THE CHARTER

and

Charter Ordinances

of the

City of Portland, Oregon

In Effect July 1, 1913, as revised by the Council August 19, 1914, and containing all Amendments subsequently adopted up to November 2, 1926, inclusive.

Recodified by Ordinance No. 54706.

THE CHARTER OF THE CITY OF PORTLAND, OREGON

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THE CHARTER OF THE CITY OF PORTLAND, OREGON.

In effect July 1, 1913, as revised by the Council August 19, 1914, and containing all amendments subsequently adopted up to November ~~12~~, 1926, inclusive.

2 Recodified by Ord 54706

AN ACT.

To amend an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, amended by the Legislative Assembly of the State of Oregon in 1905, and subsequently amended by the people of the City of Portland, providing for a commission form of government.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, AND THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

That an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State January 23, 1903, amended by the Legislative Assembly of the State of Oregon in 1905, and subsequently amended by the people of the City of Portland, be and the same is hereby amended as hereinafter set forth, providing for a commission form of government.

CHAPTER I.

Corporate Existence and Powers.

§ 1. DEFINITIONS.
§ 2. CONTINUATION OF CORPORATE POWERS AND GRANT OF POWERS.
§ 3. GRANT OF GENERAL POWERS.
§ 4. CONTINUATION OF PROPERTY RIGHTS.
§ 5. LEGAL PROCEEDINGS.
§ 6. CONTINUATION OF CONTRACT LIABILITY.
§ 7. PUBLIC PLACES INALIENABLE.
§ 8. SALES OF BUILDING LEASES.

§ 1. DEFINITIONS:

The act above named, with all amendments thereto prior to this date, are hereinafter referred to as "the Charter of 1903," and said acts as amended by this measure are hereinafter referred to as "the Charter" or "this Charter."

[Ch. 1903, §1; Am. May 3, 1913, part of §1.]

§ 2. CONTINUATION OF CORPORATE POWERS AND GRANT OF POWERS:

The municipal corporation now existing and known as The City of Portland shall remain and continue a body politic and corporate by the name of The City of Portland and by that name shall have perpetual succession and may sue and be sued, plead and be impleaded in all courts of justice and in all actions, suits or proceedings whatever; may have and use a common seal, and may alter the same at pleasure; may purchase, or acquire by the exercise of the right of eminent domain, receive and hold property, both real and personal, within or without said city for municipal purposes, and shall have the right of possession and control of all public parks and levees, buildings and property and of all tracts of land belonging to said city and other property which has been or may be hereafter dedicated or in any

manner whatsoever obtained for public purposes of said city, and may lease, sell or dispose of the same for the benefit of the city; may receive bequests, gifts and donations of all kinds of property in fee simple, in trust or otherwise, for charitable or other purposes, and may do all acts necessary to carry out the purposes of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust, or absoluely, in case such gift, bequest or trust be unconditional.

[Ch. 1903, §2.]

§ 3. GRANT OF GENERAL POWERS:

The City of Portland shall be invested within its limits with authority to perform all public and private services, including those of an educational or recreative character as well as others, and with all governmental powers except such as are expressly conferred by law upon other public corporations within such limits and subject to the limitations prescribed by the constitution and laws of the State, and to acquire by purchase or otherwise property without its limits.

[Ch. 1903, §3; Am. May 3, 1913, §2.]

§ 4. CONTINUATION OF PROPERTY RIGHTS:

The City of Portland shall continue, under this Charter to have, hold and enjoy all property, rights of property and rights of action of every nature and description of the municipality now existing and known as The City of Portland, and is hereby declared to be the successor of the same.

[Ch. 1903, §4.]

§ 5. LEGAL PROCEEDINGS:

Suits, actions and proceedings may be brought in the name of The City of Portland for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with said city, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said city.

[Ch. 1903, §5.]

§ 6. CONTINUATION OF CONTRACT LIABILITY:

All contracts of every description heretofore duly and legally made and entered into by the said City of Portland shall remain valid and be binding upon this municipality to the extent only that they are now valid and binding upon said City of Portland.

[Ch. 1903, §7.]

