



CITY CHARTER

AN ACT

To amend the charter for the City of Harrisburg, Linn County, Oregon, and to repeal all provisions of the former charter not specifically retained in this act.

Be it enacted by the people of the City of Harrisburg, Linn County, Oregon:

Chapter I

Name, Boundaries, and General Provisions

Section 1. Title of Enactment. This enactment may be referred to as the Harrisburg Charter of 1948.

Section 2. Name of City. The City of Harrisburg, Oregon, shall continue to be a municipal corporation, with the name of "City of Harrisburg."

Section 3. Boundaries. The geographical or corporate limits and boundaries of the City of Harrisburg shall be as follows, to wit:

Commencing at a point in the center of the Willamette River, 200 feet north of the northwest corner of McCully's Addition to the town of Harrisburg, Oregon; thence north 80 rods; thence east 308 rods and 6 feet to a point 25 rods east of the west line of a tract of land owned by Michael Fuller on October 28, 1874, said point being also 18.68 chains west and 23.03 chains north of the southeast corner of William H. McCully's Donation Land Claim No. 41, Lot No. 2973 in Linn County, Oregon; thence south 376 rods to the center of a county road running east and west; thence west to the center of the

Willamette River; thence down the center of said Willamette River to the place of beginning.

Section 4. Existing Ordinances Continued. All ordinance of the City of Harrisburg consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 5. Existing Rights and Liabilities Continued. Except as this charter provides otherwise, no right or liability of the City shall be impaired or discharged by adoption of this charter.

CHAPTER II

Powers

Section 6. 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 implicitly grant or allow or that can be granted thereunder to municipalities as fully as though this charter specifically enumerated each of those powers.

Section 7. Construction of Charter. In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers, which the City would have if the particular power was not mentioned. The charter shall be liberally constructed, to the end that the City shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that Cities may assume pursuant to the laws and to the municipal home-rule provisions of the constitution of the state.

Section 8. Exercise of Power. The City's exercise of a right, power, privilege or immunity, where not prescribed by constitution or law, shall be in the manner prescribed in this charter; and, where not prescribed by constitution, law, or this charter, shall be in the manner prescribed by ordinance or resolution of the council.

CHAPTER III

Form of Government

Section 9. Where Powers Vested. Except as this charter provides otherwise, all powers of the City shall be vested in a Council and a Mayor.

Section 10. Council. The council shall be composed of six councilmen elected at large. The term of office of each councilman 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 councilmen shall be elected. Of the six, the three receiving the three highest number of votes shall each hold office for four years; and the three receiving the next three highest number of votes shall each hold office for two years. At each subsequent biennial general election three councilmen shall be elected, each for a term of four years.

Section 11. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 12. 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 and may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions. Before taking office, the recorder, treasurer or any other officer whom the council requires to provide a bond, shall file with the mayor a bond for the faithful performance of his duties. The bond shall be in whatever amount the council fixes for it.

Section 13. Qualifications of Officers. No person shall be eligible to an elective office in the City unless at the time of his election he is a qualified voter of the state and has resided within the City for one year immediately preceding his election.

Section 14. Salaries. The compensation for the services for each appointive City officer and employee shall be whatever amount the council fixes. Until provided otherwise by the council, the mayor shall receive \$2.00 each for each council meeting which he attends, but not more than \$30.00 during any twelve months; and each councilman shall receive \$2.00 for each council meeting which he attends, but not more than \$30.00 during any twelve months. The council may change the salaries of the mayor and councilmen, but increase in the salaries shall take effect until January after the first regular election subsequent to the granting of the increase.

CHAPTER IV

Council

Section 15. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the City which it designates and shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the City, call a special meeting of the Council for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the council may also be held by common consent of all members of the council.

Section 16. Quorum. A majority of the members of the council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 17. Journal. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 18. Meetings to be public. All deliberations and proceedings of the council shall be public.

Section 19. Mayor's Functions at Council Meetings. The mayor shall be the presiding officer of the council. He shall not vote except in case of a tie vote of the members of the council present at a meeting. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 20. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting in each odd numbered year, the council by ballot shall elect a president from its membership. In the mayors absence from a council meeting the president shall preside over it. Whenever the mayor is unable, on account of absence, illnesses, or other cause, to perform the functions of his office, the president of the Council shall act as mayor.

Section 21. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council except in case of a tie vote, in which event the mayor shall cast the deciding vote.

