

PROPOSED NEW CHARTER FOR THE CITY OF HEPPNER

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from the date of such entry the amount so paid shall become and be deemed a part of the original price bid at the same thereafter.

Section 174. Redemption from any sale for tax, lien or assessment shall be made at any time within one year from the date of the certificate of sale by paying the purchase money and ten per centum thereon, and all taxes and assessments which the purchaser may have paid thereon, in current gold or silver coin of the United States. The real estate of minor heirs, who at the time of sale have no guardian or other responsible person to take care of their interests, may be redeemed by them after one year after the date of sale, and the purchaser, if he shall have received a deed, shall reimburse the premises in repayment by the heir as required by order of the court, with interest at ten per centum per annum after the expiration of one year from the date of the certificate of sale, on the amount of money so advanced to redeem.

Section 175. After the expiration of one year from the date of such certificate of sale, if no redemption shall have been made, the Recorder shall cause a deed to be delivered to the purchaser, his heirs or assigns, a description of the premises and stating a description of the property sold, the name of the original owner, if known, the amount paid, the date of the sale, the name of the repair or improvement for which the sale was made, if the redemption has not been made; and such deed shall operate to convey a legal and equitable title in fee simple to the purchaser or his heirs or assigns, named in such deed, upon making such deed. The Recorder shall take up the certificate of sale therefor, issued to the purchaser, and place the same on file, and the same shall be a public record, and upon delivery of such deed, all the proceedings required or directed by law relative thereto, shall be presumed to be performed and regular, and such deed shall be prima facie evidence of title in the grantee; and in any action, suit or proceeding for the recovery of land sold under any lien entered in the Docket of City Liens, provided for in Section 157 of this Charter, except where the assessment has been paid on the land redeemed as provided by law, the party claiming to be the owner as against the owner of title under such deed, must, with his complaint, or answer, tender and pay in court the amount of such assessment for which the property was sold, together with interest thereon at ten per cent per annum from the date of sale, and also all taxes the purchaser or his successors may have paid on said lands, with interest at ten per cent thereon from the date of payment to the date of filing said complaint or answer, for the benefit of the holder of said deed, his heirs or assigns, in case the title of such purchaser should fall in such action, suit or proceedings.

Section 176. That any purchaser or his successors in interest shall from and after the delivery to him of the certificate of sale, have the right to the rents and profits of such property, and such rights may be enforced under the general laws of the State of Oregon, applicable thereto.

Section 177. If, upon the completion of any improvement, sewer, drain or other improvement connected therewith, it is found that the sum assessed thereon for any lot or part thereof, or for any parcel of land or other property is insufficient to defray the expense and cost thereof, the Council shall ascertain the deficit and determine by ordinance, and when so declared, the Recorder shall cause the sum of the deficit in the Docket of City Liens, in a column reserved for such purpose in the certificate of sale, with the original data thereon, and such deficit shall thereupon be a lien upon such lot, and other parcels of like manner and with like effect, as in the case of the sum assessed, and shall be collected in the same way, and such liability shall be notified of such deficit assessment in the same manner as in the case of the sum originally assessed, and said owner shall have the same rights and privileges to make and file application to pay in installments, and within the same period of time as in the case of the sum originally assessed.

Section 178. On the completion of any improvement, street, sewer, drain or other improvement connected therewith, if it is found that the sum assessed thereon for any property is more than sufficient to pay the cost thereof, the Council shall ascertain the surplus in like manner as in the case of a deficit, and when so ascertained and declared, it shall be entered as in the case of a deficit in the Docket of City Liens, and thereafter the person who paid such surplus, or his legal representatives or assigns, is entitled to receive the same by warrant on the Treasurer of the City, or by application to pay in installments or his legal representatives or assigns, is entitled to and shall be credited on the assessment as made by the records of the City in a column reserved for that purpose in the certificate of sale, as proportioned, and such sum shall be returned from the first installment due, after such surplus is declared and entered in the Docket, and the City of Heppner shall keep all such surplus sums in a special fund, which shall be known and designated as the "IMPROVEMENT BOND SURPLUS FUND," giving the name and full description of the street and the name of the property owner and the amount due him.

