

PROPOSED NEW CHARTER FOR THE CITY OF HEPPNER

AN ACT

An Act proposed by the Common Council of the City of Heppner, Morrow County, Oregon, to enact, provide and adopt a Charter for the City of Heppner, Morrow County, Oregon, to be submitted to the legal voters of the City of Heppner, Morrow County, Oregon, for their approval or rejection at a special election to be held in said City, on the 20th day of December, 1918, and to repeal all acts or parts of acts in conflict therewith.

THE PEOPLE OF THE CITY OF HEPPNER DO ORDAIN AS FOLLOWS:
(Continued from last week.)

DAMAGES FOR CHANGING GRADE—HOW ASSESSED:

Section 135. When the grade of any street has once been established and any permanent improvements have been constructed on any lot abutting said street affected by such change of grade, the owner or owners of such improvements, during the time designated for filing objections or remonstrances, may file with the Recorder a claim of damage by reason of such change of grade, and such claim shall describe the land upon which improvements, stand and estimate of the value of said improvements, and of the damage which such change of grade will cause to said improvements, and said claims and all statements contained therein shall be sworn to by the party or parties owning said improvements and land, or by their agents or legal representatives. Thereafter, the Council shall appoint three disinterested freeholders of the City having the same qualifications as viewers for the opening, laying out and establishing streets, to estimate and determine the damages that will be sustained by the owners of improvements affected by said change of grade, and to assess the benefits accruing to the property benefited by such change of grade. The said viewers shall be appointed, and they shall qualify, and notice of their meeting and filing of their report shall all be done in the same manner as similar acts are done in the opening, laying out and establishing of streets. The said viewers shall include as part of the benefits assessed, the amount of their compensation for services, which shall be the sum of \$2.00, each for each day actually engaged in said services, but in no case shall the amount of said assessment of benefits exceed the actual benefit to the lot or parcel of land or other real property, so assessed, deducting therefrom any damages or injuries to the same parcel of land which are less than said benefits, nor shall any damages be awarded for any improvements erected prior to the establishment of a grade which is proposed to be changed and no award of damages to any person shall be greater than the amount claimed and sworn to by said persons as hereinbefore provided, and if in the judgment of said viewers the whole amount of said damages and compensation of said viewers shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report. The said viewers shall make a report of their findings of benefits and damages to the Council, and the same shall be heard, considered and adopted or set aside, and the assessment of benefits shall be levied, docketed and collected and kept in a separate fund, an appeal from said report may be taken, and the findings of the jury in such case shall be final and conclusive, all in the same manner and with the same effect as is provided in the manner of opening, laying out and establishing and changing of streets. When such assessment is fully collected, the Council, by ordinance, may change the grade of said street, and warrants shall be drawn upon the special fund so provided in favor of the person entitled to damages.

POWER OF COUNCIL EXTENDED TO LANES, ALLEYS, BOULEVARDS, ETC.

Section 136. The same power and authority granted by this Charter to the Council to open, lay out, establish and change the grade of streets, and to widen, alter, extend, vacate and close the same within the limits of the City of Heppner, and to appropriate and condemn private property therefor, are hereby granted to said Council to open, lay out, widen, alter, extend, vacate and close within the same limits, boulevards, avenues, lanes, alleys, bridges, bicycle paths, squares, parks, plats and public places, and to appropriate and condemn private property therefor and to establish and change the grade of each and like acts and proceedings as those authorized by this Charter, to be done and had by said Council, the officers of the City, their agents and employees and others, in the matter of opening, laying out, establishing, altering, widening, extending, vacating and closing streets, and in establishing and changing the grade thereof, are hereby authorized to be done and had by the Council, and officers and their agents and employees and others in the same manner and with the same effect and limitations in the manner of opening, laying out, establishing, widening, altering, extending, vacating, or closing boulevards, avenues, lanes, alleys, bridges, bicycle paths, squares, plats, parks and public places within said limits, and in establishing and changing the grades thereof as by this Charter provided for in case of streets.

THE TERM "STREET" DEFINED:

Section 137. The term "street" as used in this Charter shall be construed to mean any street, avenue, boulevard, alley or lane, which is now, or may hereafter be opened or dedicated to the public use.

