

# Charter

OF THE

# City of Scappoose

## State of Oregon

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ADOPTED JULY 13, 1921

# Proposed Charter of the City of Scappoose

## RESOLUTION

BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF SCAPPOOSE, and

BE IT RESOLVED BY THE PEOPLE OF THE TOWN OF SCAPPOOSE, that the following proposed charter for said town be and the same hereby is proposed for submission to the legal voters at a special election to be held as in this resolution provided:

### CHARTER SUBMITTED TO THE VOTERS BY THE COMMON COUNCIL:

#### AN ACT

To provide a Charter for the Town of Scappoose, Columbia County, Oregon, in lieu of Title XXVI, Lord's Oregon Laws (now Title XXVII, Oregon Laws), under which title said town is now incorporated.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SCAPPOOSE, That in lieu of Title XXVI, Lord's Oregon Laws (now Title XXVII Oregon Laws), under and pursuant to which said town is now incorporated, the following be; and the same hereby is proposed and submitted to the legal voters of said town as and for a charter, to-wit:

#### CHAPTER I.

##### Incorporation and Boundaries.

Sec. 1. That so much of the County of Columbia and State of Oregon as is contained within the following boundaries, to-wit:

Commencing at the point of intersection of the North line of Section 13, Township 3 North, Range 2 West Willamette Meridian with the Southerly line of the William Watts donation land claim as located over and across said section for a place of beginning, and running thence Easterly, tracing the North line of said Section 13 to a point in said North line of said Section 13 distant 780 feet East from the Easterly line of the right of way of the Northern Pacific Railway Company as said right of way is now located over and across said Section 13; thence Northerly and parallel with the Easterly line of the right of way of said Railway Company a distance of 2750 feet more or less to a point in the center of the county road now known as the St. Helens road; thence Easterly and tracing the center line of said county road 490 feet more or less to an angle in said road; thence Northeasterly and tracing the center line of said county road to the point of intersection thereof with the Northerly line of the right of way of the Portland & Southwestern Railroad Company; thence Northwesterly and along the Northerly line of the right of way of said Portland & Southwestern Railroad Company; to the point of intersection thereof with the center line of the South Fork of Scappoose Creek; thence tracing the center line of the South Fork of Scappoose Creek up said stream and in a general Southerly direction and following the meanderings of said creek to the point of first intersection of the center line of said creek with the Southerly line of said William Watts donation land claim, or with a prolongation Westerly of said southerly line of said Watts donation land claim as the case may be; thence Easterly along said Southerly line of said Watts donation land claim or a prolongation thereof as the case may be, to the place of beginning;

be, and the same is hereby constituted a civic corporation to be known by the name and style of The City of Scappoose.

##### Powers of the City.

Sec. 2. The inhabitants of the City of Scappoose are hereby constituted and declared to be a municipal corporation by the name and style of The City of Scappoose, and by such name shall have perpetual succession, sue and be sued, plead and be pleaded in all courts of justice, and in all actions, suits or proceedings whatever; may purchase, hold and receive property both real and personal, within the city, for public buildings, public works, city improvements, and property sold for taxes and street improvement purposes, and may lease, sell or dispose of the

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same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city to be used as parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious diseases, for work houses and for houses of correction; also for the erection of water works to supply the city with water, may hold, build, purchase, lease and operate street car lines, telephone, telegraphic or lighting plants and may control, lease, sell or dispose of the same for the benefit of the city. All property, both real and personal belonging to and vested in the present Town of Scappoose shall, on the enactment of this charter, become the property of and become vested in the present City of Scappoose as created by this act. And they may control, lease, sell or dispose of the same for the benefit of the city, and they shall have a common seal, and may alter and break the same and make a new one at pleasure.

### CHAPTER II.

#### Of the Government of the City.

##### POWERS VESTED IN MAYOR AND COMMON COUNCIL

Sec. 3. The power and authority given to the municipal corporation of the City of Scappoose by this act is vested in a mayor, a common council, and their successors in office, to be exercised in the manner hereinafter provided.

##### Terms of Office.

Sec. 4. There shall be elected by the qualified voters of the City of Scappoose the following named officers, to-wit:

A mayor, treasurer, recorder, marshal, and six councilmen, who shall be the officers of this Municipal Corporation and hold their office for two years and until their successors are elected and qualified, subject to removal by the Common Council by and with a concurrence of a majority of the members thereof, for malfeasance, inattention or incompetency.

##### Qualifications of Officers.

Sec. 5. No person is eligible to any office in this Municipal Corporation who, at the time of his election or appointment is not entitled to the privileges of an elector according to the laws of this state, and has not resided in the City of Scappoose for the six months next preceding such election or appointment.

### CHAPTER III.

#### Elections.

Sec. 6. The City of Scappoose shall hold its nominating and regular election for its several elective officers at the same time that the primary and general bi-annual elections for State and County officers are held, and the election precincts and offices shall be the same for all elections held at the same time, provided, however, that every officer who at the time of the adoption of this charter is the duly qualified incumbent of an elective office of the Town of Scappoose shall hold his office for the term for which he was elected and until his successor is elected and qualified; provided, further, that the first nominating and regular election to be held under this charter shall be at the same time that the primary and general bi-annual election for State and County offices immediately subsequent to the adoption of this charter are held.

##### Ten Days' Notice to be Given.

Sec. 7. The Recorder, under the direction of the Council, shall give ten days' notice by written notices posted in three public places in the City of Scappoose of each election to be held, which notices shall state the offices to be filled at such election.

##### Residence and Registration.

Sec. 8. No person is qualified to vote at any election under this charter who is not entitled to the privileges of an elector under the laws of the State of Oregon, and who has not resided in the City of Scappoose for the next ninety days preceding such election.

Sec. 9. All laws of this state regulating and governing general and

special elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided; provided, however, that the duties in the general laws of the state enjoined upon the secretary of state or county clerk in the conduct of elections shall be done and performed by the city recorder; and all duties therein enjoined upon the sheriff in the conduct of elections shall be done and performed by the recorder; and all duties therein enjoined upon the county court in the conduct of elections shall be done and performed by the city council; all nominations for elective offices within said city may be made by any regularly called convention of delegates representing the legal voters met for such purpose in said city, or by certificates of nomination signed by at least twenty-five legal voters of the city. In any event a certificate of nomination shall be made out and signed by at least twenty-five legal voters of the city and filed with the recorder on or before 12:00 M., fifteen days preceding the day of any election, to entitle the names of the parties so named to be placed upon the ticket.

Sec. 10. On or before noon of the day following an election the returns thereof must be filed with the recorder.

Sec. 11. On the second day after the election the council shall meet in regular or special session, and then shall canvass the returns of the election.

Sec. 12. The result of the election shall be made a matter of record in the journal of the proceedings of the council, which record must contain a statement of the whole number of votes cast at such election, and the number cast for any person for any office, and the names of the persons elected, and to what offices.

Sec. 13. Immediately after the completion of the canvass the recorder must make and sign a certificate of election of each person declared thereby to have been elected, and deliver the same to him within one day thereafter.

Sec. 14. The certificate of election is primary evidence of the facts therein stated, but the council is the judge of the qualifications and election of mayor and of its own members, and in case of contest between two persons claiming to have been elected to the same office, must determine the same, subject, however, to the review of any court of competent jurisdiction.

Sec. 15. All contested elections must be determined according to the law of the State regulating proceedings in contested elections in county offices, except as is otherwise provided for in this charter.

**Common Council, Judge of Election of Members.**

Sec. 16. A certificate of election is primary evidence of the facts stated therein, but the common council is the final judge of the qualifications and election of its members, and in case of a contest between two persons claiming to be elected thereto, must determine same.

**Terms of Office.**

Sec. 17. The term of office of every person elected to office under this charter shall commence on the first Monday in January after his election, and terminate when his successor is elected and qualified, and by such time such person must qualify therefor by taking and filing the oath of office, or he shall be deemed to have declined, and the office considered vacant.

**Official Oath.**

Sec. 18. All officers elected or appointed under this charter, before entering upon the duties of their office, must make and file with the Recorder, an oath of office to the following effect, viz:

"I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States and of this State, and that I will, to the best of my ability, faithfully perform the duties of the office of . . . . . during my continuance in office, so help me God." If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalty of perjury."

**State Laws Governing Elections.**

Sec. 19. All laws of this State regulating and governing general and

special elections and proceedings, and matters incident thereto, shall apply to and govern elections under this charter, except as herein otherwise provided.

#### CHAPTER IV.

##### Vacancies in Office—When to Deem Vacant.

Sec. 20. An office shall be deemed vacant upon the death or resignation of the incumbent, or in case the incumbent shall cease to be an inhabitant of the City of Scappoose for a period of sixty days without first obtaining permission of the Common Council. The office of Treasurer shall be deemed vacant whenever the incumbent thereof shall be absent from the city for a period of thirty days without permission duly obtained from the Mayor of the City of Scappoose. The office of Councilman shall be deemed vacant whenever any incumbent thereof shall cease to be a resident of the City of Scappoose, or shall fail to attend three successive regular meetings of the Council, unless absent on leave of the Council first obtained.

##### Vacancies in Office Filled by Appointment.

Sec. 21. A vacancy in any office caused by a failure of a person elected to qualify therefor, as prescribed in Section 17, or made by or consequent upon a judgment of any Court, or in any of the cases specified in Section 20, must be filled by appointment by a majority of the remaining members of the Common Council, to continue in office for the remainder of the unexpired term.

##### Appointee Must Qualify Within Five Days.

Sec. 22. Any officer appointed to fill a vacancy, must within five days from the date of such appointment, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined and the office considered vacant.

#### CHAPTER V.

#### OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

##### Meetings of the Council.

Sec. 23. The Council must provide for the time and place for its regular meetings, at any of which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened by the Mayor at any time upon not less than one day's notice written to each member of the Council at that time present in the city.

##### A Majority to Constitute a Quorum.

Sec. 24. A majority of the members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

##### Adoption of Rules.

Sec. 25. The Council may adopt rules for the government of its members and its proceedings, and on the call of any two of its incumbent members must cause the ayes and naves to be taken and entered in its journal, upon any question before it; but upon a question to adjourn the ayes and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

##### Council May Punish Members

Sec. 26. The Council may punish any member for disorderly and improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without a sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

##### President of Council.

Sec. 27. The Mayor is ex-officio president of the Council and presides over its deliberations when in session. He is not entitled to vote but has authority to preserve order, enforce the rules of the Council and determine the order of business subject to such rules and to appeal to the Council. If the Mayor should be absent at any meeting of the Council, the President of the Council shall act during the meeting or until the Mayor attends, and shall perform all the duties of Mayor. The President of the

Council shall be elected at the first meeting of the Council in January of each year, or as soon thereafter as practicable, and in the absence or inability of the Mayor, or during any vacancy in the office of Mayor shall perform all the duties of the Mayor, approve and sign all ordinances, warrants, bonds, contracts, and other papers requiring the approval of the Mayor. He shall hold his office for one year and until his successor is elected and qualified.