Section 179. Whenever the assessment for the opening, altering, grading or improvement of any street, reconstruction or repair of any sewer, or any local improvement which has been or may hereafter be made by the City, has been or shall hereafter be set aside, annulled, declared void, or its enforcement refused by any court of this State, or by Federal Court having jurisdiction therein, whether directly or indirectly by any decision of such court, or when the Council shall be in doubt as to the validity of such assessment or any part thereof, the Council may, by ordinance, make a new assessment upon the lot, blocks or parcel of land which have been benefited by such improvement to the extent of their respective and proportionate shares of the full value thereof, which new assessment shall be based upon the special and peculiar benefit of such improvement to the respective parcels of land assessed, at the time of the original making, but shall not exceed the amount of such original assessment. The assessment thereon from the date of delinquency of the original assessment may be added at the discretion of the Council. Such re-assessment shall be made in an equitable manner, as nearly as may be in accordance with the law in force at the time it is made, but the Council may adopt a different plan of apportionment of benefits when in its judgment it is essential to secure an equitable assessment. The proceedings required by this Charter to be had prior to the making of the original assessment shall not be required to be taken or had within the intent of this section. Such re-assessment shall be made and become a charge upon the property upon which the same is made, notwithstanding the annulment, failure or neglect of any officer, body or person, to comply with the provisions of this Charter connected with or relating to such improvement and assessment, and notwithstanding the proceedings of the Council and Mayor or any other officer, contractor or any person connected with such work, may have been irregular or defective, whether such irregularity be jurisdictional or otherwise. The Council shall by resolution declare the property that will be benefited by such improvement for which the re-assessment is made, and shall direct the Recorder or Engineer to prepare a preliminary assessment upon the property included therein with a time fixed by said resolution. Upon the passage of such resolution the Recorder shall, as soon thereafter as such re-assessment is prepared, give notice by publication thereof for three successive weeks in a newspaper published in Morrow County, to be designated by the Council, that such assessment is now on file in his office, giving the date of the passage of the resolution directing the making of the same and the time at which the Council will hear and consider objections to said assessment by parties aggrieved thereby, and warning such persons not to depart until such re-assessment has been completed. The Recorder shall forthwith mail to the owner of each lot, or part thereof or tract of land affected by such re-assessment, or to his agent, if the postoffice address of either be known to the Recorder, a notice of such assessment, and if such postoffice address be unknown, then such notice shall be directed to such owner at Heppner, Oregon. The owner or owners of any property which is assessed for such re-assessment, or any person having an interest therein, may within ten days from the last publication herein provided, file with the Recorder their objections in writing to such assessment. At the time appointed in such notice the Council shall hear and determine all objections which have been filed by any party interested. The Council shall have power to adjourn such hearing from time to time and shall have power in its discretion, to revise and amend or to set aside and order the re-making of such assessment, and shall pass an ordinance approving and confirming such re-assessment, and shall cause the same to be made by it, and such decision shall be a final determination of the regularity, validity and correctness of the re-assessment. When such re-assessment is completed and confirmed it shall be entered in the Docket of City Liens, and shall be enforced and collected in the same manner as other assessments for local improvements are enforced and collected under this Charter, and the laws governing the City. All sums paid upon the former assessment shall be credited to the property or account of which the same were paid, as of the date of such payment. And when it has been attempted to sell property for any assessment, and such sale is found or declared void, upon the making of the re-assessment the property shall be re-sold and the proceeds of such sale shall be paid to the purchaser at the former void sale or his assigns. But no proceedings shall be instituted for such re-assessment unless within ten years of the passage of the resolution of intention for the making of the original work, improvement or repair.

DECRETING AND PUBLICATION OF RE-ASSESSMENT:

Section 179. When a re-assessment has been declared by ordinance, it shall be the duty of the Recorder to enter a statement of said assessment in the Docket of City Liens, to furnish a copy of said assessment to the City Treasurer, and to give notice of said assessment by publishing same for two successive weeks in a newspaper of general circulation, published in Morrow County, to be designated by the Council, said notice shall specify the improvement or sewer for which said assessment is levied, the whole cost of said improvement or sewer, the boundaries of the dis-

trict assessed, the number and title of the ordinance declaring said assessment, that the same is due and payable, the time when said assessment shall bear interest, and the time when the same shall be delinquent, and to send by mail to each person whose property is assessed, or to his agent, a notice of said assessment, when the postoffice address of such person or his agent is known to the Recorder; and if such postoffice address be unknown to the Recorder, such notice shall be directed to such person or agent at Heppner, Oregon.

Section 180. All money collected on assessments for the improvement of streets, sewers, drains and alleys or improvement connected therewith, shall be kept in a separate fund, and in no case shall such funds be used for any other purpose whatever, except as provided in Section 85 of this Charter.

