

Athena Ordinances

ORDINANCE NO.130

AN ORDINANCE TO PROVIDE THE CARRYING INTO EFFECT IN THE CITY OF ATHENA, UMATILLA (COUNTY), OREGON, THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF MUNICIPALITIES BY SECTION 1-a OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF OREGON, AND TO ENACT AND AMEND THEIR MUNICIPAL CHARTERS RESERVED TO LEGAL VOTERS OF CITIES AND TOWNS BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON; PROVIDING FOR VIOLATION OF THIS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

The city of Athena, Oregon ordains as follows:

**Section 1.** The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the initiative.

**WARNING**

It is a felony for anyone to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

**INITIATIVE PETITION**

To the Honorable \_\_\_\_\_  
Recorder of the City of Athena  
Umatilla County, Oregon

We, the undersigned, citizens and legal voters of the city of Athena, Umatilla County, Oregon, respectfully demand that the following proposed ordinance (or amendment to the city charter, or adoption of a new charter) shall be submitted to the legal voters of the city of Athena, Umatilla County, Oregon, for their approval or rejection at the regular (or special) city election to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, and each for himself says: I have personally signed this petition; I am a legal voter of the city of Athena, Umatilla County, Oregon, and my residence and street are correctly written after my name:

NAME \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
STREET \_\_\_\_\_

(Here follow 20 numbered lines for signatures.)

**Section 2.** The following shall be substantially the form of petition for referendum to the people on any ordinance passed by the city council.

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**WARNING**

It is a felony for anyone to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

**REFERENDUM PETITION**

To the Honorable \_\_\_\_\_  
Recorder of the City of Athena  
Umatilla County, Oregon.

We, the undersigned, legal voters of the city of Athena, Umatilla County, Oregon, respectfully demand that Ordinance No. \_\_\_\_\_, entitled (title of ordinance on which the referendum is sought), passed by the common council of the city of Athena at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, shall be submitted to the legal voters of the city of Athena for their approval or rejection at the regular (or special) city election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and each for himself says: I have personally signed this petition; I am a legal voter of the city of Athena, Umatilla County, Oregon; and my residence and street are correctly written after my name.

NAME \_\_\_\_\_

RESIDENCE \_\_\_\_\_

STREET \_\_\_\_\_

(Here follow 20 numbered lines for signatures.)

**Section 3.** Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated such sheet of said petition by affidavit thereon as follows:

STATE OF OREGON     )  
County of Umatilla     )   ss  
City of Athena         )

I, \_\_\_\_\_, being first duly sworn, say that (here shall be legibly written or typewritten the names of the signers of the sheets) signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street correctly, and that each signer is a legal voter of the city of Athena.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Signature and title of officer and his residence.

**Section 4.** The forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

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**Section 5.** Not more than 20 signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the initiative or referendum petition, as the case may be, shall be attached to each sheet circulated for signature; and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.

**Section 6.** The recorder of the city of Athena shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in his office; and if a sufficient number of qualified voters be found to have signed said petition, he shall file same within 10 days after presentation thereof to him.

**Section 7.** Initiative petition for any proposed ordinance, adoption of new charter, charter amendment or measure shall be signed by a number of legal voters equal to 15 percent of the legal voters of the city of Athena. Referendum petitions against any ordinance or measure proposed by the city council shall be signed by a number of legal voters equal to 10 percent of the legal voters of the city of Athena.

**Section 8.** An amendment to the charter of the city of Athena, or an adoption of a new charter for said city, may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition; said resolution shall be filed with the recorder for submission not later than 15 days before the election at which it is to be voted upon; and no new charter or amendment to the existing charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said municipality.

**Section 9.** Where an amendment to the charter of the city of Athena, or an adoption of a new charter for said city, may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition, the said resolution shall therein state the date of the regular municipal election, or the date of a special election at which said resolution will be submitted to be voted on.