Article IV.

Improvement of Streets and Assessments.

DEFINITIONS OF TERMS "IMPROVE," "IMPROVEMENT," AND "IMPROVING."

Section 138. The terms "improve," "improvement," and "improving," as used in this Charter in reference to streets, shall be construed to include all grading, paving, or repaving, plank or replanking, macadamizing, or re-macadamizing, graveling or re-graveling, and all manner of bridge work and roadway improvement or repair and all manner of constructing sidewalks, crosswalks, gutters and curbs, within any of the streets in the City of Heppner, or any part of any such street.

IMPROVEMENT BY PERMIT:

Section 139. Whenever the grade of any street has been established, the Council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property, according to such grade, under the directions of the Engineer employed by the City, at the expense of such owner or owners, but the authority mentioned in this section cannot be granted after notice has been given by the Council of intention to improve the street in front of such property. In giving such authority the Council may impose such terms and conditions thereon as may be necessary to secure the deposit of the earth or other matter excavated from the streets upon any part thereof which may be needed to fill, and to charge fee for said permits to cover any expense incurred by the City in the survey and inspection of the work to be done.

Section 140. The Common Council is authorized and empowered whenever it deems it expedient, to establish the grade of any street; to require the property owner along any street, alley, road or highway within the City limits, to improve the same, including intersections, by grading, graveling, macadamizing, paving, or other improvement, and to prescribe the kind of improvement and material to be used, and such power shall include the right to improve or build the sidewalks, pavements and curbing, and to tear up and improve any part thereof now or hereafter laid out and established within the corporate limits, to provide for the construction, cleaning and repaving of the same, and the construction and repair of side and cross walks adjacent to property, by the owner thereof and by the City at the expense of such owner, and to make such expense a lien upon the property benefited thereby, and to provide for everything necessary and convenient for the exercise of such authority; and to provide and prescribe rules and regulations not inconsistent with this Charter for the assessment of such power, and for making the expenses of any and all of such improvements, construction, alteration and repairs a lien on the property made therefor, and to determine what lots or parts thereof, or pieces or parcels of land are specially benefited by such improvements and the amount which each lot or part thereof, or piece or parcel of land is benefited. The cost of improving the intersections or where two or more streets intersect or cross each other shall be assessed to the property benefited or liable therefor, equally against the quarter of each block adjoining the intersection. The act of the Common Council in determining the amount for which each lot or part thereof, or piece or parcel of land is benefited by such improvement and liable for the assessment therefor shall be final and conclusive.

Section 141. The Common Council may on petition of at least ten freeholders of the City whose property will be effected by the improvement, or upon its own motion, if it deems it for the best interest of the public, by resolution or ordinance order the improvement of any street, alley, road or highway, or part thereof, within the corporate limits, including intersections, by grading, graveling, macadamizing, paving, or other improvement, and require the same to be made to conform to the established grade, and to be paved, graveled, macadamized or otherwise improved in the time and manner determined upon by the Council. Whenever the Common Council shall deem it expedient or necessary to improve any street, alley, road, or highway, or part thereof, including intersections, within the City of Heppner, it shall require from the City Engineer or other Engineer employed by them, plans and specifications for the kind of improvement determined upon, providing the Engineer shall

furnish plans and specifications for more than one variety of the kinds of improvements determined upon, and estimates of the work to be done and the probable cost thereof, and the said Engineer shall file such plans, and specifications and estimates in the office of the Recorder of the City of Heppner. If the Common Council shall find such plans, specifications and estimates to be satisfactory, it shall by resolution or ordinance approve the same, and shall determine the boundaries within which the property lies that is benefited and to be assessed for such improvement or improvements, and the action of the Council in determining what property is benefited and to be assessed for the cost thereof shall be final and conclusive. The Common Council shall by resolution or ordinance declare its purpose of making such improvement, describing the same and including such Engineers estimate of probable total cost thereof, and also defining the boundaries within which the property lies that is benefited and to be assessed therefor, and shall fix therein a date for hearing objections or remonstrances against said proposed improvement. The action of the Council in declaring its intention to improve any street, alley, road or highway, or part thereof, including intersections, directing the publication of notice thereof, approving and adopting the plans, specifications and estimates of the Engineer, and determining the boundaries within which the property lies that is benefited and to be assessed for such improvement or improvements, and the action of the Council in determining what property is benefited and to be assessed for the cost thereof shall be final and conclusive, and may all be done in one and the same act.