#### First Meeting—When Held.

Sec. 28. On the first Monday in January, next following any general election, there must be a regular meeting of the Council, and such meeting is appointed by this charter, and no notice therefor or call therefor is necessary.

#### Vacancies in Council.

Sec. 29. A majority of the whole number of the Council as then provided by law, is a majority of the Council or members thereof within the meaning of this charter, provided, in case of a vacancy or vacancies existing in such Council a majority of the remaining members thereof within the meaning of the act shall be a sufficient majority to fill such vacancy or vacancies. The concurrence of a majority of a quorum is sufficient majority to determine any question or matter, other than the final passage of an ordinance, and the appointment or removal of an officer.

#### Style of Ordinance.

Sec. 30. The style of every Ordinance shall be: "The City of Scappoose does ordain as follows."

#### Powers of Council.

Sec. 31. The Council has power and authority within the City of Scappoose:

##### 1.

#### TAXES.

To assess, levy and collect taxes for general municipal purposes, not exceeding two per centum upon all property both real and personal, within the city limits, which is taxable by law for state and county purposes.

##### 2.

#### TO LEVY SPECIAL TAX, NOT TO EXCEED ONE PER CENTUM.

To levy and collect a special tax of not exceeding one per centum upon all property assessed by authority of the first subdivision of this section, for any specific object within the authority of the municipal corporation, including the payment of any existing debt, or for municipal improvement, but the ordinance providing therefor, must specify and state the object thereof, and the amount thereof.

##### 3.

#### TO LICENSE TRADES AND OCCUPATIONS.

To license, tax and regulate auctioneers, hotel runners, solicitors, book agents, real estate and insurance agents, brokers, taverns, boarding houses, hawkers, peddlers, pawnbrokers, barbers, bakers, dealers in general merchandise, clothing, boots and shoes, groceries, dry goods, meat markets, hardware, tinware, crockery, glassware, millinery, dealers in cigars and tobacco, fruit and confectionery, lawyers, doctors, furniture stores, dentists, book and stationery stores, commission merchants, gravel pits, garbage dumps, tailoring establishments, jewelry stores, junk dealers in second-hand merchandise; to license, tax and regulate theatres and other exhibitions, merry-go-rounds, shows, public amusements, billiard tables and other tables where balls and cues are used, shooting galleries and bawdy houses.

##### 4.

#### VEHICLES

To license, tax and regulate hacks, cabs, hackneys, carriages, wagons,

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carts, drays, delivery wagons, express wagons, automobiles, trucks and flying machines, whether run by horses, steam, gasoline or any motive power whatsoever, and all other vehicles used for the transportation of passengers, freight, goods, wares, merchandise, lumber, wood or other commodities hauled or transported over the streets, alleys, highways and public places of the City of Scappoose, whether the same be transported, hauled or delivered for hire or not, or whether the same be taken on or discharged in said city; to fix the rates thereof and provide for the collection of all licenses and taxes, and provide penalties for violation thereof

5.

### GAMBLING

To suppress and prohibit drinking shops, and all places where liquors are sold, and gambling houses, and nickel in the slot machines, and all places where gambling is carried on.

6.

### TO REGULATE AND PREVENT CONTAGIOUS DISEASES.

To make regulations to prevent the introduction of contagious diseases in the city; to remove all persons afflicted with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein and to provide for the health and cleanliness, ornament, peace and good order of the city.

7.

### TO PUNISH AND PREVENT TRESPASS.

To prevent and punish trespass upon real or personal property.

8.

### TO PROVIDE WATER FOR THE CITY.

To provide the city with good and wholesome water, and for the erection and construction of such water-works and reservoirs within or without the limits of the city, as may be necessary or convenient therefor; and to grant to any private person or corporation a franchise for the erection or construction of water works within the limits of the city and all rights and appurtenances thereto, including the power to use the streets and public highways for the purpose of laying pipes, etc. Such franchise shall be used and exercised under such rules and regulations and restrictions as the Common Council shall from time to time provide.

9.

### TO PROVIDE CITY WITH LIGHT.

To provide for lighting the streets and public places of the city with gas, electric lights or other lights, and for the erection and construction of such works as may be necessary or convenient therefor, and to grant to any person or corporation a franchise or permission for the erection and construction of gas works and electric light works within the limits of the city, with all the rights and appurtenances thereto, including the power of using the streets and public highways for the purpose of laying down pipes, erecting poles and hanging wires, etc. Such franchise shall be used and exercised under such rules, regulations and restrictions as the Common Council shall from time to time prescribe.

10.

### TO PUNISH VAGRANTS.

To provide for the restraint, support, punishment and employment of vagrants and paupers, and to declare by ordinance what shall constitute a vagrant.

11.

### TO PREVENT AND REMOVE NUISANCES.

To prevent and remove nuisances and to declare by general rules what shall constitute the same, and to make the expense of abating a nuisance a lien upon the property where such nuisance exists; to fill up or drain any lots or blocks where stagnant water stands, and to make the cost thereof a lien upon the property, but in such case the same must be re-

ported to the Council and the necessity thereof declared by ordinance, and thereupon the work must be let to the lowest responsible bidder and the cost thereof be collected in like manner as street improvements.

12.

TO PREVENT THE ERECTION OF WOODEN BUILDINGS.

To regulate and control the erection or repair of wooden buildings within the fire limits, and to restrict and limit the height of all buildings, to provide for and determine the number and size of entrances and exits from all public halls, churches and all other buildings used for public gatherings, and the mode of handling doors thereat.

13.

TO PROVIDE FOR PREVENTING FIRES.

To provide for the prevention and extinguishment of fires and for the preservation of property endangered thereby, and for the appointment of officers required for such purposes.

14.

TO REGULATE COMPENSATION FOR POLICEMEN.

To regulate and fix the compensation of the chief of police and policemen, the keeper of the city prison and the keeper of the house of correction.

15.

TO REMOVE OBSTRUCTIONS TO STREETS.

To provide for the prevention and removal of all obstructions from the streets, cross and side-walks, for the cleaning and repairing of the same, and to pass necessary ordinances making the failure to comply with the provisions of this subdivision a misdemeanor, and to provide for the punishment of the same.

16.

TO PROVIDE FOR MARKET PLACE.

To provide for the establishment of market-houses and market places, and to regulate the location and management of market houses and slaughter houses.

17.

TO PROVIDE FOR THE ERECTION OF CITY HALL.

To provide for the erection of a city hall, jail, house of correction and workhouse, and the government and management of the same.

18.

TO REGULATE THE STORAGE OF GUNPOWDER, ETC.

To regulate the storage and sale of gunpowder, dynamite, nitro-glycerine, oil or combustible material, and to prevent by all possible means danger or risk of injury or damage thereby by fire, from carelessness, negligence, or otherwise; to regulate the storage of tar, pitch, resin, lacquer and the use of candles, lamps and other lights in stores, shops, stables, and other places; to suppress, remove and secure any fire place, stove, chimney, oven or boiler, or other apparatus which may be dangerous in causing fires.

19.

TO PREVENT AND PUNISH DISORDERLY CONDUCT.

To prevent, restrain and punish intoxication, fighting or quarreling, or any riot, noise, or disturbance or disorderly assemblage, or any unlawful or indecent practice in any street, house or place in the city.

20.

TO PREVENT CARRYING CONCEALED WEAPONS.

To prohibit the carrying of deadly weapons in a concealed manner, and to provide for the punishment thereof, and to regulate, prohibit and punish the using of guns, pistols, firearms, firecrackers, bombs, and detonating works of all descriptions.



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21.

**PREVENT AND PUNISH RIOTERS.**

To prevent, restrain, punish and disperse any riot or riotous assemblage, or persons taking part therein.

22.

**TO REGULATE AND LICENSE LAUNDRIES.**

To control, regulate and license washhouses and public laundries, and to provide for their exclusion from the city limits or any part thereof.

23.

**TO PREVENT ANIMALS RUNNING AT LARGE.**

To prevent any and all domestic animals from running at large within the city limits, or any portion thereof.

24.

**TO PROHIBIT BEGGING.**

To prohibit all persons from begging or soliciting alms, or exhibiting any crippled or deformed person on any street or in any public place.

25.

**TO REGULATE CESSPOOLS AND PRIVIES.**

To regulate the maintenance of all privies or cesspools now constructed or being used in the City of Scappoose; and to prohibit or regulate the future construction or maintenance of privies or cesspools.

26.

**TO REGULATE FEES OF OFFICERS.**

To establish and regulate the fees and compensation of all officers of the town, except when otherwise provided. And the salary of no elective or appointive officer shall be raised or lowered during his term of office.

27.

**TO PROVIDE FOR PUNISHMENT FOR VIOLATION OF ORDINANCES**

To provide for the punishment of a violation of any ordinance of the city, by fine or imprisonment not exceeding \$300.00 or one hundred days in the city jail or county jail, or both, or by fine and imprisonment, and for working any prisoner or prisoners on the street or public works, and to attach to them ball and chain, or such other attachments as may be deemed necessary for their safe keeping during the term thereof.

28.

**TO PROVIDE FOR COLLECTING AND DISBURSING MONEY.**

To provide for the collection and disbursing of all moneys to which the city is or may become entitled, or which may be assessed, levied or authorized to be collected for city purposes within said city.

29.

**TO BORROW MONEY.**

To borrow money on the faith of the city, or loan the credit thereof, or both, for purely municipal purposes, and to issue or dispose of negotiable or other municipal bonds, with interest coupons attached.

30.

**TO CONTRACT DEBTS**

To appropriate money to pay the debts, liabilities and expenditures of the city, or any part or item thereof, from any fund applicable thereto; PROVIDED that no bills shall be contracted by any person or officer of the city without first sending to the Common Council a written requisition therefor, stating the items needed with the cost thereof, and if the Council deem the supplies necessary, they shall authorize the proper committee to purchase the same; PROVIDED, that in case of an emergency the Committee on Fire and Water, and Streets and Public Ways, may incur indebtedness not to exceed \$100.00.

