

An Ordinance to Provide a Charter for the City of Mosier and define its powers. BE IT ORDAINED BY THE PEOPLE OF THE CITY OF MOSIER:

CHAPTER I.

Of the Incorporation and Boundaries

Section 1. The inhabitants of the City of Mosier are hereby constituted and declared to be a municipal corporation by the name and style of the City of Mosier, and heretofore by law provided, and by such name shall have perpetual succession, and be sued, plead and be impleaded, in all courts of justice, in all actions, suits or proceedings whatsoever; 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, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons infected with contagious or other diseases, for water works, workhouses, or for houses of correction; and may control, lease, sell or dispose of the same for the benefit of the city; and it shall have and use a corporate seal, and may alter or change the same, or make a new one, at pleasure.

Section 2. The geographical limits and boundaries of said city as heretofore provided by law shall be as follows: Beginning at the southeast corner of J. H. Mosier Donation Land Claim, being situated in sections 1 and 2, T. 2 N., R. 11 E. W. M., which said corner is a galvanized iron pipe 26 inches long, and 1 1/2 inches in diameter; N. 89 deg. 41 min. W. 149.6 feet along South boundary of said Donation Land Claim to the center of Mosier Creek; S. 40 deg. 35 min. E. 559.6 feet up the center of main channel of said creek; S. 27 deg. 20 min. E. 200.0 feet up the center of main channel of said creek; S. 17 deg. 20 min. W. 200 feet up the center of main channel of said creek; S. 29 deg. 20 min. E. 199 feet up the center of main channel of said creek; S. 52 deg. 23 min. E. 257.4 feet up the main channel to the intersection of the South boundary of Section 1 on the right bank of Mosier Creek, at which point the center of the main channel is 24.7 feet from the corner of Section 1, 2, 11 and 12; North 97.93 feet between Sections 1 and 2, to the South boundary of the Mosier D. L. C.; N. 89 deg. 41 min. W. 259.9 feet to the Southeast corner of the Mosier D. L. C., which is a stone 26"x10"x18", marked S W M D L C. S. 89 deg. 48 min. W. 1473.1 feet to a point on the left bank of Rock Creek; which is a stone 24"x18"x12", marked S W M D L C. N. 7 deg. 45 min. E. 2011 feet along meander line on left bank of Columbia River; N. 84 deg. 00 min. E. 330 feet to the meander corner of fractional sections 1 and 2; N. 70 deg. 15 min. E. 323.4 feet trial by marker line; N. 70 deg. 15 min. E. 2011 feet along meander line; South 87.44 feet to the Northeast corner of J. H. Mosier D. L. C., which is a stone 24"x14"x6", marked N E M D L C. S. 0 deg. 00 min. E. 2167.7 feet to the place of beginning.

CHAPTER II.

Of the Government of the City.

Section 3. The power and authority given to the municipal corporation of the City of Mosier by this act is vested in a Mayor and Common Council, and their successors in office.

Section 4. The mayor and councilmen shall compose the Common Council of the City of Mosier and shall be elected at the same time the other officers of the city are elected.

Section 5. The elective officers of the city shall be one mayor, who shall be an officer president of the Common Council, and one recorder, who shall be ex officio clerk of the Common Council, and one treasurer.

Section 6. The mayor shall be elected for two years, and in each even-numbered year, and shall hold his office until his successor is elected and qualified.

Section 7. The councilmen shall be elected for two years, one-half thereof being elected each year, and shall hold their offices until their successors are elected and qualified.

Section 8. The recorder and treasurer shall each hold office for the term of one year, and until his successor is elected and qualified.

Section 9. All elective officers of the City of Mosier in office at the time that this act takes effect shall hold their offices during the respective terms for which they shall have been elected or appointed.

Section 10. At the first regular meeting of the Common Council after the second Tuesday in January after each annual election, the mayor shall appoint one marshal, who shall be chief of police, and may appoint such policemen and watchmen as the Council shall direct, and may appoint one street commissioner, one city attorney and one city surveyor; but none of such appointed officers shall enter upon the duties of his office until his appointment shall have been approved by a majority of the Council. The duties of such appointed officers shall be such as the Council shall by ordinance direct and prescribe, and they shall hold their offices until the first of January, and their successors are appointed and qualified, unless sooner removed by the mayor or by a vote of a majority of the Councilmen.