§ 7. PUBLIC PLACES INALIENABLE EXCEPT AS HEREIN PROVIDED:

The title, rights and interest of the City of Portland in and to all water front, wharf property, land under water, and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original United States surveys and conformed to by the original plats of the City of Portland, and all landings, wharves, docks, highways, bridges, avenues, streets, alleys, lanes, parks and all other public places, and like property that it may now own or hereafter may acquire, are hereby declared to be inalienable. The rights of the city therein shall not be divested or vacated for a distance of two thousand feet from any meander line of any navigable water, or one thousand feet from any railroad depot or terminal yard; provided, that at a greater distance than specified above from any such meander lines and railroad terminal streets may be vacated on proceedings prescribed elsewhere in this charter, except that the ordinance of vacation shall require for its passage a vote of at least four-fifths of all the members of the Council. But whenever the city shall own all the property abutting upon both sides of any part of a street, and such part of the street shall be necessary for the use of such property of the city for a public purpose the street may be vacated in the manner elsewhere provided in the charter or ordinances of the City of Portland or the laws of the State of Oregon in force at the time for the vacation of streets;

provided, however, that the right herein granted shall only be exercised when such vacation shall not interfere with any improvement, proposed by the Commission of Public Docks or with access to the water front or any transportation terminal; and provided further, to the end that railroad terminal development may be permitted, the Council be and it is hereby empowered to vacate in the manner provided by Sections 362 to 364, inclusive, of the Charter of 1903 as amended June 7, 1909, now retained as charter ordinances, and in the manner prescribed by law, and prescribe and fix the terms and conditions upon which said vacation shall be made, all of the following described streets, or parts of streets, in the City of Portland, Oregon, to-wit:

Broadway, North, and North 7th street, from the north line of Johnson street to the southwesterly line of North Front street.

North 8th street, from the south line of Marshall street to the southwesterly line of North Front street.

East 20 feet of North 8th street, from the south line of Kearney street extended to the south line of Marshall street.

West 20 feet of North Park street, from the south line of Kearney street to the south line of Marshall street.

North Park street, from the south line of Marshall street to the southwesterly line of North Front street.

North 10th street, from the north line of Lovejoy street to the southwesterly line of North Front street.

North 10th street, from the north line of Johnson street to the south line of Lovejoy street.

North 13th street, from the north line of Raleigh street to the southwesterly line of North Front street.

North 15th street from the north line of Thurman street to a line drawn from the intersection of the east line of North 15th street with the south line of Upshur street to the intersection of the north line of Upshur street with the southwesterly line of Terminal street.

North 16th street, from the north line of Thurman street to the north line of Upshur street.

Versteeg street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line 100 feet southwesterly from and parallel to said southwesterly line of Sherlock avenue.

Kearney street, from the east line of North 9th street to the east line of North Park street.

Lovejoy street, from the east line of North 9th street to the east line of North Park street.

Lovejoy street, from the west line of North 8th street to the east line of North 7th street.

Marshall street, from the west line of North 10th street to the west line of North 9th street.

Marshall street, from the east line of North 9th street to the east line of North 7th street.

Northrup street, from the east line of North 9th street to the southwesterly line North Front street.

Northrup street, from the east line of North 12th street to the west line of North 9th street.

Overton street, from the east line of North 12th street to the west line of North 9th street.

Overton street, from the east line of North 9th street to the southwesterly line of North Front street.

Pettygrove street, from the east line of North 12th street to the west line of North 9th street.

Raleigh street, from the east line of North 13th street to the west line of vacated North 12th street.

Savier street, from 100 feet west of the west line of North 13th street to the southwesterly line of North Front street.

Upshur street, from the east line of North 17th street to a line drawn from the intersection of the east line of North 15th street and the south line of Upshur street to the intersection of the north line of Upshur street and the southwesterly line of Terminal street.

Vaughn street and North 18th street, from the west line of North 17th street, to a line drawn from the intersection of the east line of North 18th street with the south line of Vaughn street to the intersection of the north line of Vaughn street with the extension of the west line of North 18th street.

York street and North 20th street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line drawn from the intersection of the south line of York street and the east line of North 20th street to the intersection of the north line of York street and the west line of North 20th street.