## 31.

## TO PROVIDE FOR SURVEY OF STREETS AND BLOCKS

To provide for a survey of the blocks and streets of the city, and for marking and establishing the boundary lines and grades of such blocks and drives.

## 32.

## TO LAY OUT AND CONSTRUCT STREETS

To lay out, open, widen and improve any and all streets within the corporate limits of the city. The City of Scappoose shall not be liable for any damage caused in opening, constructing or improving any of the streets within the city from sliding ground or other causes.

## 33.

## TO GRANT FRANCHISES.

To grant franchises to any person or corporation; to regulate or prohibit the erection and maintenance of telegraph, electric light, telephone and other poles or wires used within the city upon and over streets, alleys and public parks and public grounds of the city, and in, over and upon any lands owned by the city or under its control, whether they be within the limits of the city or without.

## 34.

## TO PURCHASE REAL ESTATE.

To purchase, take and hold real estate when sold for taxes or for any improvements ordered by the Common Council, and to sell and dispose of same.

## 35.

## TO PUNISH ASSAULT AND BATTERY.

To provide for the punishment of assault, or assault and battery, when committed within the city limits.

## 36.

## TO CONDEMN LAND.

To regulate and construct any ditch, canal, or pipe for conducting water, and any drain, sewer, or culvert it may deem necessary or convenient, and for such purposes it shall have the right to enter upon any land between the termini of such ditch, canal, or pipe, drain, sewer, or culvert, for the purpose of examining, locating, and surveying the line of such ditch, canal, pipe, drain, sewer, or culvert, doing no necessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer, drain, or culvert, in like manner as provided by the laws of this State for the appropriation of land for rights of way by corporations; and to appropriate and divert from its channel, for the purpose of drainage or flushing any drain, sewer, or culvert, any spring or stream of water

## 37.

## TO MAINTAIN A FIRE DEPARTMENT.

To make regulations for the prevention of accidents by fire; to organize, establish and maintain a fire department, either paid or volunteer, and to make and ordain rules for the government of the fire department; to provide engines and other apparatus for the department, and to establish fire limits within certain defined limits of the City of Scappoose.

## 38.

## TO PURCHASE OR CONDEMN LAND FOR CITY PURPOSES.

To purchase or condemn and enter upon and take lands within or without the city limits for public squares, streets, parks, commons, cemeteries, hospital grounds, workhouses or houses of correction, or any other proper or legitimate municipal purposes, and to enclose the same, improve and ornament and erect suitable buildings thereon. The town shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and all streets, highways, squares and

other public grounds within the limits established or appropriated to public use by authority of law, or which have been or may hereafter be dedicated to the public use by any person or persons; and has power, in case such lands are deemed insufficient or unsuitable for the purpose intended, to dispose of, and convey the same; and conveyances of such property, executed in such manner as may be prescribed by ordinance, shall vest in the purchaser all right, title and interest of the city herein.

## 39.

## TO REGULATE NAMING OF STREETS.

To provide for and regulate the naming of all streets of the city, and changing the present names, and to provide for the numbering of houses, stores and other buildings in the city limits.

## 40.

## STREET RAILWAYS.

To authorize, or to prohibit the location of any road, railroad or street railway, alley or public place in the City; to provide for the alteration, change of grade or removal of any such road, railroad, or railway, to regulate the moving and operating of trains, cars or locomotives within the corporate limits of the City, to require the proper construction of such crossings as may be necessary to public convenience, to fix the rates of fares to be charged and to prescribe the terms and conditions upon which any such railroad or street railway shall be located, constructed and operated, PROVIDED, that no franchise shall be granted to any road, railroad or street railway without the ordinance making such grant shall contain a provision that the person, firm, company or corporation to whom said franchise is granted, his, their or its heirs, executors, administrators, successor or assigns, shall improve and keep in repair and shall pay for the improvement and keeping in repair, according to the Charter and Ordinance of the City, the streets or grounds over which said track or tracks are laid, between the rails of said tracks and for a distance of one foot outside of said rails, and where two or more tracks are situated close together, either for switches or otherwise, such improvements and repairs shall be made by the person, company or corporation operating said road, railway or street railway; and all such requirements of the Charter and Ordinances of the City.

PROVIDED, FURTHER, That no franchise shall be granted to any person, firm or corporation unless the same contains a provision for a revenue to the City from the person, company or corporation holding such franchise, and no franchise shall be granted for a longer period than thirty years. Any franchise granted in violation of the provisions of this subdivision, or which shall not contain the provisions herein provided for shall be null and void. AND PROVIDED FURTHER, that the City of Scappoose may reserve the right to acquire or purchase any street railway line, and any power plant connected therewith, for which a franchise may be granted, at any time after ten years from the date of granting the same, when authorized so to do by a majority vote of the electors of the City of Scappoose, at any general election held in the City of Scappoose, at the appraised value thereof; the city appointing one appraiser, the holder of the franchise one appraiser, and in case the two appraisers so appointed are unable to agree upon the valuation the two appraisers so appointed shall elect a third appraiser, and the decision of two of the three appraisers made in writing and filed with the Council, shall be final in fixing the valuation of such railway and any power plant used in connection therewith.

## 41.

## TO PROVIDE FOR THE PURCHASE OF WATER WORKS.

To provide for erecting, purchasing, appropriating or otherwise acquiring waterworks, gas works or electric light plants within or without the corporate limits of the city, to supply the city and its inhabitants with water and light, or to authorize the construction of the same by others.

## 42.

## PREVENT PARADES.

To regulate all parades and processions, and to determine what

parades and processions upon the streets shall be unlawful; to declare the same a misdemeanor and to provide for the punishment thereof.

43.

## LICENSE DOGS.

To license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding, and sale of the same for the penalty incurred and costs of proceedings or to authorize their destruction.

44.

## TO PROVIDE AND REGULATE CEMETERIES.

To regulate cemeteries and the burial of the dead, and to establish cemeteries or burial grounds within or without the city limits with authority and jurisdiction over the same necessary to safety, preservation, regulation and ornamentation of the same.

45.

## WIDTH OF TIRES.

To regulate the use of streets, roads and highways, and public places for foot passengers, animals and vehicles; to protect the public from injury from runaways, by punishing persons who negligently leave horses and carriages in the streets without secure fastenings; to prescribe the width of the tires of all trucks, drays, carts and other vehicles, and the weight to be carried thereon, for the preservation of streets, roadways and highways.

46.

## USE OF STREETS.

To regulate the use of streets and sidewalks and prevent the extension of buildings and house fronts within the street line; but they shall have no power to authorize the placing or continuing of any encroachment or obstruction upon any street or sidewalk, except for the temporary use or occupation thereof during the erection or repair of a building upon the adjacent property, or the display of goods by the occupants of the adjoining buildings.

47.

## TO REGULATE THE OPENING OF STREETS.

To regulate the opening of street surfaces, the laying of gas and water mains the building and repairing of sewers, and the erection of gas and other lights.

48.

## SIGNS, AWNINGS,

To regulate and prevent public criers and advertising, noises, steam whistles, the ringing of bells in the streets; to control and limit traffic on the streets, avenues, and public places, to regulate and prohibit the use of streets and sidewalks for the use of signs, sign posts, awnings, awning posts, placards and banners, telegraph, telephone, and electric light posts for other purposes than travel and traffic; to establish from time to time such police stations as may be necessary, to provide for the sprinkling of streets and cleaning of the same, and to punish those who refuse so to do, and to prohibit persons from roaming the streets at unreasonable hours.

49.

## TO PREVENT ERECTION OF BUILDINGS.

To prevent the erection of buildings within the city limits, which shall be dangerous to passers-by, or to adjacent property, and in case any building or any public street shall become dangerous to passers-by the Council shall have power to cause the same to be removed or made safe at the expense of the property, and said expense shall be collected in the same manner as for street improvements.

50.

## TO LICENSE AND REGULATE TRADES AND OCCUPATIONS.

To license and regulate all such callings, trades and employments, not

herein specially provided for, as in the judgment of the Council, the public good may require to be licensed and regulated, and as are not now prohibited by law.

51.

To borrow money on the faith of the city or loan the credit thereof, or both, provided that the indebtedness of the City of Scappoose must not exceed the sum in the aggregate of \$5,000.00.

**Power to be Exercised by Ordinance.**

Sec. 32. The power and authority given to the Council by Section 31 can only be exercised or enforced by ordinance, unless otherwise provided, and a majority of the Council may pass any ordinance or make any by-law not repugnant to the laws of the United States or the constitution and criminal laws of the State of Oregon, necessary or convenient for the carrying such power and authority or any part thereof, into effect, and as may be necessary to secure the peace and good order of the city, and the health of its inhabitants.

**CHAPTER VI.**

**THE MAYOR—HIS POWERS AND DUTIES.**

**Mayor's Annual Message.**

Sec. 33. The Mayor is the executive of the Municipal Corporation and as such must exercise a careful supervision over its general affairs and subordinate officers, and see that the laws of the city and the ordinances and regulations of the Council are enforced and, in order to enable the Mayor to enforce all the laws and ordinances of the city, he shall have the power to suspend from service any officer or employee of the Police Force, Fire Department, Street Department and Surveyor's Department of the city, who shall refuse to enforce the laws and ordinances of the city, pending an investigation by the Common Council of the City of Scappoose, and shall forthwith report such suspension to the Common Council, and unless such officer is exonerated by a majority vote of the Council within thirty days after the Mayor shall have filed notice of his suspension with the Recorder, the office of such negligent officer shall be deemed vacant. It is his duty annually at the regular meeting of the Council appointed by this Act, to communicate by message to the Council a general statement of the condition of the affairs of the Municipal Corporation, to recommend the adoption of such measures as he may deem expedient and proper, and to appoint the following standing committees: Water and Light, Street and Finance Committees, the members thereof to serve until the first meeting of the year following, or until their successors are appointed, and thereafter to make such special communications to the Council from time to time as he may think proper and useful.

**Approve Bonds.**

Sec. 34. The Mayor shall take and approve all official undertakings which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract, and when he approves such undertaking he must immediately file the same with the Recorder.

**Other Duties to be Performed.**

Sec. 35. He shall perform such other duties, and exercise such other authority as shall be prescribed by this charter, and any city ordinance or any law of the United States or of this State.

