

## Title 1

### GENERAL PROVISIONS

#### Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Initiative and Referendum
- 1.12 Right of Entry
- 1.16 General Penalty

#### Chapter 1.01

### CODE ADOPTION

#### Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Reference applies to all amendments.
- 1.01.040 Title, chapter and section headings.
- 1.01.050 Reference to specific, ordinances.
- 1.01.060 Ordinances passed prior to adoption of the code.
- 1.01.070 Effect of code on past actions and obligations.
- 1.01.080 Constitutionality.
- 1.01.090 References to prior code.

#### 1.01.010 Adoption.

There is hereby adopted the "Boardman Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 2-2002 § 1)

#### 1.01.020 Title--Citation--Reference.

This code shall be known as the "Boardman Municipal Code" and it shall be sufficient to refer to said code as the "Boardman Municipal Code" in any prosecution for the

violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient designate any ordinance adding to, amending, correcting or repealing all or any part of or portion thereof as an addition to, amendment to, correction or repeal of the "Boardman Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Boardman Municipal Code" and such references shall apply to those titles, chapters, sections or subsection as they appear in the code. (Ord. 2-2002 § 2)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Boardman Municipal Code" or to any portion thereof, or to any ordinance of the city of Boardman, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 2-2002 § 3)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 2-2002 § 4)

1.01.050 Reference to specific, ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 2-2002 § 5)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 3-2001, passed March 20, 2001. The following ordinances, passed subsequent to Ordinance 3-2001, but prior to adoption of this code, are hereby adopted and made a part of this code. (Ord. 2-2002 § 6)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 2-2002 § 7)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 2-2002 § 8)

1.01.090 References to prior code.

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 2-2002 § 9)

Chapter 1.04

GENERAL PROVISIONS

(Reserved)

Chapter 1.08

INITIATIVE AND REFERENDUM

Sections:

- 1.08.010 Definitions.
- 1.08.020 Complete procedure.
- 1.08.030 Initiative proposal.
- 1.08.040 Form of petition.
- 1.08.050 Presentation to council.
- 1.08.060 Submission to voters.
- 1.08.070 Referendum procedure.
- 1.08.080 Form of petition.
- 1.08.090 Time for referring measure by petition.
- 1.08.100 Time for referral by council.
- 1.08.110 Submission to voters.
- 1.08.120 Preparation of petitions.
- 1.08.130 Elections officer duties.

- 1.08.140 Ballot title preparation.
- 1.08.150 Ballot title appeals.
- 1.08.160 Captions and statements.
- 1.08.170 Number of signatures.
- 1.08.180 Attachment of measure to sheets.
- 1.08.190 Verification of signatures.
- 1.08.200 Certification of signatures.
- 1.08.210 Voting on measures.
- 1.08.220 Designation and numbering of measures.
- 1.08.230 Election notice.
- 1.08.240 Information to county clerk.
- 1.08.250 Election returns.
- 1.08.260 Proclamation of election results.
- 1.08.270 Effective date of measures.
- 1.08.280 Conflicting measures.
- 1.08.290 Unlawful acts.
- 1.08.300 Penalties.

1.08.010 Definitions.

As used in this chapter:

“City elections officer” means the city clerk for the city of Boardman.

“Emergency election” means an election held as provided by ORS 221.230(2), when the council finds that in order to avoid extraordinary hardship to the community it is necessary to hold an election sooner than the next available election date specified in ORS 221.230(1).

“Measure” means a legislative enactment by the council not necessary for the immediate preservation of the public peace, health and safety; a part of such enactment; or a proposed legislative enactment for the city.

“Petition” means an initiative or referendum petition for ordering a measure to be submitted to the voters.

“Refer” means to subject a measure to the referendum.

“Regular election” means a city election held at the same time as a primary or general biennial election for election of state and county officers.

“Special election” means an election held on a date specified in ORS 221.230(1) that is not a regular election.

“Voter” means a legal voter of the city.

“Write” means to write, type or print. (Prior code § 1-7.1)

1.08.020 Complete procedure.

This chapter provides a complete procedure for the voters to exercise initiative and referendum powers. (Prior code § 1-7.2)

1.08.030 Initiative proposal.

An initiative measure shall be proposed by depositing at the office of the city elections officer a duly prepared petition ordering the measure to be submitted to the voters. (Prior code § 1-7.3)

1.08.040 Form of petition.

A. An initiative petition shall not be considered duly prepared unless it is in the form prescribed by the Secretary of State. A sample of the form is available in the office of the city elections officer.

B. Only the first twenty (20) names appearing on a page of a petition shall be considered in computing the number of valid signatures on the petition.