LIABILITY OF THE CITY AND ITS OFFICER FOR EXPENSE OF STREET WORK:

Section 181. Neither the City of Heppner, nor any officer thereof shall be liable for any portion of the cost or expense of any street work or improvement, or the construction or repair of any sewer or drain, which is assessed upon the property benefited thereby by reason of the inability of the City of Heppner to collect assessments levied for the payment of such work, improvement, sewer or drain, but the contractors doing the work shall be required to rely solely upon the funds accruing from the property benefited, assessed and liable therefor, and said contractor shall not require or compel the City of Heppner, by legal process or otherwise, to pay the same out of any fund, except in case where for any reason such assessment shall be invalid. Providing, however, that this Section shall not be in any manner construed so as to prevent the City from re-assessing the cost of such improvement.

Article V.

Sewers and Drains and Special Assessments Therefor.

COUNCIL MAY ORDER CONSTRUCTION OF SEWERS:

Section 182. The Council is hereby authorized and empowered whenever it may deem that the public health, interest or convenience may require, to be constructed and laid, all sewers, drains, with all necessary man-holes, lamp-holes, catch-basins and branches, and to repair or to relay the same, and to levy and collect an assessment upon all lots or parcels of land specially benefited by such sewers and drains, to defray the whole or any part or portion of the cost and expense thereof, and to determine what lands are specially benefited by such sewer or drain and the amount to which each lot or parcel of land is benefited.

ENGINEER TO MAKE PLANS AND SPECIFICATIONS—DISTRICT—ASSESSMENT:

Section 183. Whenever the Council shall deem it expedient or necessary to construct or relay any sewer or drain, it shall require the City Engineer, or such other Engineer as they may employ, to furnish plans and specifications, for an appropriate sewer or drain, with all necessary catch-basins, man-holes, lamp-holes and branches, and estimates of the work to be done and the probable cost thereof, and such Engineer shall file such plans and specifications and estimates with the Recorder, who shall keep them on file in his office. If the Council shall find such plans, specifications and estimates to be satisfactory, it shall approve the same, and shall determine the boundaries of the district benefited and to be assessed for such sewer or drain, and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall by resolution declare its purpose to construct said sewer or drain, describing the same and the location thereof and including the Engineer's estimate of the probable total cost thereof, and also defining the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in declaring its intention to construct or relay a sewer or drain, directing publication of notice thereof, approving and adopting the plans, specifications and estimates of the Engineer, and determining the district benefited thereby and to be assessed therefor, may all be done in one and the same resolution.

PUBLICATION OF RESOLUTION—NOTICE:

Section 184. The Resolution of the Council declaring its purpose to construct or relay a sewer or drain, shall be kept of record in the office of the Recorder, and shall be published for two successive weeks in a newspaper of general circulation, published in Morrow County, Oregon, to be designated by the Council. The said Recorder within five days from the first publication of said resolution shall cause to be posted conspicuously on the street or streets along the line of the contemplated sewer or drain at least one notice headed: "NOTICE OF SEWER WORK," in letters not less than one inch in length, and said notice shall contain in legible characters, a copy of the resolution of the Council and the date of its passage, and the person posting such notices shall file with the Recorder an affidavit of the posting of such notices, stating therein the date when, and places where, the same have been posted.

REMONSTRANCES:

Section 185. Within twenty days from the date of the first publication of the notice required to be published in the preceding Section, the owners or owners of any property within the assessment district may file with the Recorder a written remonstrance against said proposed sewer, and the Council hearing said remonstrance, may, at its discretion, discontinue proceedings in such matter but the Council may over-rule any and all remonstrances, and shall have power and authority to order the construction of said sewer or drain, or the relaying or re-laying of the same, and within three months from the date of final publication of its previous resolution, may, by ordinance, provide for the same, which said ordinance shall substantially conform to the plans and specifications previously adopted, and shall order said improvement and shall declare the assessment upon each lot, block, or acreage, or other property benefited and liable for the cost of such improvement or improvements, which assessment shall be final and conclusive. The Council shall direct the Recorder to enter in the Docket of Liens of the City a statement containing: (1) the name and location of the improvement; (2) a description of each lot, part of lot, block or acreage property liable for such improvement; (3) the name of the owner thereof, or the name of the owner if unknown; (4) the sum assessed on said property and the date of entering the same in said Docket of City Liens, but such statement may be given but once for all entries made therein on the same day.

PROCEEDING AFTER PASSAGE OF ORDINANCE ORDERING THE IMPROVEMENT AND DECLARING LIEN:

Section 186. After the passage by the Council of the ordinance ordering the improvement, and assessing the cost thereof and declaring and directing the Recorder to enter the same in the Docket of City Liens as provided in Section 185 of this article, the proceedings for the advertising for bids, awarding of contracts, filing of applications to pay in installments, authorizing the issuance of bonds and sale thereof, supervising and accepting the work and all things connected with or appertaining to the completion of said improvement and the payment for such improvement and all other and further proceedings relating to such sewer and drain, and the collection of such assessment, shall be the same as those provided for in the case of street improvements under Article IV., Chapter VIII of this Charter.

