II.

DEPARTMENTS AND COMMITTEES.

MAYOR CHAIRMAN OF DEPARTMENTS:

Section 63. The Mayor by virtue of his office shall be a member of and Chairman of all departments that may be created by this Charter, or which may hereafter be created under it.

FIRE DEPARTMENT:

Section 64. The fire department of the City of Heppner shall be governed by such rules and regulations as may be created by ordinance not inconsistent with the laws of the State of Oregon, and to that end the Council shall have authority to provide fire engines and such other apparatus as shall be necessary for the extinguishment of fires.

POLICE DEPARTMENT—HOW ORGANIZED:

Section 65. The police department of the City of Heppner shall be appointed and organized by the Mayor. To that end the Mayor may make all necessary and convenient rules and regulations for the organization and conduct of the police force, for the care and management of the City Jail, for receiving and hearing complaints against any members of the force, and for the removal and suspension of any member thereof.

POLICE DEPARTMENT TO CONSIST OF CHIEF:

Section 66. The Police Department of the City of Heppner, shall consist of one Chief of Police, and such special or temporary policemen as may be appointed from time to time as provided for in this Charter.

BOND OF CHIEF OF POLICE:

Section 67. The Chief of Police before entering upon his duties, shall file a bond in such sum as the Council may direct, but in a sum of not less than One Thousand Dollars, with sureties or securities to be approved by the Mayor, that he will faithfully perform the duties of his office. The Chief of Police under the directions of the Mayor, shall have command and control of all special and temporary policemen, and must execute all processes issued by the Recorder, or directed to him by any magistrate in this State in criminal matters, he may make arrests for breach of the peace of the commission of a crime within the limits of the City, with or without a warrant, as peace officers do under the law of the State; he must exercise a vigilant control over the peace and quiet of the City; he shall keep a watchful care to prevent fires, and exercise like care over all property of the City and report to the proper authorities all waste of water, stoppage of sewers and all damages to City property.

DUTIES OF CHIEF OF POLICE:

Section 68. The Chief of Police shall at all times of the day and night, within the boundaries of the City of Heppner, preserve the peace, prevent crime, arrest offenders, protect rights of person and property, guard the public health, preserve order, remove nuisance existing in streets, roads, public places and highways, report all leaks or other defects in water pipes and sewers, and street lights not burning to the proper authorities, and generally obey and enforce all ordinances of the City and the criminal laws of the State of Oregon, and of the United States.

SALARY OF CHIEF OF POLICE:

Section 69. The Chief of Police of the City of Heppner, shall receive such salary as shall be prescribed by the Council.

OATH OF CHIEF OF POLICE:

Section 70. Before entering upon his duties the Chief of Police shall take and subscribe to an oath of office as provided for elsewhere in this Charter.

OTHER DEPARTMENTS:

Section 71. The Mayor with the consent of the Council may from time to time appoint such other boards and departments as they may deem necessary for the welfare of the City and prescribe their duties by ordinance.

APPOINTMENT OF COMMITTEES:

Section 72. The Mayor shall, at the first regular meeting of the Council in January of each year, appoint three members of the Council on each of the following committees:

Ways and Means, Health and Police; Elections, Licenses, Fire and Water, Streets and Public Property, Ordinances, and Finance. Who shall be and remain standing committees for one year and until their successors are duly appointed and qualified, and shall together with the Mayor, have general power and supervision over the different subjects pertaining to their department, and such further powers as may be prescribed by ordinance or assigned to them from time to time by the Council. The Mayor shall be ex-officio member of all these committees and shall exercise a general supervision over them.

CHAPTER V.

ADMINISTRATIVE DEPARTMENT.

Article I.

Recorder.

RECORDER, QUALIFICATION OF, AND TERM OF OFFICE:

Section 73. There shall be a Recorder of the City of Heppner, who shall have been a duly qualified voter of the City for at least one year next preceding his election; he shall be elected by the people and hold his office for a term of two years and until his successor is elected and qualified.

SALARY OF RECORDER:

Section 74. The Recorder of the City of Heppner shall receive such salary for his services as shall be determined by the Council.

DUTIES OF RECORDER:

Section 75. The Recorder shall be ex-officio clerk of the Council, and the accounting and clerical officer of the City; he shall be the custodian of the seal of the City, and shall keep a correct journal of the proceedings of the Council. He shall keep and preserve in his office all accounts, books, vouchers, documents, maps, plats, and papers relating to the accounts and contracts of the City, its debts, revenues and other financial affairs, and a record of all property owned by the City and the income derived therefrom, and shall perform such other duties required of him as such, and as may be prescribed from time to time by ordinance.

CERTIFIED COPIES OF PAPERS, MAPS, ETC.:

Section 76: The Recorder shall make certified copies of any papers, maps or transcripts or any record kept in his office when so required on the payment of fees therefor. The fees charged shall be the same as those provided for by this ordinance, and no charges shall be made for any copies, transcripts or certificates required or demanded by any official or board when such are needed for the official business of the City.

(Continued next week)