Reed street, from a line 30 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue to a line drawn across said Reed street from a point on the south line thereof 100 feet distant, at right angles, from the southwesterly line of Sherlock avenue to a point on the north line of said Reed street, 60 feet distant, at right angles, from the southwesterly line of Sherlock avenue.

Southwesterly 30 feet of Sherlock avenue, from the west line of North 19th street, extended, to the southeasterly line of Colton street, extended.

Quimby street, from the west line of North 10th street to the southwesterly line of North Front street.

All that portion of North 14th street between the southwesterly line of North Front street and a line drawn perpendicular to North Front street from the southeast corner of block 17, Watson's Addition.

All that portion of Thurman street between the southwesterly line of North Front street and a line drawn perpendicular to North Front street from a point on the south line of Thurman street 20 feet east of the east line of North 14th street.

All that portion of Sherlock avenue, Blackstone street and Lumber street that lies between a line 10 feet northeasterly from and parallel to the southwesterly line of Sherlock avenue and a line drawn parallel to Sherlock avenue, from the intersection of the east line of Blackstone street with the south line of Lumber street and extending from the southeasterly line of Nicolai street, extended, to the west line of North 21st street, extended.

The said streets above named are hereby described by reference to the official quarter section maps of the City of Portland prepared pursuant to ordinances of said city, which maps are a part of the records of said city.

Whenever it shall become necessary for the future development of terminal facilities in the City of Portland to construct overhead viaducts, the Council is hereby empowered by a four-fifths vote of all the members thereof, to vacate, in the manner provided by said charter ordinances, the said street areas over which viaducts shall be constructed, upon such terms and conditions as the Council shall prescribe, notwithstanding said areas may be within two thousand feet distant from any meander line of any navigable river or one thousand feet from any railroad depot or terminal yard.

But replatting of streets wherever situated, in such manner that new ground is dedicated or acquired without additional cost to the city of equal area with that vacated, and affording equal way and access to the same terminus, shall not be deemed within the prohibition of this act.

[Amendment of June 7, 1921.]

§ 8. SALES OF BUILDINGS—LEASES:

The City may sell any buildings owned by it which may not be needed for public use. Such sale shall be made by the Council in its discretion when thereto authorized by ordinance passed by a vote of at least four-fifths of all the members of the Council and approved by the Mayor, the sales to be made only at public auction.

The Council may rent any of the City's property not needed for public purposes, for a term not exceeding five years.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts against a water way or connects with a railroad terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation, or distribution, and which does not interfere with full access of the public to the uses provided; and this clause shall include and apply to all structures necessary in the improvement of the public docks.

[Ch. 1903, §93; Am. June 5, 1911, §93; Am. Nov. 8, 1910, §93; Am. May 3, 1913, §66.]

CHAPTER 2.

Boundaries and Annexation of Territory.

§ 9. CITY BOUNDARIES.
§ 10. POWER TO ANNEX TERRITORY.
§ 11. PETITION FOR ANNEXATION.
§ 12. ANNEXATION ELECTION.
§ 13. EFFECT ON PROPERTY RIGHTS; ON LIABILITIES.
§ 14. AMENDMENT OF BOUNDARIES.
§ 15. LIABILITY OF ANNEXED TERRITORY FOR IMPROVEMENTS.

§ 9. CITY BOUNDARIES: Amended See Page 20-1

All property surrounded by the corporate limits of the City of Portland upon merging the City of St. Johns, the town of Linnton and the City of Portland, be and the same is hereby annexed to and embraced within the City of Portland, and a complete description of the boundaries of the City of Portland, since the merging of said city of St. Johns and town of Linnton into the City of Portland and annexations of territory heretofore and hereby made is as follows:

