

ORDINANCE NO. 394

An Ordinance Providing for the Manner of Exercising in the City of Klamath Falls, Klamath County, Oregon, the Initiative and Referendum Powers Reserved to the Legal Voters of Every Municipality and District, as to All Local, Special and Municipal Legislation of Every Character, in or for Their Respective Municipalities and Districts, by Section 1-A of Article IV, and Section 2 of Article XI of the Constitution of the State of Oregon; Prescribing Penalties for the Violation of the Provisions Hereof; Repealing All Ordinances, Resolutions or Orders, or Parts Thereof, in Conflict Herewith, and Declaring an Emergency.

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS: Section 1.—The initiative and referendum powers granted by the Constitution of the state to every municipality and district, as to all local, special and municipal legislation of every character in or for their respective municipalities and districts, shall be exercised in the city of Klamath Falls, Oregon, in the manner provided in this ordinance.

Section 2.—Whenever the legal voters of the city of Klamath Falls shall desire to initiate any measure, charter, ordinance or amendment to the charter of said city of Klamath Falls, there shall be filed with the police judge of said city a petition in substantially the following form:

INITIATIVE PETITION

To the Honorable Police Judge of the city of Klamath Falls: We, the undersigned citizens and legal voters of the city of Klamath Falls, Klamath county, state of Oregon, respectfully order that the following (here specify whether the measure initiated is an ordinance, charter, amendment to the charter, or other measure) of the city of Klamath Falls shall be submitted to the legal voters of said city of Klamath Falls for their approval or rejection, at the regular general election to be held in said city on the day of 1916, or at a special election called by the common council of said city for that purpose; and each for himself says: I have personally signed this petition, and my residence and post-office and voting precinct are correctly written after my name:

Name Residence in city. Voting precinct and Number Street (Number of lines for twenty names on each sheet.)

Every such sheet for the petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed by initiative petition.

Section 3.—Whenever the legal voters of the city of Klamath Falls, Oregon, shall desire to exercise the power of referendum upon any measure, ordinance, charter, or amendment to the charter of said city of Klamath Falls, passed by the common council of the city of Klamath Falls, there shall be filed with the police judge of said city a petition in substantially the following form:

PETITION FOR REFERENDUM

To the Honorable Police Judge of the city of Klamath Falls:

We, the undersigned citizens and legal voters of the city of Klamath Falls, Klamath county, state of Oregon, respectfully order that Ordinance No. ... entitled (here insert the full title of the ordinance; if the measure referred is not an ordinance, here describe particularly the measure to be referred and omit any reference to an ordinance), passed by the common council of said city on the day of 1916, shall be referred to the people of said city of Klamath Falls for their approval or rejection at the regular general election to be held in said city on the day of 1916, or at a special election to be called by the council for that purpose; and each for himself says: I have personally signed this petition. I am a legal voter of the said city of Klamath Falls, Oregon, and my residence, postoffice and voting precinct are correctly written after my name.

Name Residence in city. Voting precinct, and Number Street (Number of lines for twenty names on each sheet.)

Every such sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so ordered to be referred.

Section 4.—Not more than fifteen per cent of the legal voters in said city of Klamath Falls shall be required to propose any measure by the initiative, and not more than ten per cent of the legal voters shall be required to order the referendum.

Section 5.—The police judge of said city, upon the filing of any such petition for the initiative or referendum, shall compare the signatures of the electors who signed the same with the signatures on the registration books and blanks on file in his office, as the same appear at the time of filing of any such petition, and shall thereupon attach to the sheets of any of such petition containing such signatures his certificate in the following form:

State of Oregon, County of Klamath, City of Klamath Falls, ss: I, police judge of the city of Klamath Falls, Oregon, hereby certify that I have compared the signatures on (number of sheets) of the initiative (or, as the case may be, referendum) petition attached hereto with the signatures of said electors as they appear on the registration books and blanks in my office, and I believe that the signatures of the signers thereof, numbering are genuine. As to the remainder of the signatures thereon, I believe they are not genuine except as to the following names:

which do not appear on the registration books and blanks in my office.