**President May Approve Ordinance.**

Sec. 36. No ordinance passed by the Common Council shall go into force or be of any effect until approved by the Mayor except as provided in Sections 37, 38, and 39; PROVIDED, that in the absence of the Mayor from the city the President of the Council shall have the right and power to take and approve such ordinances as may be passed during such absence; PROVIDED, however, that no city ordinance, resolution or franchise shall take effect and become operative until ten days after its passage by the Council, and approval by the Mayor, unless the same shall be passed over his veto, and in that case it shall not take effect and become operative

until ten days after such final passage, except measures necessary for the immediate preservation of the peace, health, or safety of the city; and no such emergency measures shall become immediately operative unless it shall state in a separate section the reasons why it is necessary that it should become immediately operative, and shall be approved by the affirmative vote of three-fourths of all the members elected to the city council, taken by ayes and noes, and also approved by the Mayor.

#### Approval of Ordinance.

Sec. 37. Upon the passage of any ordinance, the enrolled copy thereof attested by the Recorder shall be submitted to the Mayor by the Recorder, and if the Mayor approve the same, he shall write upon it "approved," with the date thereof, and sign it with his name of office, and thereupon, unless otherwise provided therein, such ordinance shall become law and of force and effect.

#### Power to Veto Ordinance.

Sec. 38. If the Mayor does not approve an ordinance so submitted, he must, within ten days from the receipt thereof, return the same to the Recorder with his reasons for not approving it; and if the Mayor does not so return it such ordinance shall become a law as if he had approved it.

#### Passage Over Veto.

Sec. 39. Upon the first meeting of the Council after the return of an ordinance from the Mayor, not approved, the Recorder shall deliver the same to the Council with the message of the Mayor, which must be read, and such ordinance shall then be put upon its passage again, and then, if two-thirds of all the members constituting the Council shall vote in the affirmative, it shall become a law without the approval of the Mayor, and not otherwise.

#### President of Council.

Sec. 40. During any absence of the Mayor from the city, or in case of his inability to act, or during any vacancy in the office of the Mayor, the President of the Council shall be the acting Mayor and shall perform all the duties of such office during such absence, inability or vacancy, excepting as otherwise provided in this charter.

### CHAPTER VII.

#### POWERS AND DUTIES OF OFFICERS OF THE CORPORATION.

##### Treasurer is Receiver of Moneys.

Sec. 41. The Treasurer is receiver of taxes and must receive and keep all moneys that shall come to the city, by taxation or otherwise, and pay out the same upon a warrant from the Council, attested by the Recorder.

Sec. 42. The Treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund and in the order of its presentation for payment.

##### Treasurer's Quarterly Report.

Sec. 43. The Treasurer must make a report of the receipts and expenditures for the quarters ending the last day of March, June, September and December, and file the same with the Recorder within five days from the expiration of such quarters, respectively, which report must be published by the Recorder as may be prescribed by ordinance.

##### Duties of Chairman of Street Committee.

Sec. 44. It shall be the duty of the Chairman of the Street Committee to inspect the construction or improvement of all streets, alleys or highways, or parks, of the City of Scappoose, and the construction of all sewers in the City of Scappoose, and to certify in writing of the completion of the same, as required by the contract for the improvement thereof; before acceptance thereof; and to superintend the work performed in the repair, rolling or cleaning of the streets; and he shall perform such other duties as may be, at any time, required of him by ordinance, and as are required of him by this charter.

##### Recorder is Clerk and Police Judge.

Sec. 45. The Recorder is the accounting and clerical officer of the

city, and judge of the police court, and clerk of the Council, and he shall exercise and perform all the powers and duties of the Police Judge of the City of Scappoose, and such other duties as the Council may from time to time require.

#### **Duties of Recorder.**

Sec. 46. All demands and accounts against the city shall be presented to the Recorder with the necessary evidence in support thereof, and he shall audit the same and report them to the Council with all convenient speed, together with any suggestions or explanations which he may deem proper and pertinent; PROVIDED, that no demands or accounts, or either of them, of fees for extra services performed by any officers under this act shall be presented to or audited by the Recorder. All such demands shall be subject of petition to the Council, who shall allow only for such extra services as may be indispensably necessary, and for which no salary is allowed by law. All such petitions shall lie over from the meeting at which they are presented until the next regular meeting.

#### **Accounts to be Presented to Council by Recorder.**

Sec. 47. When a demand or account has been presented to the Council by the Recorder they must examine the same and if they deem it correct, they may by vote direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

#### **Recorder to Draw Warrants.**

Sec. 48. When the Council orders any demand or account to be paid, the Recorder must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special fund appropriated therefor and be signed by the Mayor and attested by the Recorder.

#### **Recorder and Police Judge to Keep Minutes.**

Sec. 49. The Recorder, whether acting as Recorder, Police Judge or Clerk of the Council, is the Recorder and the Police Judge of the City of Scappoose. It is his duty, under the direction of the Council to keep a fair and correct journal of its proceedings and to file and keep all papers and books connected with the business of the Council. He may have a deputy, to be appointed by him in writing and to continue during his pleasure. Such deputy shall have the power to perform any act of duty required of his principal, and his principal is responsible for his acts and conduct.

#### **Recorder to Issue Licenses.**

Sec. 50. He must issue all licenses authorized by city ordinances, upon delivery to him of the receipt of the Treasurer, or other officer authorized to collect for licenses, for the amount of money required for such license.

#### **Recorder to Keep Books of Account.**

Sec. 51. The Recorder must keep proper books of account showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all other matters and things as may be prescribed by ordinance, or proper or necessary to a correct understanding of the city finances.

#### **Official Books.**

Sec. 52. The official books and papers of all the offices mentioned in this chapter are city property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors.

#### **Police Court.**

Sec. 53. The Recorder is the judicial officer of the city, and shall hold court therein, at such place as the Council shall provide, which shall be known as the Police Court.

#### **Office—When Deemed Vacant.**

Sec. 54. The office of the Recorder shall be deemed vacant whenever he shall be absent from the city for a period of more than ten days without the consent of the Mayor first had and obtained, except in case of sickness. In the absence of the Recorder the Mayor may preside over the Police Court in all matters relating to a violation of any city ordinance.

**Jurisdiction of Recorder as Judge of the Police Court.**

Sec. 55. The Recorder as Police Judge has jurisdiction and authority of a justice of the peace in both civil and criminal matters and shall have the same power and jurisdiction and be subject to all general laws of the State of Oregon prescribing the duties and rights of a justice of the peace and mode of performing them, and shall receive the same compensation in like manner as other justices of the peace, as provided for in the general laws of the State of Oregon regulating the compensation of justices of the peace.

**Appeal from Police Court.**

Sec. 56. All civil and criminal proceedings before the Recorder and Police Judge, or in the Police Court, including all proceedings for the violation of any city ordinance, are governed by the general laws of the State of Oregon, applicable to justice of the peace or justice courts in like or similar cases, but in a proceeding for a violation of a city ordinance, the trial shall be without a jury, unless the defendant, on demanding a jury, shall pay into the court a sum sufficient to pay the expense of such jury, PROVIDED, that any party to a proceeding in the police court may appeal to the Circuit Court of the State of Oregon, for the County of Columbia, from a final judgment rendered against him therein for a violation of a city ordinance at any time within thirty days from the date same is entered, upon his giving an undertaking in not less than double the amount of said judgment imposed thereby, and in no case less than \$100.00, conditioned that he pay to the City of Scappoose any fine and all costs and disbursements assessed against him on the appeal, or in case said judgment be that the party appealing be imprisoned, that he will render himself in execution thereof and pay all costs and disbursements adjudged against him on said appeal.

**Recorder Shall Make Monthly Statement.**

Sec. 57. The Recorder as Police Judge shall make out and report to the Council a monthly statement of the business transacted before him while acting as Police Judge and the amount of money received and collected on account thereof.

**Compensation of Recorder.**

Sec. 58. The Council shall, by ordinance, regulate the manner of compensating the Recorder for his services, except as provided in Section 55; PROVIDED, that in the event of the Common Council providing a salary for such officer, costs, fees and expenses taxed against or received from any defendant in a proceeding before the Recorder as the Police Judge for a violation of a city ordinance shall, when received or collected be paid by said Judge to the City Treasurer, who shall give him a receipt therefor; PROVIDED, FURTHER, that no fees, expenses or disbursements whatever, on account of such Recorder or any police officer, on account of any services performed by either or any of them, shall be taxed or collected in any proceeding before such Recorder as Police Judge for a violation of a law of the state under any circumstance.

**Disposal of Fines.**

Sec. 59. All fines imposed by said judge, and penalties recovered by him for a violation of a city ordinance shall, when received or collected, be paid by said judge to the Treasurer, who shall give him a receipt therefor. All fines and penalties for a violation of a state law shall be disposed of by said judge as provided by the general laws of the State.

**Actions—How to be Tried.**

Sec. 60. All actions and proceedings pending in the police court of the City of Scappoose, on the taking effect of this charter, shall thereafter be proceeded in, in criminal matters or cases, according to the provisions of this charter. All actions and proceedings in civil matters before the Recorder as Police Judge, acting as a justice of the peace, pending on the taking effect of this charter, shall thereafter be continued and tried by the Recorder as Police Judge.

**Authorized to Administer Oaths.**

Sec. 61. The Recorder as Police Judge is authorized to administer any oath authorized or required, to be taken by any law of this State or city ordinance.



## PROPOSED CHARTER OF

### Duties of Surveyor.

Sec. 62. The duties of the Surveyor shall be provided by ordinance, and other duties not inconsistent with this charter may be required of any officer mentioned in this Chapter by ordinance.

### Books to be Inspected.

Sec. 63. The official books and papers of any officer mentioned in this charter may be inspected at any time by a committee of the Council, appointed by the Mayor for that purpose.

## CHAPTER VIII.

### IMPROVEMENT OF STREETS.

Sec. 64. The Council shall have power and authority whenever it deems it expedient to establish or alter the grade of and to improve any street, alley, avenue, or park thereof, now or hereafter laid out or established within the corporate limits of the city, and the manner and kind of such improvements shall be such as the Council may provide, and the power and authority for improving streets shall include the power and authority of improving or repairing sidewalks, crosswalks, pavements or curbing of any street, avenue or alley; to provide for the construction, cleaning, and repairing of streets, sidewalks, and crosswalks by the owners of the lots or tracts of land adjacent thereto or by the city at the expense of the said owner or owners.

Sec. 65. No grade or improvement mentioned in the preceding section can be undertaken or made without ten days' notice thereof being given by publication in some newspaper published in the City of Scapoose, or by posting notices thereof in three public places in said city, except as herein otherwise provided.