Beginning at the quarter section corner of the south line of section 21, of township 1 south, range 1 east of the Willamette Meridian, in Multnomah County, State of Oregon, and running thence east following the south line of section 21 and the south line of section 22 to the center of the main channel of the Willamette river; thence southerly following the center of the main channel of said river to a point in the westerly prolongation of the south line of Sellwood according to the duly recorded plat thereof; thence easterly along the south line of said Sellwood to the southeast corner of said Sellwood according to the duly recorded plat thereof; thence northerly along the east line of said Sellwood according to the duly recorded plat thereof to the south line of section 23 in said township and range; thence east along the south line of sections 23 and 24 in said township and range and along the south line of section 19 in township 1 south, range 2 east of said Willamette Meridian to a point 30 feet east of the east line of the Jacob Wills Donation Land Claim if produced south; thence north 30 feet east of and parallel to a southerly extension of the east line of said Jacob Wills Donation Land Claim and along the east line of said Jacob Wills Donation Land Claim and a northerly extension thereof to the south line of section 18 of township 1 south, range 2 east; thence east to the northeast corner of section 20 of said township 1 south, range 2 east; thence south one-half mile to the quarter section corner between sections 20 and 21 of said township 1 south, range 2 east; thence east along the center line of said section 21 to the quarter section corner between sections 21 and 22 of said township 1 south, range 2 east; thence north along the section line between sections 21 and 22, 15 and 16, 9 and 10 of said township 1 south, range 2 east to a point 633 feet north of the north line of section 16 of said township 1 south, range 2 east; thence west parallel to said north line of said section 16 to the section line between sections 8 and 9 of said township 1 south, range 2 east; thence north along the east line of sections 8 and 5 of said township 1 south, range 2 east to the south line of the B. F. Starr Donation Land Claim; thence east along said Starr Donation Land Claim to the north and south center line of section 4 of said township 1 south, range 2 east; thence north along the center line of said section

4 in said township 1 south, range 2 east and along the center line of sections 33 and 28 in township 1 north, range 2 east of said Willamette Meridian to the northeast corner of the northwest quarter of said section 28; thence west along the north line of said section 28 to the northwest corner of said section 28; thence north to the south line (projected west) of the property owned by the Shriners' Hospital for Crippled Children, said point being 30 feet west and 472.28 feet south of the intersection of the east line of East 82nd street (County Road No. 659), and the southeasterly line of Sandy boulevard; thence north 89 degrees, 47 minutes east along the south line of said hospital property 685.043 feet to the southeast corner of said property; thence north 0 degrees 42 minutes east 857.87 feet along the east line of said hospital property to the southeasterly line of Sandy boulevard; thence southwesterly along the southeasterly line of Sandy boulevard to the west line of said section 21; thence north on the west line of said section 21 to the one-quarter corner between sections 20 and 21 in said township 1 north, range 2 east; thence west one mile to the quarter section corner between sections 19 and 20 of said township 1 north, range 2 east; thence south one-half mile to the southwest corner of said section 20; thence west one mile along the south line of section 19 to the southwest corner of said section 19 of said township 1 north, range 2 east; thence north along the east line of sections 24 and 13 of township 1 north, range 1 east of said Willamette Meridian to a point 150 feet north of the north line of the county road known as the Columbia Slough road as it existed February 23, 1893 (measured at right angles to said road); thence westerly parallel to and 150 feet northerly from said north line of said county road to a point in the easterly line of the four and one-half (4½) acre tract of land owned by the Spokane, Portland and Seattle Railway Company; thence northeasterly along said east line to the most easterly corner thereof; thence northwesterly along the northerly line of said four and one-half (4½) acre tract of land to the northwesterly side line of the Spokane, Portland and Seattle Railway Company's right of way; thence northeasterly tracing said northwesterly line of said right of way to the center line of Oregon Slough; thence northwesterly and at right angles to said northwesterly line of said right of way a distance of 80 feet; thence southwesterly and parallel to said northwesterly line of said right of way to the center line of Columbia Slough; thence westerly following the center line of said Columbia Slough to the north line of section 6 in township 1 north, range 1 east of the Willamette Meridian; thence west along the north line of section 6 of said township 1 north, range 1 east and along the north line of section 1 of township 1 north, range 1 west of said meridian to the northerly line of the O. W. R. & N. Company's right of way; thence westerly along the northerly line of said right of way to the north line of section 2, said township 1 north, range 1 west; thence west along said north line of said section 2 to the center line of the main channel of the Willamette river; thence northwesterly along said center line to a point opposite the upper entrance of the Willamette Slough; thence at right angles to the thread of the stream of the Willamette river to the point where the center line of the upper entrance of the Willamette Slough intersects the Willamette river; thence along the center line of said upper entrance of the Willamette Slough to a point opposite the point where the west boundary line of the Jacob Sanders Donation Land Claim in section 34 of township 2 north, range 1 west of said Willamette Meridian intersects the south bank of the upper entrance of said Willamette Slough; thence at right angles to the thread of the stream at the center of the Willamette Slough to said point on the west boundary of the Jacob Sanders Donation Land Claim; thence south along the west boundary of said donation land claim to the north line of township 1 north, range 1 west of said Willamette Meridian; thence west along said township line to its intersection with the half-section line north and south in section 4 of township 1 north, range 1 west of said Willamette Meridian; thence south along said half-section line to its intersection with the center line of Cornell Road, being County Road No. 652; thence southeasterly along said center line to its intersection with the south boundary of the northeast quarter of section 15 of said township 1 north, range 1 west; thence east along said south boundary line to the west line of section 14 of said township