(Seal of office) Police Judge Every such certificate shall be prima facie evidence of the facts stated therein and of the qualifications of the electors whose signatures are thus certified to be genuine; and the police judge of said city shall consider and count only such signatures on such petitions as he shall be able to certify as aforesaid.

Section 6.—When any petition for the initiative or referendum shall be filed with the police judge of said city, he shall decide in the first instance whether or not the petition entitles the parties to have the measure referred to the people under the provisions of Section 1A of Article IV and Section 2 of Article XI of the Constitution of Oregon, and this ordinance, and either the petitioners or the remonstrators, if any, may determine whether or not his decision is correct by mandamus proceedings in the circuit court of the state of Oregon for Klamath county. Such mandamus proceedings must be commenced within five days after any such decision by the police judge.

Section 7.—If any ordinance, charter, or amendment to the charter of said city of Klamath Falls shall be proposed by initiative petition, said petition shall be filed with the police judge of said city, and he shall transmit it to the next regular session of said council. The council shall either ordain or reject the same as proposed within thirty days thereafter, and if the council shall reject the said proposed ordinance, charter, or amendment to the charter, or shall take no action thereon, then the said police judge shall submit the same to the voters of the city of Klamath Falls at the next ensuing general city election held therein, provided said general election shall be held not more than sixty days after the same was first presented to said council; otherwise the same may be submitted to the voters at a special election to be called by the council. The council may ordain said ordinance, charter, or amendment thereto, and refer it to the people, or it may ordain such ordinance, charter or amendment thereto without referring it to the people, and in that case it shall be subject to referendum petition in like manner as other ordinances.

The mayor shall not have power to veto any such measure. If conflicting ordinances, charters, or charter amendments shall be submitted to the people at the same election, and two or more of such conflicting measures shall be approved by the people, then the measure which shall have received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority.

Any ordinance or other measure, a complete charter, or amendment to the city charter, may be proposed and submitted to the people by the council without an initiative or referendum petition. No such measure shall be effective until it is approved by the majority of the votes cast thereon by the people of the city of Klamath Falls. The mayor shall not have power to veto any such measure. The city council may order special elections to vote on all municipal measures, ordinances, charters or amendments to charters.

Section 8.—Immediately upon the filing of any such petition for the initiative or the referendum with the police judge of said city signed by the number of voters and filed within the time required by this ordinance, the said police judge shall cause notice thereof announcing that such petition has been filed, with a brief statement of its tenor and effect, to be given by publication, for a period of ten (10) days in each successive issue of the city official newspaper, the first publication to be at least ten (10) days prior to the election at which said measure is to be voted upon.

Section 9.—That for the purpose of invoking the referendum upon any ordinance or other measure passed by the common council of the city of Klamath Falls, except measures necessary for the immediate preservation of the public peace, health, or safety, and except those referred by the common council without petition, the petition therefor may be filed with the police judge of said city within twenty days from the date of approval of such ordinance or other measure by the mayor, or in case the same shall be passed over the veto of the mayor, within twenty days from the passage of such ordinance over such veto, or in case the same shall become effective without the signature of the mayor, then within twenty days from the date that such ordinance or other measure shall become effective; and no action shall be taken or anything done to carry out the provisions of any such ordinance or other measure until such time for the filing of such petition shall have elapsed, and the filing of such petition shall have the effect of suspending the operation of such ordinance or other measure until the matter shall have been submitted to the people and decided upon by them at an election, as in this ordinance provided.

Section 10.—The police judge, when such initiative or referendum petitions have been properly filed, shall make out titles and numbers for the various measures to be voted upon at the ensuing general city election, unless the common council shall order a special election at which the said measures shall be submitted to vote, and he shall use for each measure a title designated by him for the purpose descriptive of the measure to be voted upon, each measure to be given a separate title, provided that such title shall not resemble any title of any measure or ordinance or amendment to the charter previously filed to be submitted at the same election.