Sec. 66. Such notice must be given by the Recorder by order of the Council, and must specify with convenient certainty the street or part thereof proposed to be improved, or of which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made, together with an approximate estimate of the cost thereof.

Sec. 67. Within ten days from the posting of such notice, or the first publication thereof, the owners of two thirds of the real property adjacent to and abutting upon said street or part thereof, as the case may be, may make and file with the Recorder a written remonstrance against the proposed improvement, grade or alteration thereof; and thereupon the same shall not then be further proceeded with or made, except upon the unanimous vote of the Council; PROVIDED, that if said remonstrance shall prevail, the same shall not be a bar to a subsequent proceeding, after the expiration of six months from the date of filing the same, to establish the grade or improve such street, alley, avenue, sidewalk, or other improvement, or repairs, or any part thereof.

Sec. 68. If no such remonstrance be so made and filed, the Council at its earliest convenience thereafter and within six months from the final publication or posting of said notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvement, as herein provided.

Sec. 69. In the case of a notice to establish a grade or alteration thereof, the Council, within the time limited by Section 68, may establish the same by ordinance, as proposed in the notice.

Sec. 69½. In case the notice be for the improvement of a street or part thereof, the Council may proceed to ascertain the probable cost of making such improvement, and shall prepare a proposed assessment roll, and upon so doing the Recorder shall give notice thereof by posting in at least three public places in said city a copy thereof, which said notice shall contain the name of the property owner, a description of the property, and the amount of the proposed assessment, and shall notify the property owners of the date of the Council meeting at which objections or remonstrances will be heard and considered, which date should not be less than seven days from the date of posting thereof.

Sec. 70. The Council may proceed to ascertain the probable cost of making such improvement, and assess upon each lot or part thereof or tract of land liable therefor its proportionate share of such cost, and to determine what shall be such share to be assessed upon each lot or part thereof or tract of land.

Sec. 71. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot or part thereof or tract of land has been assessed, as provided in Section 70, the Council may declare the same by ordinance and direct the Recorder to enter a statement thereof in the docket of city liens, as provided for in the next section.

Sec. 72. The docket of city liens is a book in which must be entered, in pursuance of Section 71, the following matters in relation to assessments for improvements of streets:

1. The number or letter of a lot, or description of the property assessed, and the number or letter or description of the block or tract in which it is situated, and if a separate assessment is made upon a part of a lot, a particular description of such part.

2. The name of the owner, or that the owner is unknown.

3. The sum assessed upon each lot or tract of land or part thereof, and the date of the entry.

Sec. 73. The docket of city liens is a public writing, and the original and certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of entry therein of any assessment upon a lot or part thereof or any tract, the sum so entered is deemed to be a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatever.

Sec. 74. For the purpose of ascertaining who is the owner of any lot or part thereof, or any tract of land assessed for the improvement or repair of any street, avenue, alley, sidewalk, crosswalk, curbing, pavement or other improvement or repairs, the Recorder shall take the certificate of the County Clerk of Columbia County, Oregon, stating who is the owner thereof at the date of the ordinance making the assessments, as may appear from the records of deeds for such county, which certificate such County Clerk is authorized and required to give when demanded by the Recorder.

Sec. 75. The sum of money assessed for the improvement of a street can not be collected until, by order of the Council, ten days' notice is given by the Recorder by publication in some newspaper published in the City of Scappoose, or by being posted for such length of time in three public places in the city. Such notice must substantially contain the matters required to be entered in the dock of city liens concerning such assessment.

Sec. 76. If within five days from the expiration of said ten days' notice, as required by said Section 75, the sum assessed upon any lot or part thereof or any tract of land is not wholly paid to the Treasurer, and the duplicate receipt therefor filed with the Recorder, the Council may thereafter order a warrant for the collection of the same to be issued by the Recorder and directed to the Marshal or other person authorized to collect delinquent taxes.

Sec. 77. Such warrant must require the person to whom it is issued to forthwith levy upon the lot or part thereof or tract of land upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of said sale to the Treasurer, and the warrant to the Recorder with his doings endorsed thereon, together with the receipt of the Treasurer for the proceeds of such sale as paid to him.

Sec. 78. Such warrant shall have the force and effect of an execution against real property under the laws of the State of Oregon, and shall be executed in like manner so far as practicable except as in this act otherwise specially provided.

Sec. 79. That all sales of real property for the nonpayment of any tax or street assessment shall be made in the city at the Council chamber door, and notice of such sale may be published in such newspaper as hereinbefore mentioned, and the Council may authorize the Recorder to bid upon said property for the city to the amount of such tax or assessment and expenses of such sale, and no more; and if there be no higher bid therefor, the same shall be struck off to the city, and it shall thereupon be a purchaser thereof upon the same terms as other purchasers, and may hold and dispose of the same for its benefits. Said property shall be advertised to be sold by publication, as aforesaid, the same length of time as is required for the sale of real property under the execution at law under the laws of this State when real property is sold for delinquent taxes or

assessments. The person selling the same must immediately execute to the purchaser a certificate of sale of the property sold, setting forth therein a description of the property sold, the amount it sold for, the year in which the tax was levied or assessment made, the name of the purchaser, and that the sale is made subject to redemption within one year from the date of such sale. The owner or his successor in interest, or any person having a lien by judgment, decree, or mortgage, or other lien upon said property, or any part thereof separately sold, may redeem the same. After one year from date of such sale, the person making the sale, if no redemption shall have been made, shall execute to the purchaser, his heirs or assigns, a deed of conveyance, reciting or stating therein a description of the property sold, the amount bid therefor, the year in which the tax or assessment was levied, and that no redemption has been made; and such deed shall operate to convey a legal and equitable title to the purchaser or his successor in interest sold in fee simple to the grantee named in the deed, and upon such delivery of such deed all proceedings in relation to the levy, assessment, and collection of the taxes or assessments and the sale of the property shall be presumed regular, and to have been done in pursuance of law, and such deed shall be prima facie evidence of title in the grantee or his successor in interest, and such presumption and prima facie evidence shall not be disputed or avoided, except by proof of either:

1. Fraud in the assessment or collection of the tax or assessment;
2. Payment of the tax before sale, or redemption after sale;
3. Offer to redeem as in this act provided, and that redemption was prevented by fraud;
4. That the property was sold for a tax or assessment for which the owner of the property was not liable, and that no part of the tax was levied or assessed upon the property sold.

Sec. 80. Within one year from the date of said sale the owner, or his successor in interest, or any person having a lien by judgment, decree, mortgage, or other lien upon the property or any part thereof separately sold, may redeem the same by the payment of the purchase money and fifteen per centum additional, together with interest upon the purchase money from the date of sale to the time of the payment at the legal rate, and also the amount of any tax or assessment or existing liens which the purchaser may have paid upon the property.

Sec. 81. A redemption so made discharges the property from the effect of the sale for assessment. If made by the owner or his successor in interest, the estate in the property is thereby restored to said owner or his successor in interest, as the case may be, but if made by a lien creditor, the amount paid for the redemption is thereafter deemed a part of his lien and shall bear like interest and may be enforced and collected as a part thereof.

Sec. 82. The mode of redeeming shall be as prescribed by the laws of the State of Oregon for redeeming real property sold for delinquent taxes except as in this act otherwise provided; AND PROVIDED, that the proof of right to redeem shall be made to the Recorder of the city, and the money on redemption paid to him.

Sec. 83. A sale of real property under the provisions of this act shall have the effect to convey to the purchaser, subject to redemption as herein provided, all the estate or interest therein of the owner, whether known or unknown, together with the appurtenances thereunto belonging, and all the right, title and interest said owner had therein at the date said assessment, upon which the premises were sold, was made and entered in the docket of city liens.

Sec. 84. If no redemption is made of the real property sold under the provisions of this act within one year from the date of such sale, the purchaser, his legal representatives or assigns, shall be entitled to a deed for such real property so sold, on presenting the certificate of sale to the person making the sale, and such deed shall be executed and acknowledged by such person in all respects as the laws of the State provide for the execution of a deed to the purchaser of real estate sold for delinquent taxes, except as in this act otherwise provided.

Sec. 85. Whenever a purchaser, or those claiming under him, shall refuse to convey the land so sold to a person entitled to redeem, such person may enforce a conveyance thereof by suit in equity, as for a

specific contract to convey real property, and said suit may be maintained against parties absent from the State without proof of tender of the money and offer to redeem, if the plaintiff bring the money into court and offer then to redeem; PROVIDED, that such suit and the deposit of the redemption money into court shall be made and commenced within the time allowed in this act for redemption.

Sec. 86. In making a deed for real property sold for delinquent taxes or delinquent assessments for the improvements or repairs of any street, avenue, alley, sidewalk, crosswalk, sewer, or pavement, it shall not be necessary to recite or set forth the proceeding prior to the sale, but it shall be sufficient, if it substantially appears from such deed that the property was sold by virtue of a warrant, and the date therefor, for a delinquent assessment or tax, and the amount thereof, together with the date of sale and the amount bid by the purchaser. The style of warrant for the collection of delinquent assessment or tax shall be "In the name of the City of Scappoose."

Sec. 87. Unless the Council shall otherwise direct, each lot or part thereof or tract of land adjacent to any street, avenue, or alley where a sidewalk, crosswalk, pavement, or street is proposed to be built, improved, repaired, or other improvements made, shall be liable for the full cost of building, improving, or repairing the same upon the half of the street, avenue, or alley in front of and abutting upon it, and also for such proportionate share as the Council may determine of the cost of building, improving, or repairing the intersection of the two streets bounding the block or tract in which said lot or part thereof or parcel of land is situated, irrespective of the value of the improvements thereon; PROVIDED, the Council shall have power to determine what shall constitute a lot or part thereof, as the terms are used in this act; and should the proposed improvement or repair be upon a street, avenue, or alley abutting upon tracts not laid off in blocks and lots or regularly platted as such, said tracts shall be liable for such proportion of the cost of such improvements and repairs as Council may direct. The term "street" as used in this article or in this act, shall include all legally established streets, roads and highways.

Sec. 88. The cost, in whole or in part, as the Council may determine, or improving or repairing the intersections of streets is to be assessed upon the lots or parts thereof situated in the quarters of the blocks adjoining such intersections, but only upon the lots or parts thereof within the quarters nearest thereto, in proportion to the value of such lots or parts thereof as the Council may determine, irrespective of the value of the improvements thereon; PROVIDED, that when any tract adjacent to such improvement or repairs shall not be regularly laid off into lots and blocks, the proportionate cost of the improvement or repairs of said intersection shall be assessed to the owner or owners of such portion of said land as the Council may determine.