Section 11. To be eligible as a member of the Common Council, mayor, recorder, marshal, or treasurer, a person must, at the time of his election, be a qualified elector and a taxpayer within the city; and, in addition to the qualifications prescribed herein, to be eligible as a member of the Common Council or mayor, a person must be an owner of and taxpayer on property within the city.

Section 12. The mayor shall fill the vacancies in the office of the City of Mosier, which occur, with the approval of a majority of the Common Council.

CHAPTER III.

The Mayor—His Powers and Duties.

Section 13. The mayor shall be the executive officer of the corporation

and must exercise a careful supervision over its general affairs and over its subordinate officers. He shall have power to call meetings of the Common Council, and shall preside over and at their meetings, but shall have no vote except in case of a tie, when he shall cast the deciding vote on all questions. He shall at least once in each year state to the 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 regular meeting of the new Council after each annual general election, appoint three members of the Council upon each of the following committees, to-wit: (1) Judiciary; (2) Finance; (3) Streets; (4) Fire and Water; (5) Health and Police; who shall be and remain standing committees for one year, and until their successors are duly appointed, and 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 as may be directed from time to time by the Council.

Section 14. No ordinance passed by the Council shall go into effect or be of any force until approved by the mayor, except as provided in the three following sections: Section 15. 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 sign the same, and thereupon, unless otherwise provided therein, such ordinance shall become a law and be of full force and effect. Section 16. If the mayor do not approve of an ordinance so submitted, he must, within ten days from the receipt thereof, return the same to the recorder, with his reasons for not approving it; and if he does not so return it in ten days, such ordinance shall become a law, as if he had approved it.

Section 17. At the first meeting of the Council after the return by the mayor of any ordinance not approved, the recorder shall present the same to the Council, with the objections of the mayor, all of which must be read to the Council; and such ordinance shall then be put upon its passage by a majority of the Council, the members constituting the Council as provided by law shall vote in favor of such ordinance, it shall thereupon become a law without the approval of the mayor, but not otherwise.

CHAPTER IV.

Of Other City Officers.

Section 18. The recorder shall be the judicial officer of the City, and shall have jurisdiction of all offenses against the recorder or violation of any ordinance thereof. He shall hold court in said city at such place as the Council shall direct, which court shall be known as the "Recorder's Court," and he may impose fines or commit to jail any person who is found guilty of any offense or violation within his jurisdiction. He shall have authority to issue process for the arrest of any persons accused of any offense against the city or violation of any ordinance thereof, and may commit such accused to imprisonment or admit them to bail pending trial. He shall have authority to issue subpoenas to compel witnesses to appear and testify in any trial, and may cause to be enforced and to enforce obedience thereto; and to issue any and all process necessary to carry into effect the judgment or sentence of his said court. All civil and criminal proceedings in the Recorder's Court shall be 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 renounces the same before the trial, and the jurors are sworn on the trial of the case, and shall pay the jury fee for one day, and shall give security for the payment of all extra costs made by the demanding of such jury, in such sum as the recorder shall determine, not exceeding \$100, with one or more sureties to be approved by the recorder, or in lieu thereof, shall deposit with the recorder as security for such costs such sum as the recorder shall designate, not exceeding \$100.

Section 19. The recorder shall have jurisdiction and authority of a Justice of the Peace within the limits of the City of Mosier, 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; and he shall receive the same compensation therefor. His duties and compensation as clerk of the Common Council shall be as prescribed by ordinance.

Section 20. The treasurer shall receive and safely keep all the funds and moneys of the city, and shall pay out the same only upon a warrant signed by the mayor and attested by the recorder; and no claim against the city shall be paid until audited and allowed by the Common Council.

Section 21. The treasurer shall 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 22. The treasurer shall make a report of the receipts and expenditures of the city for the quarter ending on the last day of March, June, September and December in each year, and file the same with the recorder within five days from the expiration of each of said quarters, respectively, which reports may be published at the discretion of the recorder, and may be used as evidence.

Section 23. The Common Council may prescribe such additional rules and regulations, not inconsistent with this act, for the recorder and treasurer, as they shall see fit.

Section 24. The mayor with the approval of a majority of the Councilmen shall have power to remove or suspend the marshal, nightwatchman, or any member of the police, or watchmen, for any cause which he or they shall deem sufficient, said cause to be stated in the order of removal or suspension; and the Council shall make all necessary and convenient rules and regulations for the organization and conduct of said police force.