**Section 10.** When any measure for initiative or referendum legislation shall be filed by the recorder after the number and genuineness of signatures thereto, as provided by Section 6 supra, have been ascertained, or when any resolution of the city council shall be filed with the recorder, as provided in Section 8 herein, the recorder shall forthwith transmit to the attorney of said municipality a copy of such measure, who shall within two days provide and return to the recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title, said attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure, and in such language that the ballot title shall not be argument for or liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said attorney for any such measure may, within two days after said ballot title is returned to the recorder, appeal to the city council asking a different title, and giving the reasons therefore, and stating why the title prepared by the said attorney is improper; and the city council shall, by resolution, approve the ballot title prepared by said attorney, or shall by resolution prescribe another ballot title therefore; and the ballot title so approved or prescribed by the city council shall be the title placed upon the ballot. Such ballot title shall in no case exceed 100 words, and shall not resemble, insofar as possible, any other ballot title filed for any measure. The recorder of the city of Athena shall number such measures and ballot titles in the most convenient and

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consecutive manner. The first measure shall be numbered 51, and succeeding measures shall be numbered 52, 53, 54, etc. It shall be the duty of the recorder to print said ballot titles and numbers upon the official ballot. Measures referred to the voters by petition shall be designated "referendum ordered by petition of the people." Measures proposed by the initiative petition shall be designated "proposed charter submitted to the voters by the common council."

Provided, however, that when charter amendments or an adoption of a new charter are to be submitted to the voters by resolution of the council, as in this ordinance provided, the council may in said resolution provide for a ballot title for the measure so to be submitted; and in the event of such provision being made by the council, the hereinabove provisions of this section relative to the filing of the measure with the city attorney, the preparation by said attorney of a ballot title therefore, and the appeal to the council from the ballot title so prepared shall not apply.

**Section 11.** When a special election is called either on petition for proposed ordinances or charter amendments or adoption of a new charter by the initiative, or for submitting ordinances by the referendum, or on charter amendments or adoption of a new charter proposed by resolution of the city council, the recorder shall publish the ballot title and number of such proposed ordinances, referendum measure, charter amendment or adoption of a new charter in a newspaper published in Umatilla County having circulation in the city of Athena in two consecutive weekly issues of such paper, the first publication to be not less than 15 days prior to the election at which such proposed ordinance, referendum measure, charter amendment or new charter is to be voted on; and a like rule shall be observed where proposed ordinances, referendum measures, charter amendments or adoption of a new charter are to be submitted at a regular election. the recorder shall also have available in his office for public inspection the full text of such proposed ordinance, referendum measure, charter amendment for new charter.

**Section 12.** Legal voters of Athena are qualified to sign a petition for the initiative for any measure which they are entitled to vote upon. Any person signing any name they are entitled to vote upon. Any person signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one election, who is not at the time of signing the same a legal voter of the city of Athena, or any officer or other person violating any of the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine as determined by the fee schedule. [Amended by Ord. 365, §1, passed November 11, 1974.]

**Section 13.** The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

**Section 14.** The votes on measures, adoption of new charter and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned.

**Section 15.** The result of any such election shall be declared by resolution of the common council giving the whole number of votes cast in said city for and against each measure and question, and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect as a law, new charter, amendment to the charter, ordinance or

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resolution, as the case may be, of said city from the date of said resolution; except in cases provided for in Section 13 with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the city council and voted upon by referendum, proclamation of the result of such vote shall also be made; and such ordinances shall continue in effect according to such result from the time of such proclamation.

**Section 16.** Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the city council, same shall be filed with the recorder within 15 days after the passage and approval of the ordinance in question.

No ordinance shall take effect and become operative until 15 days after its passage by the city council and approval by the mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become immediately operative until same is passed by a three-fourths majority of all members of the city council and also approved by the mayor.

**Section 17.** All ordinances and parts of ordinances in conflict herewith be and the same hereby are repealed.

Passed by the council and approved by the mayor March 20, 1957.

Passed by the council and approved by the mayor November 15, 2007.