PUBLICATION OF RESOLUTION; NOTICES:

Section 142. The resolution or ordinance of the Council declaring its purpose to improve the street shall be kept of record in the office of the City Recorder, and he shall cause the same to be published for at least two successive weeks in a newspaper published in Morrow County, Oregon, to be designated by the Council. The City Recorder within five days from the first publication of said resolution shall cause to be conspicuously posted at each end of the line of the contemplated improvement a notice headed, "NOTICE OF STREET WORK," in letters of not less than one inch in length, and said notice shall contain in legible character a copy of the resolution of the Council, and the date of its adoption, and said Recorder shall keep on file in his office an affidavit of the posting of said notices, stating therein the date when, and the places where, the same have been posted.

REMONSTRANCES:

Section 143. Within twenty days from the date of the first publication of the notice required to be published in the preceding section, the owners of two thirds or more in area of the property within such assessment district may make and file with the Recorder a written objection to or remonstrance against said proposed improvement, and said objection or remonstrance shall be a bar to any further proceeding in the making of such improvement for a period of six (6) months unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor; provided, that if any such objection, remonstrance or petition shall be signed by the agent or attorney of any property owner, there shall be filed with the Recorder within the time provided for such remonstrance or petition the written authority for such agent or attorney to sign such remonstrance or petition, otherwise the signature shall be disregarded.

JURISDICTION OF COUNCIL—WHEN ACQUIRED:

Section 144. If no such objection or remonstrance be made and filed with the Recorder within the time designated, or if any remonstrance filed is not legally signed by the owners of two-thirds of the property affected, the Council shall be deemed to have acquired jurisdiction to order the improvement to be made, and the Council may thereafter any time within three months from the date of the final publication of its previous resolution by ordinance provide for making such improvement, which shall conform in all particulars to the plans and specifications previously adopted.

Section 145. The Common Council at the time specified in said notice, or at any such other time as it may adjourn the meeting to, shall hear and determine all objections that may be made by the owners of the property to be benefited and liable for the cost of such improvement, or improvements, and after such hearing the Common Council shall, if it decides to make said improvement, declare the same by resolution or ordinance, and shall specify in such resolution or ordinance with reasonable certainty the street, alley, road or highway, or part thereof, including intersections, to be improved, the kind of improvement, or improvements, the materials to be used and the manner of making such improvement or improvements, and that such improvement or improvements shall be made in accordance with one of the plans and specifications previously approved by them, and the time in which it shall be completed, and that the cost thereof shall be a charge and lien upon the property benefited and liable therefor, and describe the boundaries by metes and bounds or otherwise within which the property lies which shall be benefited and assessed for the cost of such improvement or improvements.

Section 148. When the Council shall, by resolution or ordinance, provide for making an improvement, the City shall be deemed to have appropriated and have acquired ownership of all earth above grade and within the street line for said improvement, and no private ownership shall thereafter be claimed in said earth.

Section 149. The Common Council shall cause to be made the improvement or improvements so ordered at the expense of the property benefited thereby; and to that end shall proceed to ascertain and determine the proportionate share for which each lot, or part of lot, block or acreage property shall be liable therefor and upon such determination being completed, shall file a statement thereof in the office of the City Recorder, which shall be known and designated as the PROPOSED ASSESSMENT ROLL, and describing with convenient certainty the limits of the street, alley, road or highway or part thereof, including intersections, and shall be resolution order the Recorder to give at least ten days notice by publication thereof in a newspaper published in Morrow County, Oregon, and by posting notices thereon, on each lot, part of lot, block or acreage property benefited and liable for the costs of said improvement or improvements, that the Common Council on a certain day at a regular meeting of such Council, will hear and determine all objections to such assessment, and will proceed to assess the proportionate share and part of the cost of such improvement in accordance with the benefit accrued upon each lot, part of lot, block or acreage property, and such notice shall state the boundaries within which the property lies that is benefited or liable for such proposed assessment, and shall refer for detailed information to the PROPOSED ASSESSMENT ROLL for such improvement on file in the office of the City Recorder.