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Ord 3797 State Law

1 north, range 1 west; thence south along said west line to the southwest corner of said section 14; thence east along the south line of said section 14 to the southeast corner of said section 14; thence south along the section line between sections 23 and 24 of said township 1 north, range 1 west to the southwest corner of said section 24; thence east along the south line of said section 24 to the southeast corner of said section 24; thence south to the quarter section corner between section 25, of township 1 north, range 1 west, and of section 30, of township 1 north, range 1 east of said Willamette Meridian; thence east along the half-section line of said section 30 to the east line of said section; thence south along the east line of sections 30 and 31 of said township 1 north, range 1 east to the southeast corner of said section 31; thence east one-half mile to the quarter section corner on the north line of section 5 of said township 1 south, range 1 east; thence south two miles to the quarter-section corner between sections 8 and 17 of said township 1 south, range 1 east; thence east one mile to the quarter section corner between sections 9 and 16 of said township 1 south, range 1 east; thence south two miles along the half-section line of sections 16 and 21 in township 1 south, range 1 east, to the quarter section corner on the south line of section 21 of township 1 south, range 1 east, which is the place of beginning.

(Charter 1903, revised to November 4, 1924, containing amendments of June 5, 1905; June 3 ,1907; November 3, 1908; November 8, 1910; November 5, 1912; June 3, 1919; November 4, 1924).

§ 10. POWER TO ANNEX TERRITORY:

The City of Portland may annex additional territory contiguous to and adjoining the limits of said city in the following manner, and such territory and the inhabitants thereof when so annexed shall become a part of said city and subject to the jurisdiction thereof.

[Ch. 1903, §13.]

§ 11. PETITION FOR ANNEXATION:

Whenever a petition shall be filed in the office of the Auditor of said city describing any such territory and defining the boundaries thereof, signed by the qualified voters of such territory in number equal to fifteen (15) per cent. of the qualified voters of such territory voting at the last preceding general election, expressing the desire of said petitioners for the annexation of such territory, the council of said city shall consider and determine whether the annexation of such territory, or any part thereof, shall be submitted to the qualified voters thereof.

[Ch. 1903, §14.]

§ 12. ANNEXATION ELECTION:

The Council may by a four-fifths vote thereof pass an ordinance providing for the submission of the question of the annexation of such territory, or any part thereof, either alone or together with any other territory designated in said ordinance, to the qualified voters residing in the territory so designated at the next general election held therein; provided, such ordinance shall be passed at least thirty days before said general election. Whenever the territory so to be annexed shall include a part but not the whole of any voting precinct, the County Clerk of Multnomah County shall furnish a sufficient number of ballots to supply the voters of such precinct who reside within the territory so to be annexed, upon which shall be printed the question of the annexation of such territory, and shall supply for the voters of such precinct who do not reside within said territory ballots upon which such questions shall not appear.