The police judge shall number each proposed measure and all measures shall be numbered in the order in which they are filed. Said titles and numbers shall be printed upon the official ballot in the order in which the petitions are filed with the police judge. Measures proposed by the initiative shall be designated and distinguished from measures referred by the people to the referendum. The affirmative of the first measure submitted shall be numbered on the official ballot 300 and the negative 301, in numerals, and the succeeding measures shall be numbered consecutively 302 affirmative and 303 negative, 304 affirmative and 305 negative, and so on at each election.

Section 11.—The manner of voting upon measures submitted to the people at a general or special city election shall be the same as is required by law, and no measure shall be adopted unless it shall receive an affirmative majority of the effective votes cast on such measure and entitled to be counted under the provisions of the law; that is to say, if 800 ballots be properly marked on any measure, it shall not be adopted unless it shall receive more than 400 affirmative votes.

Section 12.—The police judge shall, not later than ten days before any general or special election at which any proposed ordinance, measure, charter or amendment to the charter of the city of Klamath Falls is to be submitted to the people upon an initiative or referendum petition, or by the common council without petition, cause to be printed a true copy of the title and text of each of said measures or amendments to be submitted, with the number and form in which the question shall be printed on the official ballot. The paper to be used for the covers of such pamphlets shall be twenty by twenty-five inches and fifty pounds weight to the ream. The persons, committees, or duly authorized officers of any organization filing any petition for the initiative or referendum, but no other person, committee or organization shall have the right to place with the police judge, for distribution any pamphlets, advocating such measure not later than ten days before the election at which the measure is to be voted upon. Any person, committee or corporation, opposing any measure may place with the police judge for distribution any pamphlets they may desire not later than ten days before the election at which said measure is to be voted upon. Pamphlets advocating or opposing any measure, referred to the people by initiative or referendum petition or by the common council without petition, shall be governed by the same rules, and persons advocating and opposing the adoption of any such measure so referred as last stated, shall have the right to place in the hands of the said police judge for distribution pamphlets advocating and opposing such measure, but no persons other than those hereinbefore mentioned shall be privileged to file such arguments.

It shall be the duty of the police judge to furnish a printed copy of any measure proposed by the initiative or referendum to the people by petition, or referred by the common council without petition, together with a pamphlet advocating and a pamphlet opposing such measure, insofar as the same have been furnished said police judge, to each qualified elector of the city of Klamath Falls, as shown by the registration blanks in his office, and to any other person, not so registered, who is a bona fide elector in said city. Said printed copies may be sent by mail or delivered by carrier.

Section 13.—The votes on measures and questions submitted at a general election shall be counted and canvassed and returned by the regular board of judges, clerks and officers as voters for candidates are counted, canvassed and returned, and the returns shall be canvassed in the same manner. Upon the canvass being completed, the police judge shall obtain the result thereof and shall cause an entry thereof to be made in the journal of the proceedings of the city of Klamath Falls, and the mayor shall forthwith issue his proclamation, which shall be posted in at least three public places in the city of Klamath Falls, giving the whole number of votes cast in the city for and against each measure in question, and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect from the date of the said publication of the result of the election on said measures voted upon. If the mayor shall fail to make such proclamation the measures approved by a majority of those voting thereon shall be in full force and effect from the date the canvass of said returns is made.

Section 14.—The provision of this ordinance as to form of petition for the initiative and referendum are directory and not mandatory, and any form of petition that substantially complies with the spirit and intent of this ordinance shall be sufficient, though not in the identical form prescribed by this ordinance; and no ordinance, other measure, charter or amendment to the charter receiving a majority of the votes cast at any election shall be declared invalid because of non-compliance with the provisions of this ordinance, if the same shall have been submitted to the vote of the people and a fair expression of the will of the qualified electors is obtained at any such election. Where, under the provisions of this ordinance, notice is directed to be given of the filing of any such petition for the initiative or referendum immediately, it shall be sufficient, if the first publication of such notice shall have been made within one week from the date of the filing of any such petition.

Section 15.—If the common council shall propose any ordinance, or charter, or amendment to the city charter and submit the same to the voters, at a special election, the common council shall adopt a ballot title of such measure and direct the calling of such special election, not less than twenty (20) days or more than thirty (30) days from the time the measure is adopted by the common council. Notice of the day and polling place or places of such election shall be given twenty (20) days before holding such election by written or printed notices posted in at least two (2) public and conspicuous places in each ward in the city, and such notices shall contain the ballot title of the measure to be voted on as adopted by the council.