CHAPTER V.

Regarding Elections.

Section 25. The Common Council shall have authority to provide the manner of conducting elections and the manner of voting cast thereat, and to fill vacancies in office, except as hereinbefore provided.

Section 26. No person shall be entitled to vote at any municipal election of the city who is not a qualified elector of the State of Oregon, who has not been a resident of the City of Mosier for three months next preceding, or who shall have refused to pay any fine imposed upon him by any court of the city.

Section 27. Immediately after the

votes cast at any municipal election have been canvassed in the manner provided or to be provided by the Common Council, the recorder must make and issue to each person declared by the canvassers to be elected to any office, a certificate thereof, such certificate shall be prima facie evidence of the facts therein stated; but the Common Council is the judge of election and qualifications of the mayor and councilmen, and, in case of a contest between two or more persons claiming to be elected thereat, must determine the same. An election contest for any office other than mayor and councilmen must be determined according to the laws of the state regulating contests for county offices.

Section 28. All officers elected or appointed under this act, before entering upon the duties of their offices, shall file with the recorder a declaration of appointment, take, subscribe 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 the laws of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of _____ during my continuance therein. So help me God." If the person affirm, instead of the oath, he shall be held to the same; and "And this I do affirm under the pain and penalties of perjury."

Section 29. The general election for said city officers shall be held annually, at such place or places as the Council shall designate, on the first Tuesday after the first Monday in December in each year; and the term of office of all persons elected at any general election shall commence on the first day of January following the succeeding. Special elections may be held at any time upon the call of the mayor and a majority of the Council consenting thereto, upon such notice as may be prescribed by the Council. Section 30. The recorder shall give ten days' notice, by publication in some newspaper published in the City of Mosier, of each general election, the officers to be elected, and the questions, if any, to be voted upon thereat, and the names of the candidates for holding the same, and shall also give notice of any special election for such time as may be prescribed by the Council.

CHAPTER VI.

Vacancies in Office.

Section 31. An office shall be deemed vacant upon the death, removal from city or resignation of the incumbent, or upon such incumbent's ceasing to possess the qualifications of an elector. The office of mayor shall be deemed to be vacant whenever the incumbent shall be absent from the city for a period of sixty days. Provided, that the Common Council may grant to the mayor a leave of absence not to exceed ninety days. The office of councilman shall be deemed vacant whenever the incumbent thereof shall fail to attend any two consecutive regular meetings of the Council, unless absent upon leave of the Council first obtained. All other city offices shall be deemed 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, of a period not exceeding sixty days.

Section 32. The Common Council may remove or suspend from office any officer of the city, other than mayor or councilman, for a violation of duty or neglect or refusal to perform the same, or for any other cause to be stated in the order of removal or suspension.

CHAPTER VII.

Of the Common Council—Its Powers and Duties.

Section 33. At the first regular meeting of a new Council in January in each year, 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 the mayor in the absence of the mayor from the city, or if he be for any cause unable to act as mayor, such president of the Council shall have and exercise the powers and perform all the duties of the mayor.

Section 34. The mayor and councilmen shall receive no pay for their services, and the compensation of other officers shall be provided for by the Common Council.

Section 35. No member of the Common Council shall, during the period for which he is elected or serving as such, be interested in any contract the expenses of which are to be paid by the city.

Section 36. A majority of the members of the Common Council, exclusive of the mayor, shall constitute a quorum for the transaction of business, except when otherwise specially provided in this act, but a lesser number may meet and adjourn from time to time, and compel the attendance of absent members.

Section 37. The Council shall not in any way create or contract any indebtedness which shall singly or in the aggregate exceed the sum of \$2500, except as in this act otherwise especially provided.

Section 38. The Common Council shall have authority to adopt and establish rules and by-laws governing their own proceedings and the conduct of any and all elective and appointive officers, and may punish any member or other officer for disorderly behavior in its presence.

Section 39. All proceedings of the Common Council shall be public.

Section 40. In case of any vacancy in any office of the City of Mosier, the Common Council shall have authority and is required to fill such vacancy by appointment; and all persons so appointed shall hold their offices until the next regular annual election, and until their successors are duly elected and qualified; and at said annual election all vacancies in elective offices shall be filled for the remainder of the unexpired terms.