Section 150. At the time and place specified in said notice, or at such other time to which the Council may adjourn the same, the Common Council shall hear and determine all objections to the assessment of such lot, block or acreage property benefited and liable for the cost of such improvement or improvements, which assessment shall be final and conclusive. The Common Council shall direct the Recorder to enter in the Lien Docket of the City, a statement containing (1) the name and character of the improvement; (2) a description of each lot, block or acreage property liable for such improvement; (3) the owner or reputed owner thereof, or that the name of the owner is unknown; (4) the sum assessed on said property and the date of entering the same in said Lien Docket, but such date need be entered but once for all the entries made therein on the same day.

Section 151. When such Lien Docket has been made up as provided in the preceding section, the Recorder shall by order of the Council give twenty days notice to the property owners so assessed that the assessment is due and payable and will be delinquent after the expiration of twenty days. Such notice shall be given by at least two publications in a newspaper published in Morrow County, Oregon, to be designated by the Council, or by posting such notice in three public places in said City; such notice shall state, (1) the name of the street for which the assessment was levied and the termini thereof, (2) the boundaries within which the property lies that has been so assessed, (3) the names of the owners as shown by the Lien Docket, (4) the total amount assessed against the property of each owner, and, (5) shall refer to the Lien Docket of City Liens for detailed description and information, and shall further state that the property owners must either pay in cash or make and file applications to pay in installments within twenty days from the date of first publication.

Section 152. The work of improvement by grading, graveling, macadamizing, paving or otherwise improving any street, alley, road or highway, or part thereof, shall be let by contract to the lowest responsible bidder, under the plans and specifications heretofore adopted by the Council, who shall give a bond to the City of Heppner, in such a sum as may be determined on by the Council, not exceeding the contract price, conditioned for the faithful performance of the work to the satisfaction of the Council, with surety or sureties approved by the Council, and the provisions shall be enforced by action in any court having jurisdiction of that amount in the name of the City of Heppner, and the Council may lease to any contractor or person any tools, machines, apparatus or material the City may own, at such rental as the Common Council may determine.

Section 153. No contract to grade, gravel, macadamize, pave or otherwise improve any street, alley, road or highway, or part thereof, including intersections, shall be let until after the Recorder by order of the Council shall have given at least ten days notice thereof, by publication in a newspaper published in Morrow County, Oregon, to be designated by the Council, inviting bids.

Section 154. Such notice shall state the time and place when and where bids for such contract or contracts shall be opened and considered, shall refer to the ordinance providing for such improvement or improvements by date and number, and the plans, specifications and estimates, and shall specify what part of such improvement or improvements or repair

shall be let in one contract, and the time in which the same shall be required to be completed. The Council shall have the right to reject any and all bids received, and to waive any defects or technicalities in the interest of the City and property owners, and upon a proper showing shall have the right to extend the time of completion of any City or street improvement work.

Section 155. Whenever the Common Council shall have initiated proceedings to improve any street, alley, road, highway or part thereof, including intersections, within the corporate limits, and shall have assessed the cost of such improvement or improvements to the property benefited hereby or liable therefor, according to the provisions of the City Charter, it shall be lawful for the owner of any property so assessed for such improvement or improvements, at any time within ten days after notice of such assessment is first published, to file with the Recorder a written application to pay said assessment or any part thereof, in installments, and said application may cover one or more lots, part thereof, or pieces of property so assessed for the same improvement; and such application shall state that the applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street, alley, road or highway, or part thereof, for which such assessment is levied, and in the apportionment of the cost thereof. Said application shall also contain a provision that said applicant and property owner agrees to pay such assessment in ten (10) annual installments, with interest at the same rate and time on all said assessments or installments which have not been paid as that expressed in the bond or bonds issued to pay for such improvement. Said application shall also contain a statement by lots or blocks or other convenient description, of the property of the applicant assessed for such improvement.

