

CHARTER

Of The City of

CASCADE LOCKS

Pursuant to the initiative and referendum powers reserved to the people in Sections 1 and 1a of Article IV and Section 2 of Article IX of the Constitution of the State of Oregon, the electors of the City of Cascade Locks, Oregon, do hereby enact the following to be the Charter of said city:

CHAPTER I

GENERAL GOVERNMENT

SECTION 1—The mayor and aldermen shall compose the common council of the City of Cascade Locks, and at any regular meeting thereof shall have power to provide for lighting the streets, and furnishing such city and inhabitants thereof with gas or other lights and with pure and wholesome water; and for such purpose may construct such water, gas or other works, within or without the city limits, as may be necessary or convenient therefor, and may allow the use of the streets and alleys of the city to any person, company or corporation who may desire to establish works for supplying the city, and inhabitants thereof with such water or lights upon such reasonable terms and conditions as the council may prescribe; to permit, allow and regulate the laying down of tracks for street cars and other railroads upon such streets as the council may designate, and upon such terms and conditions as the council may prescribe; and allow and regulate the erection of and maintenance of poles, or poles and wires, for telegraph, telephone, electric lights or other purposes, upon or through the streets, alleys or public grounds of such city or town; to permit and regulate the use of alleys, streets and public grounds of the city for the laying down or repairing gas and water mains, for building and repairing sewers and the erection of gas or other lights; to preserve the streets, lights, side and crosswalks, bridges, and public grounds from injury, and to prevent the unlawful use of the same, and to regulate their use; to fix the maximum rate of wharfage, rates for gas or other lights, for carrying passengers on street railways, and water rates; and no such city shall ever deprive itself of the right through its common council of regulating and adjusting any such rates, so that the same shall be reasonable for the service rendered, at least once in any period of two years; to license, tax, regulate, restrain and prohibit barrooms and tippling houses, and all places where spirituous, vinous, or malt liquors are sold, or in any manner disposed of contrary to law; provided, that no license shall be issued for a less sum than that provided for in the General Laws of this state; to prevent and suppress gaming and gambling houses, and all games of chance, including lotteries and pool-selling; to prevent and suppress bawdy-houses, and lewd, lascivious cohabitation, opium-smoking houses, and places occupied or kept therefor; provided, however, that nothing contained in this act shall be so construed as to oust the state courts of jurisdiction to indict or punish persons for offenses against any law of the state, committed within the limits of the city of Cascade Locks; to license, regulate and control any lawful business, trade, occupation, profession or calling, carried on or conducted within the corporate limits of such city; to suppress

and prohibit anything which is injurious to the public morals, public safety or the public health of the inhabitants of said city, including the power to define, suppress and prohibit nuisances of every kind, including those arising out of the receipt, sale or disposal of intoxicating liquor in violation of law; to regulate, suppress and prohibit the running at large within the corporate limits of any and all domestic animals, including fowls, and to provide for the impoundment and sale, after notice of such animals; and to exercise any and all police regulations concerning the public morals, public safety, public health and public convenience of the inhabitants of said city; to provide for the surveying of blocks and streets of the city, and for marking the boundary lines of such blocks and streets, and the establishing of grades of the streets, sidewalks and crosswalks; to prevent and punish trespass on real and personal property within the corporate limits of such city; to make by-laws and ordinances not inconsistent with the laws of the United States nor of this state to carry into effect the provisions of this act; and to provide, in addition to such action as may be appropriate to carry into full effect the object to be achieved, for the punishment of persons violating any by-laws or ordinances by fine or imprisonment, or both, and the working of such persons on the streets of said city, or at any other work; but no fine shall exceed the sum of \$50, nor shall any imprisonment exceed twenty days.

SECTION 2—The mayor is the executive officer of the City of Cascade Locks and must exercise a careful supervision over its general affairs and subordinate officers. It is his duty to at least once each year state to the council by message the condition, financial and otherwise, of the city, and recommend such measures for the peace, health, improvement, and prosperity of the city as he may deem expedient. He shall perform such other duties as may be required of him by this act or by the ordinances of the city.