OWNERS OF PROPERTY ASSESSED FOR SEWERS, DRAINS OR OTHER IMPROVEMENTS INCIDENT THERETO, MAY APPLY TO PAY SAID ASSESSMENT OR ASSESSMENTS IN INSTALLMENTS:

Section 187. Whenever the Council shall have initiated proceedings to construct or lay any sewer, drain or other improvement incident thereto, within the corporate limits of the City of Heppner, and shall have assessed the cost of such sewer, drain or other improvement incident thereto, to the property benefited thereby or liable therefor, according to the provisions of this Charter, it shall be lawful for the owner of any property assessed for such construction or improvement of sewer, drain or other improvement incident thereto, 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 in installments, in the same manner herein provided for the improvement of streets.

CHAPTER IX. MISCELLANEOUS PROVISIONS.

Article I.

CONTRACTORS SHALL EXECUTE BONDS TO THE SATISFACTION OF COUNCIL:

Section 188. All contractors shall, at the time of executing any contract for work to be done for the City, execute a bond to the satisfaction of the Council to be approved by the Mayor, in such sum as said Council may deem adequate, not less than the contract price of such contract, payable to the City of Heppner, and if executed by individual sureties, shall justify in double the amount of said bond. Said bond shall be conditioned for the faithful performance of such contract, and further that the contractor will be fully secure and pay the just claims of all material, men and such sub-contractors employed by him thereunder. Any such laborer, material, or sub-contractor, whose just claims may not be satisfied shall have, and is hereby granted the right of action upon said bond in the name of the City of Heppner, and said action shall have the same force and effect as if this City was enforcing the covenants of said bond. All persons having such claims may join or be brought in one action, and the City shall also be made a party thereto to the end that all rights arising under one bond may be determined in one action.

Article II.

Water and Water Board.

CITY MAY CONTRACT FOR WATER:

Section 189. The City of Heppner may contract for water for use in public buildings and on streets, avenues, parks, public grounds and places, and for fire protection. If the Council shall determine to contract for water, it shall, by ordinance proceed to contract for the same for a period therein mentioned not exceeding ten years, and by the means as shall be specified in such ordinance.

CITY AUTHORIZED TO CONSTRUCT AND OPERATE WATER WORKS:

Section 190. The City of Heppner is authorized and empowered to construct, purchase, keep, conduct and maintain water works and all necessary plants and facilities of a character and capacity sufficient to furnish the City and its inhabitants, as well as the places and people along or in the vicinity of the line of pipes, conduits, or aqueducts constructed or used for such purpose with an abundance of good, pure, wholesome water for all uses and purposes necessary for the comfort, convenience and well-being of the same, and to that end may acquire by purchase or otherwise, and own and possess such real and personal property and water rights within and without the City limits, as in the judgment of the Council may be deemed necessary and convenient, and for such purpose may also issue bonds and dispose of the same.

Section 191. For the purpose of carrying the provisions of this Charter relating to water works into effect, and for the purchase of land and the construction of reservoirs necessary in construction therewith, and for the purchase of water meters and for the installation of meter system in the supply of water in the City of Heppner, and for the purchase of pipes and all other necessary materials, and for the cost and labor and material and for all other necessary expenses, the Common Council of Heppner, and its successors in office, are hereby authorized and empowered in the name of the City of Heppner, to issue and dispose of bonds of the City of Heppner, sufficient to defray the cost of such construction. Said bonds to be issued only as provided in Section 110 of this Charter. WATER BOARD:

Section 192. If the Council shall determine that it is advisable to construct or purchase, keep, conduct and maintain a municipal water works to be owned by the City, then the Mayor, may appoint a water board to consist of three members besides the Mayor. Such appointment shall be subject to confirmation by a majority of the Council. The Mayor shall be Chairman of the Board, and the members of such Board shall be appointed by the Mayor for terms of one, two and three years, and may be removed for cause by the Mayor at any time; but on removing any member of the Board, the Mayor shall make a written report to the Council setting forth his reasons for such removal and the same shall be filed in the office of the City Recorder.

