

CITY OF NORTH POWDER  
STATE OF OREGON

**A CHARTER**

To provide for the government of the municipality of North Powder, Union County, Oregon; and to repeal all charter provisions of the municipality enacted prior to the time this Charter takes effect, save and except those charter provisions pertaining to the municipality's sewer system and water system enacted March 1, 1971.

BE IT ENACTED by the people of the municipality of North Powder, Union County, Oregon. The corporate limits of said city shall be as follows:

Commencing at a point on the northeast corner of section twenty-two (22) in township number six (6) south of range 39, East of Willamette Meridian, in Union County, Oregon, and running west along said section line three-quarters (3/4) of a mile to the northeast corner of the northwest quarter of the northwest quarter of section 22; thence south along said quarter-section line to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east one-quarter (1/4) of a mile to the southeast corner of said town site and on said quarter-section line; thence southeast and in a parallel line with the southwest end line to said town site till it strikes the North Powder River; thence in a northeasterly direction along the northwest bank of said river till it strikes the section line between sections 22 and 23; thence north along said section line to the place of beginning.

**Chapter I  
NAME AND BOUNDARIES**

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the North Powder Charter of 1976.

Section 2. NAME OF CITY. The city in Union County, Oregon, now known as the "City of North Powder" shall continue to be a municipal corporation and shall continue to be known as the "City of North Powder."

Section 3. BOUNDARIES. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The recorder shall keep in his office, at the city hall, at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder.

**Chapter II  
POWERS**

Section 4. POWERS OF THE CITY. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF A CHARTER. In this charter no mention of a particular power shall be construed to be exclusive of nor to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

### **Chapter III FORM OF GOVERNMENT**

Section 6. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. COUNCIL. The council shall be composed of a mayor and six councilpersons elected from the city at large.

Section 8. COUNCILPERSONS. The term of office of each councilperson in office when this charter is adopted shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, six councilpersons shall be elected. Of the six, the three receiving the three highest numbers of votes shall each hold office for four years, and the three receiving the next three highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, three councilpersons shall be elected, each for a term of four years.

Section 9. MAYOR. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. OTHER OFFICERS. Additional officers of the city shall be a municipal judge, a recorder, a treasurer and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 11. SALARIES. The compensation for the services of each city officer and employee shall be the amount fixed by the council.

Section 12. QUALIFICATIONS OF OFFICERS. No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and elections of its own members.

### **Chapter IV COUNCIL**

Section 13. MEETINGS. The council shall hold a regular meeting at least once each month in the city at a time and place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at request of three members of the council shall call a special meeting of the council as provided by law. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. QUORUM. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in a manner provided by ordinance.

Section 15. RECORD OF PROCEEDINGS. The council shall cause a record of its proceeding to be kept as required by law.

Section 16. PROCEEDINGS TO BE PUBLIC. All meetings of the council shall be open to the public except as otherwise authorized by law.

Section 17. MAYOR'S FUNCTION AT COUNCIL MEETING. The mayor shall be chairman of the council and preside over its deliberations. He shall have no vote on questions before the council, except in the event of a tie. He shall have authority to preserve order and enforce the rules of the council.

Section 18. PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

#### **Chapter V POWERS AND DUTIES OF OFFICERS**

Section 19. MAYOR. The mayor shall appoint all committees. He shall sign all ordinances and resolutions approved by the council. He shall have no veto power. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse approval of the bond.

Section 20. MUNICIPAL JUDGE. The municipal judge shall be judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of North Powder, Union County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council or by law. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures of penalties defined or authorized by ordinances of the city or by law. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court shall be governed by the applicable general laws of the state, including appeals to the Circuit Court.

Section 21. RECORDER. The recorder shall serve as ex officio clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all authority and duties of the recorder.

#### **Chapter VI ELECTIONS**

Section 22. REGULAR ELECTIONS. Regular city elections shall be held at the same time and places as biennial general state elections, in accordance with applicable state election laws.

Section 23. NOTICE OF REGULAR ELECTIONS. The recorder, pursuant to directions from the council, shall give at least ten (10) days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct

of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 24. SPECIAL ELECTIONS. The council shall provide the time, manner and means for holding any special election. The recorder shall give notice of such special election as required by law.

Section 25. TIE VOTES. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 26. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 27. OATH OF OFFICE. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitution and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 28. NOMINATIONS. A qualified elector who has resided in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the council. The petition shall be signed by not fewer than twenty (20) electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature, shall state the signer's place of residence, identified by street and number or other sufficient designation. All nominating petitions shall be filed with the recorder not earlier than ninety (90) nor later than thirty (30) days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five (5) days after filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, in such form as the council may require, within five (5) days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

## **Chapter VII VACANCIES IN OFFICE**

Section 29. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence, conviction of any offense pertaining to his office, or unlawful destruction of public records; resignation, recall from office or ceasing to possess the qualifications for the office to qualify therefore within ten (10) days after the

time for his term of office to commence; or in the case of a mayor or councilperson, upon his absence from the city for thirty (30) days without the consent of the council or upon his absence from meetings of the council for sixty (60) days without like consent, and upon a declaration by the council of the vacancy.

Section 30. FILLING OF VACANCIES. Vacant elective offices in the city shall be filled by appointment, by the council at any regular or special meeting. The appointee's term of office shall begin immediately upon his appointment and shall continue for the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

### **Chapter VIII ORDINANCES**

Section 31. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of North Powder ordains as follows."

Section 32. MODE OF ENACTMENT. (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

(2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

(3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one (1) week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city.

(4) Upon the enactment of an ordinance, the recorder shall sign it with the date of its passage and his name and title of office, and within three (3) days thereafter, the mayor shall sign it with the date of his signature, his name and the title of his office.

Section 33. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect; in the case of an emergency, it may provide that it take effect immediately.

### **Chapter IX PUBLIC IMPROVEMENTS**

Section 34. CONDEMNATION. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 35. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six (6) months upon a remonstrance thereto by the owners of a two-thirds of the land to be specially assessed

therefore. In this action "owner" shall mean the record holder of legal title or the Contract Purchaser of real property of record.

Section 36. SPECIAL ASSESSMENTS. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by the special assessment statutes of the state except as otherwise provided by ordinance.

Section 37. BIDS. A contract in excess of \$500.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council.

#### **Chapter X MISCELLANEOUS PROVISIONS**

Section 38. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 39. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect, save and except those charter provisions pertaining to the municipality's sewer system enacted March 1, 1971, and its water system enacted March 1, 1971, are hereby repealed.

Section 40. TIME OF EFFECT OF CHARTER. This charter shall take effect upon proclamation of the Mayor after approval of a majority of those voters voting on the proposition of the adoption of this charter in the election on March 4, 1976.

I hereby certify that the foregoing is a true and correct copy of the charter of the City of North Powder, Union County, Oregon, as adopted by the people of said City by special election on March 4, 1976.

City of North Powder, Oregon