Sec. 89. When an assessment upon any lot or part thereof or tract of land becomes delinquent, any person having a lien thereon by judgment, decree, mortgage, or other lien may at any time before the sale of said land pay the same, and such payment discharges the property from the effect of such assessment; and the amount of such delinquent tax or assessment and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien, and shall bear like interest and may be enforced as a part thereof.

Sec. 90. The Council may provide by ordinance for the time and manner of doing the work of any proposed improvement, subject only to the following restrictions: After proper notice the work must be let to the lowest responsible bidder for either the whole work necessary to complete the proposed improvement or for so much thereof as will not materially conflict with the completion of the remaining portion; but no bid for a fractional part of any class of work chargeable to the blocks or lots on either side of the street from one cross street to another shall be received, except that sidewalks may be separately let as the Council may direct. The Council shall have the right to reject any and all bids when deemed unreasonable or unsatisfactory, and that the bid of any person who has before bid or contracted for any work for the city and been delinquent therein shall not be received. The Council shall provide

for taking security by bond for the faithful performance of any contract let under its authority, and the provisions thereof shall be enforced by an action in the name of the City of Scappoose.

Sec. 91. If upon the completion of any improvements or repairs it is found that the sum assessed therefor upon the lots or parts thereof or tracts of land is insufficient to defray the cost thereof, the Council must ascertain the deficit and declare the same by ordinance. When so declared the Recorder must enter the sum of the deficit in the docket of city liens in a column reserved for that purpose in the original entry, with the date thereof, and such deficit shall thereafter be a lien upon said lot or part thereof, and such tract of land in like manner and with like effect as in the cost of the sum originally assessed, and shall also be payable and collected in like manner and effect as in the case of such sum so assessed, and shall be deemed a part of the original assessment or tax.

Sec. 92. If upon the completion of any improvement or repair it is found that the sum assessed therefor upon any lot or part thereof or any tract of land is more than sufficient to pay the cost thereof, the Council must ascertain and declare the same, and when so declared it must be entered as in case of a deficit in the docket of city liens, and thereafter the person who paid such surplus, or his legal representative, shall be entitled to the payment of the same by a warrant on the Treasurer.

Sec. 93. All money paid or collected upon the assessment for the improvement of streets, avenues, alleys and sewers shall be kept as a separate fund, and nowise used for such improvements or repairs including a deficit, from the time of being entered in the docket of city liens, shall bear interest at the legal rate until paid or collected.

Sec. 94. The Council is authorized to repair any street, avenue, alley, sidewalk, crosswalk, pavements, or any part thereof, whenever it deems it expedient, and to declare by ordinance before doing the same whether the cost thereof shall be assessed upon adjacent property.

Sec. 95. If the Council declares that the proposed repairs shall be made at the cost of adjacent property, thereafter the proposed repairs is to be deemed an improvement, and shall be made accordingly; but if it declares that the cost of the same shall be paid out of the general fund, such repair may be made as the Council may provide, and paid for accordingly; PROVIDED that the Council shall have power, without ordinance or further proceedings, to require the owner or owners of adjacent property to repair any street, avenue, alley, sidewalk, or crosswalk, or pavement, upon five days' personal notice being given therefor by the Marshal to such owner or owners, or by written notice therefor, signed by the Recorder by order of the Council, being posted on such adjacent property for said length of time; AND PROVIDED that the cost of such repair or repairs shall not exceed the rate of \$25.00 for each lot or tract of land having a frontage of fifty feet on such street; and if at the expiration of said five days' notice such owner or owners shall not have made such repairs in a manner satisfactory to the Council, the Council may thereupon cause the same to be repaired, and the amount of such repair or repairs shall be considered an assessment, and shall be entered in the docket of city liens, and shall thereafter be a lien upon said property or part thereof liable therefor, in a like manner and with like effect as in the case of assessments hereinbefore provided for, and shall be payable and may be collected in like manner and with like effect.

Sec. 96. The Council may authorize any person owning or controlling the property adjacent to any street, avenue, or alley to improve or repair the street, avenue, alley, sidewalk, crosswalk, or pavement, or any part thereof, adjacent thereto, and when such improvements or repairs shall have been made in a manner satisfactory to the Council, the Council, in proceedings for improvements or repairs of any such portion of said street, avenue, or alley, may direct that such property shall not be assessed in said proceedings for the improvement or repair of said street, or may reduce the assessment of such property therefor.

Sec. 97. Whenever any lot or part thereof or piece of land sold under the provisions of this act shall bring more than the assessment thereon, with costs and charges of collection, the surplus must be paid to the Treasurer, and the person executing the warrant must take a separate

receipt for such surplus and file it with the Recorder on return of the warrant, and at any time thereafter the owner, or his legal representative, is entitled to a warrant upon the Treasurer for such surplus; PROVIDED, that whenever any lot or part thereof or piece of land sold under the provisions of this act shall bring less than the assessment thereon, with costs and charges of collection, the Council may supply the deficit out of the general fund, if in the opinion of the Council such improvement is necessary.

Sec. 98. The deed to the purchaser must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which said lot or part thereof was sold, and the name of the purchaser.

Sec. 99. When any lot or part thereof is sold for a delinquent assessment for the improvement or repairs aforesaid, and afterward sold for a deficit of such assessment, as in this act provided, to any person other than the purchaser at the first sale, such first purchaser, for the purpose of making redemption from the purchaser at said resale, is to be deemed an owner within the meaning of this act.

Sec. 100. Whenever the Council shall deem it expedient to open, lay out, establish, widen, straighten, or extend a street, avenue, or alley, it shall cause an engineer to survey such new street, or extension, or line to which the width is to be changed or straightened, and make a report thereof, containing a plat of the survey of such street or alley, or the portion of each lot or part thereof required to be appropriated for such street or alley, which report, if satisfactory to the Council, shall be adopted by an ordinance embodying the same; PROVIDED, that before the adoption of the same the Recorder shall give notice of the filing of such report by publication for two weeks in some newspaper published in the city, or by written notice thereof posted for two weeks in three public places in the city, and at the next meeting of the Council, after the expiration of such two weeks' notice, present to it the said report and attach thereto a copy of such notice, with the proof of the publication or posting endorsed thereon. Thereafter, and within thirty days from the adoption of said report, the Council shall appoint three disinterested freeholders of the City of Scappoose, who shall not be related to any owner or person interested in any property to be appropriated, and possessing the qualifications of jurors in courts of justice of this State, to view such proposed street or alley, and make an assessment of the damages and benefits, if any, to the respective owners of the lots or parts thereof, and land appropriated, and to report the same to the Council. The said viewers will meet at such times as may be designated by the Council and after having been duly sworn or affirmed to discharge their duties faithfully, shall proceed to view the whole distance of the said proposed street or alley, and ascertain and determine how much less valuable the premises of such owners, respectively, would be rendered by the opening of the same. If the Council is satisfied that the amount of damages assessed by the viewers, or by the circuit court upon an appeal thereto, as hereinbefore provided, is just and equitable, and that the proposed street or alley will be of sufficient importance to the public to cause the damages so assessed and determined to be paid by the city, the Council shall order the same to be paid to said owners, respectively, out of the treasury as other claims against the city are paid; but if, in the opinion of the Council, such street or alley is not of sufficient importance to the public to cause or justify the damages to be paid by the city, the Council may refuse to open such street or alley, or extend or widen the same, as the case may be, unless the damages or such part thereof as the Council may think proper, shall be paid by private persons.

Sec. 101. If it shall appear to the Council that the damages assessed are unreasonable, the Council may set aside such view and report, and order another view under the same regulations as the first. The viewers shall receive for their services such compensation as the Council may prescribe.

Sec. 102. Any person feeling aggrieved by the assessments of such damages as herein provided may, within thirty days from the filing of said report by said viewers, appeal therefrom to the Circuit Court of the State of Oregon for Columbia County. Any number of persons interested

may join in such appeal, and the only question to be determined by such appeal shall be the question of the amount of damages.

Sec. 103. Such appeal shall be taken in the same manner as an appeal from the assessment of damages in laying out of highways by the county court, except that the notice of appeal shall be served upon the Mayor, Recorder, or City Attorney. If appellants shall fail to recover a judgment more favorable than the report appealed from, they shall pay all costs and disbursements on the appeal; and when two or more persons join in said appeal and a part only recover damages more favorable than the report appealed from, the circuit court shall apportion the costs among the parties thereto, as in its discretion may seem equitable and just. No judgment for damages against said city obtained in the circuit court shall be enforced against the city when the Council shall determine that the street or alley is not of sufficient importance to justify the establishment of the same, after the appeal shall have been tried in the circuit court.

Sec. 104. Such appeal shall be heard and determined and the judgment thereon enforced so far as practicable in the same manner as in an action at law, and in case two or more persons join in said appeal the jury shall hear the evidence concerning the amount of damages, if any, sustained, and in their verdict find the amount of damages, if any, sustained by each of the said appellants. The verdict of the jury shall be a final and conclusive determination of the matter of such assessment, except that the same shall not be a bar to further proceedings therein on the part of the city, after the expiration of one year therefrom.

Sec. 105. If no further view be ordered the Council shall, after the time limited for appeal shall have expired if no appeal shall have been taken, and immediately after final judgment is rendered if an appeal be taken, order a warrant drawn upon the Treasurer for the amount of damages and costs assessed to the owner or owners, if it shall desire to open, lay out, establish, widen, straighten or extend such street or alley and cause such report, survey, and plat to be recorded in the "Record of City Surveys," and from thenceforth said street or alley shall be considered as opened, laid out, established, widened, straightened, or extended, as the case may be, and the Council may cause an order to issue directing said street to be opened.

Sec. 106. The "Record of City Surveys" is a book in which must be kept and entered by the Recorder the report and plat of the said engineer, or any plat made by him under the direction of the Council in the opening, laying out, establishing, widening, straightening, or extending any street or alley, the date of the filing thereof, the action of the Council thereon and the date thereof, and the final action of the Council in relation to such street or alley with the date thereof, and the report of such other surveys made by the said engineer as the Council may direct.

Sec. 107. The "Record of City Surveys" is a public writing, and the original or copies thereof, certified to by the Recorder, of any matter authorized to be entered therein are entitled to the force and effect thereof.