POWER OF COUNCIL RELATING TO WATER:

Section 193. The Council may employ such person or persons as it may deem fit to make surveys and estimates of the works; may enter upon private property for the purpose of making preliminary surveys and observations; may employ such person or persons for the construction or operation of such works and all matters connected therewith as it may see fit, or may let the same by contract in such manner as may be prescribed by ordinance; may control and regulate the works and use of water when such works are established, and fix the rates for the use of said water, and provide for the collection thereof, or delegate by ordinance such powers to said Water Board, or to other persons.

Article III.

Electric Lights.

POWER OF COUNCIL RELATING TO LIGHTS:

Section 194. The Council of the City of Heppner are authorized and empowered to contract for the lighting of public buildings, streets, avenues, parks, public grounds and places within the City of Heppner, or purchase, or construct and maintain an electric plant for the purpose of supplying the City and the inhabitants thereof with lights, power, and for such other purposes as the Council may see fit.

Section 195. For the purpose of maintaining an electric light plant, the Council shall have power to erect, operate and maintain works within and without the City limits, and may enter upon and condemn for the use of the City in such manner as may be prescribed by ordinance, or the laws of this State for the condemnation of property for municipal purposes so much land within and beyond the City limits for the erection, operation and maintenance of the same as may be necessary or desirable to be used in connection therewith. The Council may employ such person or persons as it may deem fit to make surveys and estimates of such works; may enter upon private property for the purpose of making preliminary surveys and observations; may employ such person or persons for the construction and operation of such works as it may deem fit, or may let the same by contract in such manner as may be prescribed by ordinance; may control and regulate the works and the use of lights when such works are established, and fix the rates for the use of said lights and power, or other use thereof, and provide for the collection thereof, or may delegate such power to others.

COUNCIL MAY ISSUE BONDS FOR THE PURCHASE OR CONSTRUCTION OF ELECTRIC PLANT:

Section 196. For the purpose of purchasing, construction or erecting an electric plant and to defray all cost and expenses connected therewith, including the purchase or acquiring of land, the Council and its successors in office are hereby authorized and empowered to issue and dispose of bonds of the City of Heppner, in the manner provided for in Section 110 of this Charter.

Article IV.

Protection Against Fire.

POWER OF COUNCIL RELATING TO UNSAFE BUILDINGS:

Section 197. If any building within the fire limits of the City of Heppner shall be so damaged by fire, by elements or other causes that the same shall be untenable or unsafe, or be deemed a fire hazard, the Council shall have power, and are hereby authorized and empowered to repair down and remove the same as hereinafter provided, and prevent the repair thereof.

It shall be the duty of the Council upon the complaint of the Chief of Police or other person, or upon the motion of any of its members, when it is brought to their attention that any building within the fire limits of the City of Heppner is untenable and unsafe by the reason of fire or the action of elements, or that the same is a fire hazard, to appoint a committee of three of its own members to inspect the same and report thereon, which report shall be made at the next regular meeting of the Council after the appointment of such committee, and which said report shall be made in writing. That said committee shall report upon the condition of the building, as to whether the same is untenable and unsafe or a fire hazard to the surrounding property, and if such committee so reports said building untenable and unsafe, or a fire hazard to the surrounding property, the Council may thereupon by resolution declare the same a nuisance, and may order by resolution the tearing down and removal of the same, and thereupon it shall be the duty of the Chief of Police to serve notice upon the owner or owners of such building or his or her agent to tear down and remove said building within ten days; and thereupon if the said owner or owners or his or her agent fails, neglects or refuses to tear down and remove said building within said ten days, it shall be the duty of said Chief of Police to call assistance or necessary help and to tear down and remove such building, and the said Chief of Police shall be allowed a reasonable compensation for his service in tearing down and removing said building, and all expenses and disbursements by him incurred in tearing down and removing the same.

Article V.

OFFICERS—THEIR OATHS:

Section 198. Every officer of the City of Heppner, either elective or appointative, before entering upon the duties of his office to which he was elected or appointed, shall take and subscribe the following oath:

I do solemnly swear that I will support the constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully discharge the duties of the office to which he was elected or appointed as the case may be) according to the best of my ability.

REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS CHARTER:

Section 199. All acts or parts of acts in conflict with this Charter, be and the same are hereby repealed.

LOST—Child's overcoat, somewhere between Heppner and Hardman. Plaid coat with black and white check lining. Reward. Notify this office. 3t

LOST—Wrist watch, somewhere on streets of Heppner. Engraved gold band. Finder please leave at this office. Reward offered. 4t

O. B. Barlow, manager of the Farmers Elevator at Jordan, accompanied by the Misses Petteyes and Engelman, was in Heppner yesterday afternoon.

EVERY AUTO OWNER should have a Peterson Tire Welder. Sold by W. W. SHAMHART at the Verdort Second Hand stand. 4t