Section 41. The style of the enacting clause shall be "The City of Mosier does ordain as follows":

Section 42. In the absence of the recorder, or if he be for any cause unable to act, the mayor may designate any person having the qualifications of a recorder, and such person shall immediately take the oath of office and perform the duties of recorder during such temporary absence or inability, and he shall receive the same compensation as the recorder, all sums so paid to him being deducted from the salary and fees of that officer.

Section 43. 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 meetings must be held at least once in each month.

Section 44. The Council must keep a journal of its proceedings. Every ordinance shall be passed by a vote of a majority of all of the members of the Council; the votes shall be by yeas and nays, and the name and vote of every member voting shall be

recorded in the minutes of the meeting.

Section 45. No member of the Council shall be liable or questioned in any other place for words uttered in debate thereat.

Section 46. The Common Council shall have power and authority within the City of Mosier to provide for the punishment of all violations of the city ordinances, by fine or imprisonment or forfeiture, or by any one or all of such punishments; but no fine shall exceed the sum of \$200 and no imprisonment more than one hundred days.

Section 47. When any person shall be convicted of any offense under any laws of the 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 one day for each \$2 of said fine and costs on the streets or other public works of the city, or to perform the duties of marshal, street commissioner or other person designated by the Council; and the Council may provide such fetters and manacles as may be necessary to secure such person during such term of labor.

Section 48. The Common Council shall have power and authority within the limits of the City of Mosier:

1. To levy taxes not to exceed 1 per cent on the value of all property within the city limits, and upon all real and personal, within the corporate limits of said city, and upon all goods, wares and merchandise kept for sale in the city, and upon all capital and other property, and upon all manufacturing or other business within the city owned by any corporation, partnership, or other person, whether residing within or without said city.
2. To provide for the survey of the lots, and for making and establishing the boundary lines, and for numbering the houses and business places thereon.
3. To regulate slaughter houses, and to provide for the removal of the city limits or from any part thereof.
4. To prohibit the throwing of any filth, garbage or other impurities of any kind into Mosier Creek and Rock Creek, or into any stream or waterway within the limits of the city, or the doing of any other act by which the water supply of the city might be contaminated or the general health of the inhabitants impaired.
5. 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.
6. To regulate the disposal of standing water and other offensive substances, and to prevent streams from overflowing their banks.
7. To fill up or drain any lots where stagnant water stands, and to provide for the collection of the property, the same to be collected in the same manner as for street improvements; but in such cases the same must be reported to the Council, and the necessity thereof declared at a meeting of the Council.
8. To prevent, regulate, prohibit and remove nuisances, and to declare by ordinance what shall constitute the same, and to make the expenses of such nuisances a lien upon the property, which lien shall be a lien in priority to all other liens.
9. To provide for the establishment, equipment and maintenance of the fire department and fire companies, and for their regulation.
10. To regulate the prevention and extinguishment of fires; to appoint fire wardens and prescribe their duties, to compel all persons present to aid in the extinguishment of fires and the preservation of property excepted from account thereof, and to construct cisterns and wells for water for the extinguishment of fires; and to prescribe by ordinance such other powers, provisions, rules and regulations as shall be necessary or expedient for such purposes.
11. To regulate and control the storage of gunpowder, giant-powder, dynamite, nitroglycerine, and other explosive and combustible materials; to use lamps and other lights in shops, stables and other places; to prevent, remove, or secure any fire-place, stove, stovepipe, chimney, or other apparatus which may be dangerous in causing fires, and to regulate the manner of building partition and party walls and fences.
12. To determine and prescribe by ordinance the number and size of all places of entrance and exit to and from all public halls, churches, theatres, schools and other buildings used for public gatherings; also to prescribe the manner of hanging doors thereat.
13. To establish fire limits within the city, and prescribe the kind of construction of buildings, and to prohibit and regulate the erection and repair of wooden buildings within such fire limits, and to limit the maximum heights of buildings within such limits.
14. To regulate and prohibit the running at large of domestic animals, and the discharge of firearms in the city.
15. To regulate the speed of all trains, cars and locomotives, street cars, and other vehicles, and to regulate and prohibit the use of fast and furious riding and driving upon the streets and alleys of the city.
16. To prevent and restrain any riot, tumult, disturbance or disorderly conduct, and to prohibit the same within the city, and to regulate and prohibit the carrying of deadly weapons in a concealed manner.
17. To regulate or prohibit the running at large of any of the sidewalks, and the running, driving or conveying of any steam engine, traction engine, harvesting, or other machinery that might, in the opinion of the Council, be dangerous or cause danger to persons, horses or property upon any or all of the streets and alleys; and to designate upon what, if any, streets and alleys the same may be done or prohibited.
18. To license, tax, regulate, or prohibit barrooms, drinking shops, tipping houses, billiard rooms, dance houses, and all other places where spirituous, malt or vinous liquors are sold, billiard tables, bowling alleys, or other amusements are kept. Provided, that no license for the sale of spirituous, malt or vinous liquors shall be issued for any less amount than is or may be provided by the general laws of the State of Oregon in force at the time of the issuance thereof. Provided, that any person or persons wishing to sell spirituous, malt, or vinous liquors, before obtaining a license, shall at his own trouble and expense obtain the signatures of an actual majority of the whole number of legal voters in the City of Mosier.
19. To prohibit any person or persons within the corporate limits of the City of Mosier from selling or giving away any spirituous, malt, or vinous liquors to any minor or person under age of twenty-one years, and to prohibit the owner or keeper of any place where such liquors or any of them are sold from permitting such minor or person to remain in or loiter about such place; 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 or smoking tobacco in any form to any minor or person under the age of twenty-one years.