The mayor shall not have the power to veto any measure referred to the electors, or any ordinance referring the same, or calling such election.

Section 16.—The common council shall by appropriate action provide for the time and manner of holding any such special elections, shall designate the form of ballot, the polling place or places, and appoint the judges and clerks thereof, and provide for filling the places of judges and clerks not appearing to serve, and provide ballot boxes, all necessary election supplies, ballots, etc., and generally shall make such provisions as it shall see proper for the purpose of holding such election not inconsistent with the provisions of this ordinance.

Section 17.—All general and special elections held hereunder shall be conducted under the provisions of the Australian ballot law of Oregon so far as the same may and can be applied to elections in said city, and under

the provisions of the charter of the city of Klamath Falls except as otherwise herein provided. The police judge shall perform the duties required of county clerks, and the marshal the duties of sheriffs, under the election laws of the state, except as herein otherwise provided, and the polls shall be opened at nine o'clock in the forenoon and shall continue open until eight o'clock in the afternoon.

Section 18.—The votes on measures and questions submitted at a special election shall be counted, canvassed and returned by the board of judges and clerks serving at any such special election. The said judges and clerks shall begin the counting and canvassing of said votes immediately after the closing of the polls and shall continue so to do until the same are all counted, and thereupon, and before they separate or adjourn the judges shall enclose the poll books in separate covers and securely seal the same; they shall also enclose the tally sheets in separate envelopes and seal the same securely; they shall also enclose the ballots and stubs, strung on strings, and seal the same securely; and they shall, in writing, with pen and ink, specify the contents and address of each of said packages on the outside thereof to the police judge of the city of Klamath Falls. One of the tally sheets, the poll book which was kept by the second clerk, the ballots and the stubs, ballot boxes and the remaining supplies shall forthwith be conveyed by one of the judges or clerks of the election to be agreed upon for that purpose by the judges, to the police judge. The remaining tally sheet and poll book, enclosed in an envelope and cover and securely sealed as aforesaid, addressed and endorsed on the outside so that the same can be identified, shall be forthwith deposited with one of the judges, to be kept by him safely, subject to the control of the proper court. On or before the second day after the election the returns thereof must be filed with the police judge, who shall within twenty-four hours from the time of such filing, and on the third day after the election, call to his assistance the mayor and a justice of the peace of the city of Klamath Falls, and they shall canvass the returns of the election. A written statement of the canvass shall be made, signed and certified under oath by the canvassers and filed with the police judge within the time appointed to complete the same; such writing shall contain a statement of the whole number of votes cast at such election on each measure or question submitted, the number cast for and the number cast against each measure or question submitted, together with a true copy of the poll book and tally. The police judge shall present said statement of the canvass, together with said copy of the poll book and tally sheet, to the common council at the next regular meeting thereof after said canvass, and at such meeting the council shall examine said returns of said election, and shall cause an entry of the result thereof to be made in the journal of the city of Klamath Falls.

Section 19.—If the common council shall order any measure initiated or referred by petition voted upon at any special election, the provisions of this ordinance, except as otherwise herein stated, concerning special elections shall apply to any such election.

Section 20.—Every person who is a qualified elector of the city of Klamath Falls may sign a petition for the referendum or for the initiative. Any person signing any name other than his own to such a petition, or signing his name more than once for the same measure at one election or who is not at the time of signing the same a legal voter of the city of Klamath Falls, or any officer or any person wilfully violating any of the provisions of this ordinance, shall, upon conviction thereof before the police judge, be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the city jail not less than five days nor more than thirty days, or by both fines and imprisonment.

Section 21.—Whereas, it is the judgment of the common council that certain speedy and effective means should be provided defining the manner of exercising the powers granted by Section 1A of Article IV and Section 2 of Article XI of the Constitution of Oregon, as to local, special and municipal legislation; Therefore, an emergency exists and it is necessary for the immediate preservation of the public peace, health, and safety that this ordinance shall become operative as soon as possible under the provisions of the city charter, and this ordinance shall be and is hereby excepted from the referendum, and shall take effect and be in force from and after its passage and approval as provided by the charter.