CHAPTER V

Powers and Duties of Officers

Section 22. Mayor. The mayor shall appoint the committees provided for under the rules of the council. He shall sign all approved records of the proceedings of the council and countersign all orders on the treasury. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. Upon approval of the council he shall endorse all bonds of officers of the City and all bonds for licenses, contracts, and proposals.

Section 23. Municipal Judge. The municipal judge shall be the judicial officer of the City. He shall hold within the City a court known as the municipal court for the City of Harrisburg, Linn County, Oregon. Except on non-judicial days, the court shall be open for the transaction of judicial business. 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 crimes and offenses defined and made punishable by ordinance of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the City. 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 to 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 the court. When not governed by ordinance or this charter, all proceedings in the municipal court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court of cases for violation of City ordinances shall be had without juries.

Section 24. Recorder. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. In his 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 the authority and duties of the recorder. The recorder shall countersign all writings authorized by this charter, the council or the laws of the state.

CHAPTER VI

Elections

Section 25. Regular Elections. Regular City elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws.

Section 26. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof in a conspicuous place in the City hall and in one public place in each voting precinct in the City or by publishing the notice twice in a newspaper of general circulation in the City. The notice shall state the officers to be elected at, the ballot title of each measure to be voted upon, and the time and place of, the election.

Section 27. Special Elections. The council shall provide the times, manner and means for holding any special election. The recorder shall give at least ten day's notice of each special election in the manner provided by the action of the council ordering the election.

Section 28. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general laws of the state shall apply to the qualifications of electors, to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 29. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the day following each special city election, the returns therefrom shall be filed with the recorder; and not later than five days after the election the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Tie votes shall be resolved by lot. Immediately after the canvass is completed the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the council shall be the final judge of the qualifications and election of its own members, subject, however to review by any court of competent jurisdiction.

Section 30. Commencement of Terms of Office. The term of office of a person elected to an office at a regular City election shall commence at the time of the first regular meeting in January of the year immediately following the election. In case of an election or appointment to fill a vacancy in an office, the person elected or appointed shall enter upon his office immediately.

Section 31. Oath of Office. Before entering upon the duties of his office each officer shall take an oath that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 31. Nominations. Any qualified elector may be nominated to be candidate for election to the Council or to the office of Mayor, if he/she has resided in the City for one year immediately preceding the time that his/her name is submitted to the voters. The name of such an elector should be printed upon the ballot whenever a petition and a written acceptance of nomination, both in substantially such form as the Council prescribes, have been filed in his/her behalf with the Recorder not sooner than the 250th day and not later than the 75th day before the date of election. Such a petition shall be signed by not fewer than ten electors. A nomination petition for a successful candidate for election shall be preserved in the office of the Recorder until the expiration of the term for which the candidate is elected. [Section 32 amended by election held June 29, 1982.]

CHAPTER VII

Vacancies in Office

Section 33. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or absence from the City for 30 days without the consent of the council; upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the time for his term of office to commence; and in the case of mayor or councilman, upon his absence from meetings of the council for 60 days without the consent of the council.

Section 34. Filling of Vacancies. Vacancies in elective offices of the City shall be filled by appointment of the Mayor with ratification of at least four members of the Council. Appointee's term of office shall begin immediately upon his appointment and taking the oath of office and shall continue throughout 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 by pro tem appointment in the manner provided for filling vacancies in the office permanently. [Section 34 amended by election held June 29, 1982]

CHAPTER VIII

Ordinances

Section 35. Enacting Clause. The enacting clause of all ordinances hereafter enacted by the council shall be "The City of Harrisburg ordains as follows:"

Section 36. Introduction, Reading and Passage.

- (1) Except as subsection (3) of this section provided for reading by title only and except as subsection (2) of this section provides for immediate adoption of emergency measures, an ordinance, before being adopted, shall be fully and distinctly read in open council meeting on two (2) days.
- (2) Except as subsection (3) of this section provides for reading by title only, an ordinance necessary to meet an emergency may, upon being read in full and then by title, be adopted at a single meeting of the council by a unanimous vote of all councilors present.
- (3) A reading of any ordinance for purposes of adoption may be title only;
 - (a) If no councilor present at the meeting requests that the ordinance be read in full or,
 - (b) If for one week prior to the reading a copy of the ordinance is provided to each councilor, and copies are available for public inspection at the office of the City Recorder during regular office hours and notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.
[Section 36 amended by election held June 29, 1982]

Section 37. 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, and, in case of an emergency, it may take effect immediately.