Section 3—The recorder shall have jurisdiction over the violations of city ordinances, and may hold to bail, fine, or commit persons found guilty thereof, and within the city shall have jurisdiction and powers like a justice of the peace, and the law governing justices of the peace shall apply as far as applicable to all his proceedings; but he shall try all persons accused of violating the ordinances without a jury, unless the defendant on demanding a jury shall deposit in the court a sum sufficient to pay the per diem of such jury for one day, and witnesses in his court in such trials shall be entitled to no compensation for their attendance, unless the council by ordinance shall otherwise provide. He shall have power as recorder to punish witnesses and others for contempt, by fine not to exceed \$10, or in default of payment of such fine by imprisonment in the city jail for one day for every \$2 such fine. To keep a journal of the proceedings of the council, and be ex officio assessor, and perform such other duties as is required by this act, or the ordinances of the said city.

SECTION 4—The marshal shall be chief of police and shall have control over all policemen when on duty. He shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or of violations of the city ordinances, and take them before the recorder for trial; to make and enforce the collection of all delinquent city taxes, as the collection of delinquent county taxes is enforced, and shall perform such other duties as may be required of him by the common

council. He may suspend any policeman for negligence or violation of duty until the case may be examined and determined by the council, and on complaint being made, charging him with malfeasance or nonfeasance in office, the aldermen, by a unanimous vote without the concurrence of the mayor, or by a majority vote with the concurrence of the mayor, may remove the marshal from office at any regular meeting, after giving him an opportunity to be heard in his defense, provided that they find the charge to be true.

SECTION 5—The treasurer, as tax collector, shall collect and receipt for all taxes levied by the council and not returned as delinquent, and shall receive and faithfully keep the funds and moneys of said city and pay out the same as directed by this act, or by the ordinances of said city, and when required, by ordinance, he shall make and submit to the council a statement of the financial affairs of the city.

SECTION 6—No claim against the city shall be paid until it is audited and allowed by the council, and then only by a warrant drawn upon the treasurer by the recorder, countersigned by the mayor.

SECTION 7—No mayor, member of the council, or any other officer of said city shall, during the period for which he is elected, be interested in any contract the expenses of which are to be paid out of the city treasury.

SECTION 8—No person shall be allowed to vote at any municipal election who has not resided in the City of Cascade Locks for thirty days next preceding the election, or who shall have refused, or neglected after proper demand, to pay any city fine, or tax legally imposed or assessed against him, and the council may prescribe such oath as it may deem proper to ascertain such fact.

SECTION 9—When any person shall be convicted of a criminal offense under any of the ordinances of the City of Cascade Locks and shall be adjudged to pay a fine and costs, and shall fail to pay the same, he may be sentenced to labor on a day for every \$2 on such fine upon the streets or other public works of said city under such officer as the common council may prescribe; and the common council may provide such fetters and manacles as may be necessary to secure the person of such criminal during his term of labor.

SECTION 10—The council shall have the power, and has the authority whenever it deems it expedient to improve the public grounds within said city, to establish and open streets and alleys, therein, in addition to those now or hereafter laid out or established within the limits of said city; the power and authority to improve streets includes the power and authority to construct, improve, pave, repair, and keep in repair, sidewalks and pavements, and to determine and provide everything convenient and necessary concerning such improvements and repairs; and said city shall not in any event be liable for any damages to any person for injury caused by any defect or dangerous place, at or in any sidewalk, crosswalk, street, alley, bridge, public ground, public building, or ditch, unless such city shall have had actual notice of such defect or dangerous place, and a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury, and in no case shall more than \$100 be recovered as damages from any such city for such accident or injury.

SECTION 11—Whenever public interest or convenience may require, the city council of the

City of Cascade Locks shall have full power and authority to provide a procedure for the fixing and establishing of setback lines on private property bordering on the whole or part of any street, avenue or other highway, to prohibit the erection of buildings, fences or other structures between such setback lines and the lines of any such street, avenue or other highway, and to condemn any and all property necessary or convenient for that purpose.