Section 49. To define who are common drunkards. To prohibit the sale or giving of any intoxicating liquor or liquors to any such common drunkard, and to punish the proprietor or keeper thereof.

Section 50. To restrain or prohibit the smoking of opium or the running of opium houses or places of smoking opium; to define what is an opium house or place for smoking opium, and to punish the proprietor or keeper thereof, and opium-smokers and frequenters of such houses.

Section 51. To restrain and prohibit bawdy-houses and houses of ill-fame, and to define the same; to punish whores, and to punish the proprietor or keeper thereof, and 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 or woman of ill-repute.

Section 52. To define and prohibit unlawful gambling and gaming, and to suppress gaming and gambling houses, and to punish persons found guilty of gambling or unlawful gaming, or keeping or owning such houses.

Section 53. To define vagrancy and punish vagrants, and to provide for the support, restraint, punishment or employment of vagrants and paupers.

Section 54. To regulate any and all stores, houses, public halls and places of public entertainment and amusement, billiard saloons, or other business houses or places operating on Sunday, and to prohibit all barrooms or tipping places from keeping open on Sunday.

Section 55. To license, tax, regulate and restrain laundries, junk shops, dealers in junk, dealers in second-hand goods, brokers, pawnbrokers, money-changers, drummers, commercial travelers, and peddlers, and to regulate hawkers, peddlers, and the selling of goods by samples; and to define what shall constitute the same.

Section 56. To license, tax and regulate market houses and places.

Section 57. To regulate the erection of buildings, within the city limits, which shall be dangerous to passers-by or to adjacent property; and in case any building or any public street shall be dangerous to passers, the Common Council shall have authority to order the same to be removed or made safe at the expense of the property holder, and such expense shall be a lien upon the property, and be collected in the same manner as for street improvements.

Section 58. To provide for the erection, construction and maintenance of flood gates on any property in the city to prevent the overflow of water on any part of the city, and to regulate and control the same.

Section 59. To provide for the erection and maintenance of a city jail and hall, and for the government and management of the same.

Section 60. To enact any and all such ordinances, by-laws and regulations, not inconsistent with the Constitution or laws of this state or of the United States, as shall be necessary to the peace, good order, health, cleanliness, ornament, safety and public buildings of the city; also to provide lights for the private houses, stores, shops and all other buildings, both public and private within or beyond the city limits, and to charge and collect a reasonable price therefor.

Section 61. To provide water for the city, both for public and private use, and to charge and collect a reasonable price therefor; to grant the privilege of furnishing water and electric light and telephone lines, and telegraph, telephone and electric light poles and all electric and other apparatus for lighting streets, parks and public buildings of the city, and the use of water and gas mains and mines.

Section 62. To control the manner of constructing and the location of street car lines, the manner of operating the same; to provide for the lighting of streets, alleys and public buildings of the city; also to provide lights for the private houses, stores, shops and all other buildings, both public and private within or beyond the city limits, and to charge and collect a reasonable price therefor.

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