Passed by the common council of the city of Klamath Falls on the 9th day of October, A. D., 1916.

Approved by the mayor on the 9th day of October, A. D. 1916.

(Signed) C. B. CRISLER, Mayor of the City of Klamath Falls, Oregon.

(Seal) Attest—A. L. LEAVITT, Police Judge.

LEGAL NOTICES

Summons (No. 831 Equity)

In the Circuit Court, in and for the County of Klamath and State of Oregon.

Roas Nickerson, Plaintiff,

vs. Nellie Nickerson, Defendant.

To Nellie Nickerson, defendant above named:

In the name of the state of Oregon: You are hereby required to appear and answer the complaint filed against you in the above entitled suit on or before the 2d day of November, 1916, that being the last day of the time prescribed in the order of publication of this summons, and if you fail so to appear, plead, answer, demur or otherwise move, for want thereof, plaintiff will apply to the court for the relief prayed for in his complaint, to-wit:

For a decree dissolving the bonds of matrimony now existing between the plaintiff and defendant, upon the grounds of willful desertion upon the part of the defendant for more than one year previous to the instituting of this suit.

This summons is served upon you, the said defendant, by the publication thereof in the Evening Herald, a public newspaper of general circulation, printed and published at Klamath Falls, Klamath county, Oregon, once a week, for six successive weeks, the first publication being made September 20, 1916, and the last publication being made November 1, 1916, by order of the Honorable D. V. Kuykendall, judge of the circuit court of Klamath county, Oregon, which said order was made, entered, dated and filed in this suit on September 19, 1916.

W. H. A. RENNERT, Attorney for Plaintiff.

20-27-4-11-18-25-1

Administrator's Notice

In the County Court of the State of Oregon, for the County of Klamath.

In the Matter of the Estate of Thomas L. Roberts, Deceased.

The public will please take notice that the undersigned was on the 9th day of September, 1916, appointed administrator of the estate of Thomas L. Roberts, deceased, by order of the above entitled court, and those hav-

ing claims against said estate will present them, duly verified, together with the necessary vouchers, to the said administrator, on or before six months from date hereof, at the office of Horace M. Manning, attorney at law, Loomis building, Klamath Falls, Oregon, which is the place the undersigned has selected to transact the business of the said estate.

HIRAM M. ROBERTS, Administrator of the Estate of Thomas L. Roberts, Deceased.

Date of this notice and date of first publication thereof, September 13th, 1916. 13-20-27-4-11

Notice of Sheriff's Sale

By virtue of an execution on foreclosure duly issued by the clerk of the circuit court of the county of Klamath, State of Oregon, dated the third day of October, 1916, in a certain suit in said court wherein Christ Diedriksen as plaintiff was given decree foreclosing his mortgage lien against the premises hereinafter described, the property of A. C. Cunningham, in the sum of \$4,111.16 and costs and disbursements in the sum of \$24.45, on the 3d day of October, 1916.

Notice is hereby given that I will on Thursday, the 2d day of November, 1916, at the hour of 2 o'clock p. m., at the front door of the court house in Klamath Falls Oregon, sell at public auction to the highest bidder for cash, the following described property, to-wit:

The east half of the northwest quarter, the northwest quarter of the northeast quarter and lot 3 of section 13, township 41 south, range 10 east of Willamette Meridian, in Klamath county, Oregon; and also 154 shares of the capital stock in the Van Brimmer Ditch company;

taken and levied upon as the property of said A. C. Cunningham, or as much thereof as may be necessary to satisfy said decree in favor of Christ Diedriksen against said property, with interest thereon, together with all costs and disbursements that have or may accrue.

C. C. LOW, Sheriff. Dated at Klamath Falls, Oregon, October 9, 1916. 4-11-18-25

How many Red Seal Receipts in your collection? Shepherd has hundreds of them in stock. 4-11