SECTION 12—The ordinance prescribing such procedure shall provide, among other things, for the passage of a resolution of intention describing the land deemed necessary to be taken or damaged therefor, also the exterior to be benefited by said work or to be benefited by said work or improvement and to be assessed to pay the damages, costs and expenses thereof, and shall require that a written protest signed by the owners of a majority of the frontage upon the streets and parts of streets within the district to be assessed, and filed with such city council, shall be a bar to such proceeding for a period of six months from the date of the filing of such protest. The procedure shall provide for due notice and hearing to property owners liable to be assessed, also a method for the assessment and collection of benefits and the payment of damages, together with such other matters as may be necessary or convenient to promote the objects hereof.

SECTION 13—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 approve the same he shall write upon it "Approved," with the date thereof and sign it with his name of office, and thereupon, unless otherwise provided, such ordinance shall become a law and be of force and effect. If the mayor does not approve of the 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, such ordinance shall become a law as if he had approved it. Upon the first meeting of the council after the return of an ordinance from the mayor not approved, the recorder shall deliver the same to the council, with the message of the mayor, which must be read, and such ordinance shall then be put upon its passage again, and if two-thirds of all the members constituting the council, as then provided by law, vote in the affirmative, it shall become a law without the approval of the mayor, and not otherwise.

SECTION 14—The council shall meet on the second Tuesday in January succeeding the date of each general municipal election, take the oath of office, and shall hold regular meetings at least once in each month at such times as they shall fix by ordinance; provided, that the council elected at the organization of such municipal corporation shall hold regular meetings at least once in each month at such times as they shall fix by ordinance until the second Tuesday in January, succeeding the date of such municipal organization, and the first meeting thereof shall be held within ten days after such organization. Special meetings may be called at any time by the mayor or by three councilmen, by written notice delivered to each member then present within the city at least three hours before the time specified for the proposed meeting, which notice shall specify the object and purpose of such special meeting, and no other business shall be transacted at any special meeting than that named in said notice and appurtenant thereto. All meetings of the council shall be held within the cor-

porate limits of the city at such place as may be designated by ordinance, and shall be public.

SECTION 15—At any meeting of the council a majority of the councilmen shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council when present, and in case of his absence the council may appoint a mayor pro tempore; and in case of the absence of the recorder, the mayor or presiding officer pro tempore shall appoint one of the members of the council recorder pro tempore. The person appointed to act as presiding officer during the absence of the mayor shall not be required to take the oath of office, but the records of the council shall show who is appointed to serve pro tempore at any meeting.

SECTION 16—The council shall judge of the qualifications of its members and all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any members or other person for disorderly behavior at any meeting. They shall cause the recorder to keep a correct record of all their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question and entered on such record.

SECTION 17—No ordinance and no resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting; and no such ordinance, resolution, or order shall have any validity or effect, unless passed by the votes of at least three councilmen; and in case all of the councilmen are present, and shall be equally divided upon any question, the mayor shall have the deciding vote.

SECTION 18—The enacting clause of all ordinances shall be as follows: "Be it ordained by the common council of the city of Cascade Locks." Every ordinance shall be signed by the mayor, or passed over his veto, and attested by the recorder, and a copy thereof published at least once in a newspaper published in such city, or in lieu of such publication, three copies thereof shall be posted in at least three public places therein before it becomes a law.

SECTION 19—All claims and demands against the city of Cascade Locks shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such claim or demand, the recorder shall draw a warrant upon the treasurer for the sum, which said warrant shall be countersigned by the mayor, and shall specify for what purpose the same is drawn.

SECTION 20—The violation of any ordinance of said city shall be deemed a misdemeanor, and may be prosecuted by authorities of said city in the name of the people of said city, or may be redressed by civil action, suit, or proceedings, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail of said city; or, if the council by ordinance shall so prescribe, in the county jail of the county in which said city may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against said city; pro-

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