C. The caption that is part of the ballot title prepared by the city attorney shall be printed in the foot margin of each signature sheet of the initiative petition. (Prior code § 1-7.4)

1.08.050 Presentation to council.

At the next regular meeting of the council after the proposal of an initiative measure, the city elections officer shall present the measure to the council. (Prior code § 1-7.5)

1.08.060 Submission to voters.

The city elections officer shall cause a charter or charter amendment proposed by the initiative, and any other initiative measure not adopted within thirty (30) days after its filing, to be submitted to the voters at the time provided by Section 1.08.280. (Prior code § 1-7.6)

1.08.070 Referendum procedure.

A measure shall be referred by:

A. Deposit at the office of the city elections officer a duly prepared referendum petition for the measure; or

B. Council submission of the measure to the voters. (Prior code § 1-7.7)

1.08.080 Form of petition.

A. A referendum petition shall not be considered duly prepared unless it is in the form prescribed by the Secretary of State. A sample of the form is available at the office of the city elections officer.

B. Only the first twenty (20) names appearing on a page of a petition shall be considered in computing the number of valid signatures on the petition.

C. The caption that is part of the ballot title prepared by the city attorney shall be printed in the foot margin of each signature sheet of the referendum petition. (Prior code § 1-7.8)

1.08.090 Time for referring measure by petition.

A referendum petition for a measure shall be considered duly prepared if the petition and the required signatures are deposited with the city elections officer within thirty (30) days after the council enacts the measure. (Prior code § 1-7.9)

1.08.100 Time for referral by council.

The council may refer a measure only at the session at which it enacts the measure. (Prior code § 1-7.10)

1.08.110 Submission to voters.

The city elections officer shall cause a referred measure to be submitted to the voters at the time fixed by Section 1.08.210. (Prior code § 1-7.11)

1.08.120 Preparation of petitions.

A petition shall not be considered duly prepared unless:

A. Prior to its circulation, a copy is deposited with the city elections officer, with a correct copy of the measure and a signed statement on the face of the petition of the name and address of the person or persons, not to exceed three, under whose authority and sponsorship the petition was prepared and is to be circulated; or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization; and

B. As circulated, the petition:

1. Complies with the requirements of Section 1.08.040 or Section 1.08.080;

2. Contains the ballot title that is prepared initially or that is approved or prescribed on appeal, as required by this chapter, for the measure for which it is being circulated; and
3. Contains the name and address of the sponsor of the petition. (Prior code § 1-7.12)

#### 1.08.130 Elections officer duties.

When a copy of a petition to be circulated is deposited with the city elections officer, the officer shall immediately:

- A. Check the form for compliance with Section 1.08.040 or Section 1.08.080;
- B. Advise the person depositing it whether it complies with Section 1.08.040 or Section 1.08.080 and, if it does not, how to correct it;
- C. Stamp the date and time on the petition;
- D. Provide a sample petition form prescribed by the Secretary of State, if one has not already been obtained; and
- E. Send a copy to the city attorney for preparation of the ballot title, unless the officer is responsible for preparing the title. (Prior code § 1-7.13)

#### 1.08.140 Ballot title preparation.

A. The ballot title for a measure ordered by the council or proposed to be ordered by a petition shall be prepared and in the hands of the city elections officer within five days after the council orders the submission or after a copy of the petition is first deposited with the officer.

B. When the council orders submission of a measure to the voters or when a petition is first deposited with the city elections officer, the officer shall send a copy of the measure to the city attorney, who shall prepare the ballot title and return it to the officer. If the city has no attorney or the city attorney is unable to prepare the ballot title within the time required, the officer shall prepare the ballot title. (Prior code § 1-7.14)

#### 1.08.150 Ballot title appeals.

A voter dissatisfied with the ballot title may, within five days after it is prepared and deposited with the city elections officer, appeal to the council by a written appeal deposited with the officer, asking for a different ballot title for the measure and stating why the title prepared is unsatisfactory. Within three days after deposit of the appeal with the officer, the council shall provide the appellant a hearing and either approve the title or

prescribe another ballot title. The title thus adopted shall be the ballot title for the measure. (Prior code § 1-7.15)

1.08.160 Captions and statements.

The ballot title shall be a concise and impartial statement of the purpose of the measure. It shall consist of:

A. A caption not exceeding ten (10) words by which the measure is commonly referred to;

B. A question of not more than twenty (20) words which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

C. An abbreviated statement not exceeding seventy-five (75) words which summarizes the measure. (Prior code § 1-7.16)

1.08.170 Number of signatures.

A. The number of signatures required for a duly prepared initiative petition shall be fifteen (15) percent of the number of votes cast at the election for the office of mayor immediately preceding the deposit of the petition with the city elections officer.