Sec. 107 1/2. The Council has authority and is hereby authorized when it shall deem it expedient, to open, establish, and locate streets upon the roadbed of and upon or across any county road or public highway within the corporate limits of the City of Scappoose, and when so located or established, said county road or public highway shall be and become a public street of said city, and subject to the jurisdiction and control of the Council the same as other streets. If upon the completion of any street improvement, elevated roadway, or repair of any street, when the cost thereof is declared by the Common Council to be a charge upon the adjacent property in front of or abutting upon any property, or the construction of any sewer or drain, any assessment or assessments levied to defray the cost thereof are found or adjudged to be invalid through any reason, whether because of any defects, jurisdictional or otherwise, or any insufficiency, irregularity, or informality, whether in the original notice therefor, if any, or in any stage of the proceedings, the City of Scappoose shall have power to bring actions in the Circuit Court of the State of Oregon for Columbia County, against the owner or owners of a lot or lots, block or blocks, parcel or parcels of land upon which the cost of such improvement, repair, elevated roadway, sewer, or drain might or could be charged and imposed under the terms of this act, and recover the proportion of the

cost of such improvement repair, sewer, or drain, or elevated roadway properly chargeable under this act to each of such lots or blocks or parcels of land. In any such action so instituted all persons whose property is or would be so liable for the payment of any such proportion of the assessment aforesaid may be joined as parties defendant in one action and the judgment rendered therein shall be a several judgment against each of said defendants for his proportion of said assessments and costs and disbursements, and a lien therefor shall be decreed upon the premises liable or assessed for such street improvement, sewer or drain. The general laws of the State of Oregon governing actions at law, service of summons and other process shall apply in such action. In the event of any assessment heretofore made or levied by the City of Scappoose for any street improvement, repair of a street, when the cost thereof has been declared by the Common Council to be a charge upon the adjacent property, or elevated roadway, or the construction of any sewer or drain shall have been or shall hereafter be found, declared, or adjudged to be invalid or uncollectible for any reason, whether because of any defect, jurisdictional or otherwise, or any insufficiency, irregularity, or informality whatever, in the original notice therefor if any, or in any stage of the proceedings, the city shall have the power to bring action in the Circuit Court of the State of Oregon, for Columbia County, against the owner or owners of the lot or lots, block or blocks, parcel or parcels of land upon which the cost of such improvement, repair, elevated roadway, sewer or drain might or could be charged or imposed under the terms of this act, and recover from said owner or owners the proportion of the cost of such improvement, repair, sewer or drain, or elevated roadway heretofore charged to each of such lots or blocks or parcels of land. In such actions all the provisions contained in this section relative to the method of procedure, joinder of parties, trial, judgment, and other matters for the collection of assessments shall apply.

## CHAPTER IX.

### SEWERS.

Sec. 108. The Council shall have power and is hereby authorized to construct or repair and lay down all necessary sewers and drains, of a character and capacity sufficient to provide a complete and adequate system of sewerage, and to declare by ordinance before doing the same whether the cost of doing the same or any part of such cost, and if so, what part shall be assessed upon the property directly benefited by such drains or sewers, or paid out of the general fund, and the determination of the Council concerning the payment shall be final as to said assessment.

Sec. 109. If the Council declare that a proposed sewer or drain shall be constructed, laid down, or repaired at the expense in whole or in part, of the property directly benefited thereby, thereafter the proposed sewer or drain, as to that part of the expense thereof to be assessed upon the property benefited thereby shall be deemed an improvement and the Council shall proceed in all respects with the same authority and power as in making street improvements, except that the provisions of Sections 67, 68 and 69 of this act shall not apply; but in lieu thereof the Council shall appoint three disinterested freeholder residents of said city, whose duty it shall be to view the streets and locations of any proposed sewer or drain, and who shall ascertain what property is directly benefited by such sewer or drain, and the extent and proportion of such benefits to and upon each lot or part of lot or tract of land so directly benefited, compared with other property so benefited, and report the same to the Council, which said report shall be filed with the Recorder.

Sec. 110. Upon the report provided for in the preceding section being filed with the Recorder, he shall immediately give notice thereof by publication for twenty days in some newspaper published in the city, or by posting written notice in three public places in said city. Such notice must specify with convenient certainty the street or parts thereof on which said sewer or drain is proposed to be located, and the property ascertained and determined by said viewers to be directly benefited by said sewer or drain, and the extent or proportion of such benefit.

Sec. 111. Within ten days from the final publication or posting of such notice, the owner of any property ascertained and determined by said



viewers to be directly benefited by said sewer or drain may file with the Recorder any objection he or she may have to the findings and determination of said viewers

Sec. 112. At the next meeting of the Council after the expiration of the time provided within the preceding section for filing objections to said report, the Recorder shall present the same, with the objections thereto, if any, to the Council, and it shall thereupon proceed to examine the said report and consider the objections thereto, if any, and may adopt said report in whole or in part, modify or reject the same; PROVIDED, that the Council may, by resolution, postpone the consideration of said matter to the next regular meeting, or some special or adjourned meeting.

Sec. 113. Should the Council adopt said report, either in whole or in part, or as modified, it shall forthwith proceed to ascertain and determine the probable costs of constructing such sewer or drain, and shall assess upon each lot or part of lot or parcel of land liable therefor its proportionate share of such cost, and shall declare the same by ordinance, as provided in Section 72 of this act, relating to improvement of streets; and in all further proceedings in relation to such sewer or drain shall be the same as in this act provided for the improvement of streets

Sec. 114. Should the Council declare that the cost of any proposed sewer or drain shall be paid out of the general fund, such sewer or drain may be constructed, laid down, or repaired as the Council may provide, and paid for accordingly.

Sec. 115. In the construction of any sewer or drain, the City of Scappoose shall have the right to use and divert from its natural course any and all creeks, sloughs, or streams running through the city into said sewer or drain

Sec. 116. The Council has the power and is authorized, whenever it may deem it expedient or necessary in order to provide a complete and adequate system of sewerage for said city, to lay down, construct, and repair sewers or drains outside the corporate limits of said city; to regulate the manner of such construction, and to expend the funds of the city therefor, as if the same were constructed, laid down, or repaired within said corporate limits; PROVIDED, all drains or sewers and repairs thereto outside the corporate limits of said city shall be paid for out of the general funds.

Sec. 117. The said City of Scappoose shall have the power and authority to acquire, by purchase or otherwise, own and possess such real property outside the corporate limits of the city as in the judgment of the Council may be necessary to enable it to provide a complete system of sewerage; and it shall have the right to enter upon any land between the termini of any proposed sewer or drain, either inside or outside of said corporate limits, for the purpose of examining, locating, and surveying the line of such sewer or drain, doing no unnecessary damage thereby; and it may appropriate the use of so much of said land as may be necessary or convenient for the construction or laying out or keeping in repair said sewer or drain, not to exceed twenty feet in width, and may make whatever cuts and excavations may be necessary in order to lay down or repair said sewer or drain, filling such excavation or cut as soon as practicable after making the same.

Sec. 118. Should the city be unable to agree with the owners of the land mentioned in the preceding section as to compensation to be paid for the right of way over the same, or if such owner be absent from the State, said city may maintain an action in the circuit court of the proper county against such owner for the purpose of having such land appropriated to its use, and for determining the compensation to be paid such owner therefor; and the general laws of the State regulating the mode of proceedings to appropriate land by private corporations for rights of way shall govern and control the mode of proceeding in such action so far as applicable

#### Collection of Delinquent Taxes.

Sec. 119. All general or special taxes levied as provided and authorized by the provisions of this act, and all assessments for improvements, widening, straightening, closing up, or repairing of streets, avenues, alleys, sidewalks, or crosswalks, or for laying or repairing sewers or drains, and every part therefor, shall bear interest at the legal rate from the time it is delinquent until it is paid or collected.

Sec. 120. The Council may provide by ordinance within what time a warrant for the collection of delinquent taxes and assessments must be returned, and may order an alias warrant to issue for the collection of any such taxes and of any assessment not made on a previous warrant. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. The Council may prescribe by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the treasury.

Sec. 121. All property subject to levy upon execution is subject to levy upon a warrant for collection of delinquent taxes.

#### CHAPTER X.

#### POLICE FORCE.

Sec. 122. The police force of the City of Scappoose shall consist of a Chief of Police and all necessary captains of police, detectives and regular and special policemen and clerks

The Chief of Police shall be appointed by the Mayor of the City of Scappoose, subject to the approval of the Common Council, and shall hold office during the pleasure of the Mayor.

All captains of police, detectives, regular and special policemen and clerks shall be appointed by the Chief of Police by and with the consent and approval of the Mayor, to be approved by the Common Council.

The Mayor may remove or suspend the Chief of Police, or any member of the police force, for any cause which he may deem sufficient, and upon the removal or suspension of any such officer, the Mayor shall immediately report the same to the Council, together with the cause thereof.

The Chief of Police shall make all necessary rules and regulations in the government of the police department, and shall report the same for approval of the Mayor, and when approved shall have full force and effect.

Sec. 123. In addition to the bond required of the Chief of Police, each Captain of Police, detective, regular and special policeman, and clerk, shall file a good and sufficient bond in the sum of \$500.00 with sureties to the satisfaction of the Mayor, for the faithful performance and discharge of his duties, and the payment of any damage that may be adjudged against him by any tribunal for the illegal arrest, imprisonment, or injury by him to any person.

Sec. 124. The police force of the City of Scappoose shall be under the supervision and authority, in the first instance, of the Mayor of the City of Scappoose, and he shall have power and authority to suspend or remove any member of the police force for any cause which he may deem sufficient, for the welfare of the city, and immediately upon the removal or suspension of any police officer, the same shall be reported to the Council. Upon the suspension or dismissal of such officer, the salary of such officer shall immediately cease.

#### Chief of Police.

Sec. 125. The Chief of Police is a peace officer, and must execute all process issued by the Recorder as Police Judge, or directed to him by any magistrate of this State. He may make arrests for a breach of the peace or commission of a crime within the limits of the city, with or without a warrant, as a peace officer may do under the laws of the state. He must exercise a vigilant control over the peace and quiet of the city. He is keeper of the city prison, or house of correction, unless otherwise prescribed by the Council. He must collect all delinquent assessments, when required by warrant, and pay the same to the Treasurer monthly. He must attend regularly upon the sittings of the police court, and the meetings of the Council. He shall have control of the captains of police and policemen, when they are on duty, and shall see that the city ordinances and the rules, orders, and regulations of the Council are observed and enforced. Before entering upon the duties of his office he shall file a bond in such sum as the Council may require and subscribe to and take an oath that he will faithfully perform the duties of Chief of Police during his continuance in office, and will account for and pay over all moneys that may come into his hands by virtue of his office.