Section 156. The Common Council may authorize the Mayor to make and file in the name of the City of Heppner similar application to pay in installments any assessment for any street improvement levied against any property owned by the City, in the same manner and to the same effect as granted to other property owners assessed for street improvements.

Section 157. The City Recorder shall keep all such applications as are specified in the preceding sections in convenient form for examination. The applications received for each street improvement shall be separate, and he shall also enter in a book for that purpose under separate heads, for each street improvement, the date of filing of each application, the name of the applicant, a description of the property, and the amount of the assessment, as shown by the application. At the expiration of the time for filing applications for the payment of assessments for improving streets by installments, the Recorder shall enter in a docket kept for that purpose, under separate heads for each street, by name or number, a description of each lot or part thereof, block or parcel of land or acreage property against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment. Such docket shall stand thereafter as a lien docket as for taxes assessed and levied in favor of the City, and for the amounts of such unpaid assessments therein docketed, with interest on said unpaid assessment at not to exceed six per cent per annum, interest payable semi-annually, against each lot, or part thereof, block or parcel of land or acreage property until such assessment and interest are paid in the manner herein provided; and all unpaid assessments and interest shall be and remain a lien on each lot, or part thereof, block or parcel of land or other property respectively in favor of the City, and such liens shall have priority over all other liens and incumbrances whatsoever.

Section 158. When such bond lien docket shall be made up, as hereinbefore provided, as to the assessments for the improvements of streets, the City of Heppner, shall by ordinance authorize the issuance of its bonds, in convenient denominations, not exceeding five hundred (\$500.00) Dollars, each, and in all equal to the total amount of the unpaid assessments for such street improvements and for which applications to pay under the provisions of the City Charter have been filed, as shown by said bond lien docket; and such bonds shall be by the terms thereof, mature in ten years from the date thereof, and be payable in Gold Coin of the United States of America, and bear interest not to exceed six per cent per annum, payable semi-annually, said interest to be evidenced by coupons attached to such bonds, and such bonds shall state on the face thereof that all acts, conditions and things precedent to the issuance of such bonds have been duly and regularly performed, happened and complied with, in due time, form and manner as by law required; provided, the right to take up and cancel such bond or bonds, upon payment, at any time, of the face value thereof with accrued interest to the date of payment, at any semi-annual coupon period, at or after one year from the date of such bond or bonds, shall be reserved by the City, and so recite in each and every bond or bonds, issued under the provisions thereof. Notice stating that certain bonds are to be taken up and canceled as aforesaid, and that the interest thereon shall cease at the interest payment period next following, shall be published in a newspaper published in Morrow County, Oregon, not less than twice during the month preceding said semi-annual period; and after said semi-annual period, interest upon the bonds designated in such notice shall cease. Such bonds before issuance, shall be signed by the Mayor, countersigned by the Recorder, and authenticated by the seal of the City, but the coupons attached to such bonds may have printed thereon facsimile signatures of the Mayor and Recorder; and such bonds shall be registered consecutively by number and denomination of each, in a book kept by the Recorder to be known and designated as the "IMPROVEMENT BOND REGISTER." Each of such bonds, issued for the improvement of streets, shall have distinctly and plainly inscribed or printed on the face thereof the register number of said bond and the words: "IMPROVEMENT BOND," with the name of the City of Heppner. Such bonds shall be advertised for sale and sold to the highest responsible bidder, but for not less than par and accrued interest, and the proceeds thereof shall be paid by the purchaser to the Treasurer of the City of Heppner, and the par value thereof shall be credited to the respective street improvement fund for which the bond or bonds were issued; and the accrued interest and premium accruing

(Continued on Page Six)

Iron and steel are needed for war.

The U. S. Government is calling for the conservation of metal for war uses.

You can help by making your old range "do" a little longer. Have it repaired, if necessary. If it is past repairing, and you must buy a new range, get a Majestic. It will save fuel—absolutely heat-tight. It will save food—bakes right always. It will save repairs—its malleable iron frame is unbreakable and its charcoal iron body resists rust 300% better than steel.

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Caution: If your Majestic needs new parts, get them from us. We will supply you with genuine Majestic materials—not light, inferior parts, made by scalpers.

The Range with a Reputation

Great Majestic