B. The number of signatures required for a duly prepared referendum petition shall be ten (10) percent of the number of votes cast at the election for the office of mayor immediately preceding the deposit of the petition with the city elections officer. (Prior code § 1-7.17)

1.08.180 Attachment of measure to sheets.

A signature on a petition sheet shall not be counted unless a copy of the measure to which the petition refers is attached to the sheet. (Prior code § 1-7.18)

1.08.190 Verification of signatures.

A signature on a petition sheet shall not be counted unless the person who circulated the sheet verifies, on its face, by a signed statement, that the individuals signed the sheet in the presence of the circulator and the circulator believes that each individual who signed the sheet is a qualified voter. (Prior code § 1-7.19)

1.08.200 Certification of signatures.

Within ten (10) days after a duly prepared petition is deposited with the city elections officer, the officer shall verify the number and genuineness of the signatures and the

voting qualifications of the persons signing the petition by reference to the registration books in the office of the Morrow County clerk. If a sufficient number of voters signed the petition, the officer shall so certify and file the petition. If the officer determines that there is an insufficient number of signatures, the petition shall be returned to the sponsor or person offering the petition for filing. (Prior code § 1-7.20)

1.08.210 Voting on measures.

A. The time for voting on a measure shall be the first available election date more than ninety (90) days after the verification and filing of a duly prepared petition by the city elections officer.

B. The council may call an emergency election for a measure and set the date for it as provided by ORS 221.230. (Prior code § 1-7.21)

1.08.220 Designation and numbering of measures.

Measures shall appear on a ballot by ballot title only, and initiative measures shall be distinguished from referred measures. The sequence of measures to be voted on shall be the sequence in which the respective measures are ordered to be submitted to the voters, with the first measure to be numbered "51" in numerals, and the succeeding measures to be numbered consecutively "52," "53," "54," and so on. (Prior code § 1-7.22)

1.08.230 Election notice.

The city elections officer shall give notice of all elections in accordance with the requirements of the city charter. (Prior code § 1-7.23)

1.08.240 Information to county clerk.

When a measure is to be voted on at a regular or special election, the city elections officer shall furnish a certified copy of the ballot title and number of each measure to be voted on at the election to the Morrow County clerk, in accordance with the time limits established by state law. (Prior code § 1-7.24)

1.08.250 Election returns.

The votes on a measure shall be counted, canvassed and returned by the county clerk, as provided by state law. (Prior code § 1-7.25)

1.08.260 Proclamation of election results.

A. Immediately upon the completion of the canvass of the votes on a measure, the council shall issue a proclamation:

1. Stating the vote on the measure;
2. Declaring whether the vote shows a majority to be in favor of it; and
3. If a majority of voters favor the measure, declaring it to be effective from the date of the vote.

B. The city elections officer shall give public notice of the proclamation by publishing it once in a newspaper of general circulation in the city or by posting copies of it in five public places in the city, including city hall.

C. The proclamation shall be filed with the measure. (Prior code § 1-7.26)

#### 1.08.270 Effective date of measures.

A measure submitted to the voters shall take effect when proclaimed by the council to be passed by a majority of the voters. A measure shall have no effect while it is subject to the referendum. (Prior code § 1-7.27)

#### 1.08.280 Conflicting measures.

Of conflicting measures approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount. (Prior code § 1-7.28)

#### 1.08.290 Unlawful acts.

- A. No person other than a registered voter shall sign a petition.
- B. No person shall sign a petition with a name not his or her own.
- C. No person shall knowingly sign a petition more than once.
- D. No person shall knowingly circulate or deposit at the office of the city elections officer a petition that contains a signature signed in violation of this chapter.
- E. No person shall procure or attempt to procure a signature on a petition by fraud.
- F. No person shall knowingly make a false statement concerning a petition.
- G. No person shall make a document required or provided for by this chapter that contains a false statement.
- H. No person shall pay or receive a valuable consideration for procuring a signature on a petition.
- I. No officer shall wilfully violate a provision of this chapter. (Prior code § 1-7.29)

1.08.300 Penalties.

Violation of a provision of Section 1.08.290 is punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment not to exceed thirty (30) days, or both fine and imprisonment. (Prior code § 1-7.30)

Chapter 1.12

RIGHT OF ENTRY

(Reserved)

Chapter 1.16

GENERAL PENALTY

(Reserved)