## PROPOSED CHARTER OF

### Fees—Pay to City Treasurer.

Sec. 126. The Chief of Police shall receive and collect the same fees for the collection of taxes and assessments as are allowed by law, or as may be provided by ordinance, which fees he shall pay to the Treasurer, taking duplicate receipts therefor, one of each shall be filed with the Recorder as Police Judge. The fees earned, received, and collected by the Chief of Police, or any member of the police force in the police court, in proceedings for a violation of the city ordinance, or a crime against a state law, shall be disposed of in a similar manner.

### Policemen—Powers and Duties.

Sec. 127. The captains of police and policemen, shall possess the same power and authority as the Chief of Police in making arrests and serving processes; they must exercise a vigilant control over the peace and quiet of the city. Every policeman shall, before entering upon his duties, take and subscribe an oath that he will faithfully perform his duty for which he was appointed.

## CHAPTER XI.

### CONTRACTS AUTHORIZED BY ORDINANCE.

#### Miscellaneous Provisions.

Sec. 128. The City of Scappoose is not bound by any contract or in any way liable thereon, unless the same is authorized by ordinance, and made in writing, and by order of the Council, signed by the Recorder as Police Judge, or some other person duly authorized, on behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the city, without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

#### Road Taxes.

Sec. 129. All road taxes collected by the county upon property within the limits of the City of Scappoose, and all poll taxes collected upon persons residing therein, shall be turned over to the city in the same manner as other taxes are collected, and shall be expended exclusively upon the repair of roads, streets, highways, and alleys of said city, and shall be kept in a separate fund, known as the "Street Repair Fund."

#### Money Drawn From Treasury.

Sec. 130. No money shall be drawn from the treasury but in pursuance to an appropriation for that purpose made by ordinance; and an ordinance making an appropriation of money must not contain a provision upon any other subject and if it does, such ordinance as to such provision shall be void, and not otherwise.

#### Fiscal Year.

Sec. 131. The fiscal year of the City of Scappoose shall commence on the 1st day of January and end on the 31st day of December of each year, and during any such year the rates of general and special taxes levied must not exceed the aggregate sum of three per centum.

#### Indebtedness

Sec. 132. The net indebtedness of the City of Scappoose shall never exceed the sum of \$5,000.00, except as otherwise provided for in this charter, and any debt or liability incurred in violation of this section, except as herein otherwise provided in this act, whether by borrowing money, loaning the credit of the city, or otherwise, shall be null and void and of no effect. In estimating the indebtedness of the city provided for in this act no assets or resources shall be taken into consideration, excepting real estate with the improvements thereon, at the amount the same shall have cost the city, and taxes due the city and street assessments due the city, and money in the hands of the Treasurer of the City of Scappoose, and all warrants issued and liabilities incurred, whether for salaries of officers, or for ordinary expenses of the city, whether incurred voluntarily or involuntarily, except where there is cash on hand accumulated in the fund for the payment thereof, and excepting warrants issued upon a special fund for the improvement of streets where the fund is to be raised by assessment upon property to defray the costs and expenses of improving such streets, shall be taken and considered a part of said indebtedness.

**Assessment Presumed to be Regular.**

Sec. 133. In any suit, action, or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of such tax or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly done or taken, until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion or judgment of the Council, such discretion or judgment when exercised or declared is final and cannot be reversed or called in question elsewhere.

**Deed for Property Sold.**

Sec. 134. In making a deed for real property sold for delinquent taxes, or a delinquent assessment for the improvement of a street or sewer, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient if it substantially appears from such deed that the property is sold by virtue of a warrant from the City of Scappoose, and the date thereof, together with the date of sale and the amount bid thereat by the purchaser; and such deed shall be prima facie evidence of the authority to make the sale and the regularity of all anterior proceedings. No suit or legal proceedings shall be instituted to set aside such a deed or to have the same declared void, without first tendering to the purchaser of the property at the tax or assessment sale, his heirs or assigns, whether the purchaser be in the city or otherwise, the amount bid at such sale for the property together with 10 per cent. penalty on said amount, with interest on the amount bid at such sale from the date of sale, and all taxes and assessments paid by such purchaser on account of such property, with legal interest thereon. And in any suit or action prosecuted by any person claiming to be the owner of any property under a tax or assessment sale for the recovery of the possession of such property, the defendant, except in cases where the taxes or assessments have been paid, shall tender with his answer, and pay into court for the benefit of the holder of the tax title, the amount hereinbefore required to be tendered in an action brought to set aside such tax deed. The style of the warrant for the collection of delinquent assessments shall be "In the name of the City of Scappoose."

**Property to be Assessed.**

Sec. 135. All property, real and personal, subject to taxation for municipal purposes, shall be assessed at the actual cash value thereof, and real property not laid off into lots at the time of making the assessments shall be assessed at its actual value per acre, or fraction thereof.

**Ordinance to be Published.**

Sec. 136. The Council, as soon as practicable, after this act, must provide by ordinance for the codifying and publishing in book or pamphlet form, all ordinances, or parts thereof, at such times as the Council may decide.

**CHAPTER XII.****Power to Maintain Water Works.**

Sec. 137. The City of Scappoose is authorized and empowered to contract or purchase, keep, conduct and maintain water works therein, of a character and capacity sufficient to furnish the city and the inhabitants thereof with an abundance of good, pure and wholesome water for all uses and purposes necessary for the convenience and well being of the same, and to that end may acquire by purchase or otherwise and own and possess such real and personal property, within and without the limits of the city, as in the judgment of the persons herein authorized to construct, purchase, conduct and maintain the same, may be deemed necessary and convenient. PROVIDED, that nothing in this Section shall be construed to limit, restrict, or cut off any power or authority heretofore given the Council of said city, and the rates for all water furnished the city under the provisions of this Section shall be such as may be mutually agreed upon by the said Council. In case the Council shall at any time desire to acquire for any purpose herein mentioned, any real or personal property or franchise, or any right of way upon or over any land or lands without or within the limits of the city, or to acquire the right to construct and maintain any reservoir, ditch, aqueduct, flume, water pipes or water pipe line over.

across or upon any such land or lands, or shall desire to acquire any property, real or personal, water, water course, or water or riparian rights within or without said city, and the Water Committee, through its chairman and secretary shall certify to such Council that it has been unable to agree with the owner or owners thereof, as to the amount to be paid for the appropriation thereof, the said Council shall by ordinance direct an action to be instituted in the name of the City of Scappoose, in the Circuit Court of the State of Oregon for Columbia County, to condemn and appropriate to the use of such city such property, franchise, right of way, water, water course, water and riparian rights, and it shall not be necessary in order to maintain any such action to submit any question to a vote of the taxpayers, inhabitants, or voters of the city. Such action shall be commenced and prosecuted in the manner prescribed by the proceeding to appropriate land by private corporations.

#### Bonds — Issue — Amount.

Sec. 138. For the purpose of carrying Section 137 into effect the Council is authorized and empowered to issue bonds of the City of Scappoose of the denomination of from \$100.00 to \$1,000.00, as the purchaser or purchasers may desire, with interest coupons attached thereto, and sell said bonds on the open market to the highest and best bidder after advertisement thereof for a period of ten days in a newspaper published in Columbia County, being for all or any part of said bonds, the par value of which bonds shall not exceed the sum of Thirty Thousand (\$30,000.00) Dollars, said bonds to be signed by the Mayor and countersigned by the Recorder, whereby the city shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the purchaser of each of said bonds at the expiration of the term of years for which the same are issued, which must not be less than five years nor more than fifty years from the date thereof, the sum named therein, in Gold Coin of the United States of America, together with interest thereon in like Gold Coin at the rate of not to exceed six per cent. per annum, payable half-yearly, as provided in said coupons, and provided, further, that said bonds shall be exempt from all taxation for municipal purposes.

Sec. 139. The Council shall each year at the time of making the annual tax levy for city purposes, include in such levy a sum sufficient to pay interest due on the outstanding bonds hereinabove provided for in Sections 138 and 139, and to retire the principal thereof at maturity.

RESOLVED, FURTHER, That this resolution for a proposed charter submitted to the voters by the Common Council be filed with the Recorder upon its approval by the Mayor, for submission to the legal voters of said municipality for their rejection or approval, to be voted upon at a special election to be held therein, and which said special election is hereby called for Saturday, the 13th day of August, 1921, to be held as by law in such case made and provided.

RESOLVED, FURTHER, That for the hereinabove proposed Charter the following ballot title be, and the same is hereby adopted by the Common Council, to-wit:

#### CHARTER SUBMITTED TO THE VOTERS BY RESOLUTION OF THE COMMON COUNCIL.

##### AN ACT

To provide a new charter for the Town of Scappoose, Columbia County, Oregon, in lieu of Title XXVI, Lord's Oregon Laws (now Title XXVII Oregon Laws) under and pursuant to which the Town of Scappoose is now incorporated, and providing among other things for an issue of Thirty Thousand (\$30,000.00) Dollars of water bonds.

100 YES.

101 NO.

RESOLVED, FURTHER, That said Recorder be and he hereby is instructed and required to publish the hereinbefore proposed charter submitted to the voters by the Council in the manner required by law, that is to say, by the publication of this resolution in full in a newspaper published in Columbia County, said publication to be made once or oftener, and at

least ten days immediately preceding the special election at which said proposed charter is to be voted upon.

BE IT FURTHER RESOLVED, That Saturday, the 13th day of August, 1921, between the legal voting hours of said day, is hereby designated as the time for holding said special election, and the Watts and Price Hall is hereby designated and appointed as the polling place for said election, and the following are designated and appointed as the chairman, judges, and clerks of said election, to-wit:

C. F. CATHCART, Chairman.  
R. F. NIBLOCK,  
J. E. MILLER, Judges.  
MRS. M. E. GETCHELL,  
MRS. MABEL GERLACH, Clerks.

and the Recorder is hereby instructed and directed to give notice of said election for the time and in the manner required by law.

Passed by the Common Council this 13th day of July, 1921, by the following vote:

Yeas: M. B. Grewell, D. W. Price, W. C. Campbell, G. W. Grant, E. E. Wist.

Noes: None.

C. E. Wikstrom, absent.

Submitted to the Mayor of the Town of Scappoose this 13th day of July, 1921.

Approved by the Mayor of the Town of Scappoose this 13th day of July, 1921.

J. G. WATTS, Mayor.

Attest: L. A. McDONALD, Recorder.

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