CHAPTER IX

Public Improvements

Section 38. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the council and declared by resolution of the council describing the property and states the uses to which it is to be devoted.

Section 39. Acquisition and Disposition of Property. The City shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries preserving or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The City shall also have power to acquire by condemnation property in excess of that needed for the actual improvements and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The City shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of construction, reconstructing, repairing, operating, or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefited thereby.

Section 40. Improvements. Street, sewer, sidewalk and such other public improvements as the council deems necessary may be undertaken on the motion of the council or on petition of the owners of two-thirds of the property to benefit especially from the improvements. A remonstrance of the owners of two thirds of the frontage of the property to be specially affected by such an improvement shall defeat such a motion or petition, in which event no further action to effect the improvement shall be taken for six months.

Section 41. Special Assessments. The procedure for determining the amounts of special assessments, their apportionment to various parcels of property, and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearing on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments, shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

Section 42. Bids. A contract in excess of \$2,000.00 for a public improvement to be made by a private contractor should be let to the lowest responsible bidder for the contract and shall be done in accordance with the plans and specifications approved by the Council; or the Council may, at its discretion, provide for the work being done by the City or let the contract by force account without calling for bids. [Section 42 amended by election held June 29, 1982.]

CHAPTER X

Miscellaneous Provisions

Section 43. Debt Limit. Except by consent of the voters, the City's voluntary floating indebtedness shall not exceed the amount allowed by state statute. All officials or employees of the City who create or officially approve any indebtedness in excess of these limitations shall be jointly and severally liable for the excess.

Section 44. Torts. In no event shall the City be liable in damages to any person for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, alley, sewer, public ground, public building, drain, gutter, ditch or way, unless the City has had actual notice prior to the injury that the defect or dangerous place existed and a reasonable time thereafter in which to repair it or remove it. In no case shall more than \$500.00 be recovered as damages for an injury resulting from such a defect or dangerous place. No action shall be maintained against the City for damages growing out of such an injury unless the claimant first gives written notice to the Council within 30 days after the injury is sustained, stating specifically the time when, and where, and the circumstances under which it was sustained; and that he will claim damages therefore of the City in an amount which he specifies. Nor shall the action be maintained unless 30 days have elapsed after the presentation of this notice to the council.

Section 45. Road Tax. The City council shall have the power to appoint a suitable person as supervisor of streets who shall collect and apply all road tax within the limits of the City of Harrisburg to the roads within the limits of said city; provided, that the

residents of said City shall be exempt from the payment of such road taxes as are or may be by law imposed upon the residents of Linn County; but the residents of said City shall be liable to the City to pay a road tax as is now provided by general law or may be hereinafter provided.

Section 46. Repeal of Previously Enacted Provisions. All charter provisions of the City enacted prior to the time this charter takes effect, except as amended or retained in this charter, are hereby repealed. But this provision shall in no way impair the effect of Section 5 of this charter.

Section 47. Time of Effect of Charter. This charter shall take effect July 1, 1948.

CHAPTER XI

Section 48. [Section 48 added by election held February 28, 1955, authorizing a sewer plant bond issue in the amount of \$155,000.00. For full text of the section, see Ordinance No. 308 on file in the office of the City Recorder.]

CHAPTER XII

Section 49. [Section 49 added by election held February 20, 1962, authorizing a water system bond issue in the amount of \$38,000.00. For full text of the section, see Ordinance No. 353 on file in the office of the City Recorder.]

CHAPTER XIII

Section 50. [Section 50 added by election held April 5, 1966, authorizing a water system bond issue in the amount of \$370,000.00. For full text of the section, see Ordinance No. 362 on file in the office of the City Recorder.]

CHAPTER XIV

Section 51. [Section 51 added by election held May 24, 1966, authorizing a sewer bond issue in the amount of \$40,000.00. For full text of the section, see Ordinance No. 364 on file in the office of the City Recorder.]

CHAPTER XV

Section 52. For the purpose of providing funds for the construction of an interceptor sewer, pumping plant, sewage treatment plant and expansion thereof, including primary and secondary treatment and such necessary connection sewers and main sewers and storm sewers as are necessary, the council of the City of Harrisburg, Oregon, is hereby authorized and empowered to execute and sell general obligation bonds of the City of Harrisburg in an amount no to exceed the sum of \$250,000.00. The Council is hereby authorized to levy sufficient taxes to pay the interest and principal on the said bonds as and when the same become due and payable. [Charter amendment adopted at a special election held October 18, 1977.]