It shall be the duty of the Auditor to furnish previous to the time of the election to the judges of election of each of such precincts a plat and description of the territory so to be annexed showing the part thereof within the limits of such precinct. Said judges shall ascertain the residence of each voter applying for a ballot at such election and shall furnish the ballot having printed thereon the question of the an-

Section 9. CITY BOUNDARIES:

All property surrounded by the corporate limits of the City of Portland upon merging the City of St. Johns, the town of Linnton and the City of Portland, be and the same is hereby annexed to and embraced within the City of Portland, and a complete description of the boundaries of the City of Portland, since the merging of said City of St. Johns and town of Linnton into the City of Portland and annexations of territory heretofore and hereby made is as follows:

Beginning at the quarter section corner of the south line of section 21 of township 1 south, range 1 east of the Willamette Meridian, in Multnomah County, State of Oregon,, and running thence east following the south line of section 21 and the south line of section 22 to the center of the main channel of the Willamette River; thence southerly following the center of the main channel of said river to a point in the westerly prolongation of the south line of Sellwood according to the duly recorded plat thereof; thence easterly along the south line of said Sellwood to the southeast corner of said Sellwood according to the duly recorded plat thereof; thence northerly along the east line of said Sellwood according to the duly recorded plat thereof to the south line of section 23 in said township and range; thence east along the south line of sections 23 and 24 in said township and range and along the south line of section 19 in township 1 south, range 2 east of said Willamette Meridian to a point 30 feet east of the east line of the Jacob Wills Donation Land Claim if produced south; thence north 30 feet east of and parallel to a southerly extension of the east line of said Jacob Wills Donation Land Claim and along the east line of said Jacob Wills Donation Land Claim and a northerly extension thereof to the south line of section 18 of township 1 south, range 2 east; thence east to the northeast corner of section 20 of said township 1 south, range 2 east; thence south one-half mile to the quarter section corner between sections 20 and 21 of said township 1 south, range 2 east; thence east along the center line of said section 21 to the quarter section corner between sections 21 and 22 of said township 1 south, range 2 east; thence north along the section line between sections 21 and 22, 15 and 16, 9 and 10 of said township 1 south, range 2 east to a point 633 feet north of the north line of section 16 of said township 1 south, range 2 east; thence west parallel to said north line of said section 16 to the section line between sections 8 and 9 of said township 1 south, range 2 east; thence north along the east line of sections 8 and 5 of said township 1 south, range 2 east to the south line of the B. F. Starr Donation Land Claim; thence east along said Starr Donation Land Claim to the north and south center line of section 4 of said township 1 south, range 2 east; thence north along the center line of said section 4 in said township 1 south, range 2 east and along the center line of sections 33 and 28 in township 1 north, range 2 east of said Willamette Meridian to the northeast corner of the northwest quarter of said section 28; thence west along the north line of said section 28 to the northwest corner of said section 28; thence north to the south line (projected west) of the property owned by the Shriners' Hospital for Crippled Children, said point being 30 feet west and 472.28 feet south of the intersection of the east line of East 82nd Street (County Road No. 659), and the southeasterly line of Sandy Boulevard; thence north 89 degrees, 47 minutes east along the south line of said hospital property 685.043 feet to the southeast corner of said property; thence north 0 degrees 42 minutes east 857.87 feet along the east line of said hospital property to the southeasterly line of Sandy Boulevard; thence southwesterly along the southeasterly line of Sandy Boulevard to the west line of said section 21; thence north on the west line of said section 21 to the one-quarter corner between sections 20 and 21 in said township 1 north, range 2 east; thence west one mile to the quarter section corner between sections 19 and 20 of said township 1 north, range 2 east; thence south one-half mile to the southwest corner of said section 20; thence west one-half mile to the quarter section corner between sections 19 and 30 said township 1 north, range 2 east of said Willamette Meridian; thence north one-half mile to the center of section 19 of said township 1 north, range 2 east; thence west one-half mile to the quarter section corner between sections 19, township 1 north, range 2 east and section 24, township 1 north, range 1 east of said Willamette Meridian; thence north along the east line of sections 24 and 13, township 1 north, range 1 east of the Willamette Meridian to a point 150 feet north of the north line of the county road known as the Columbia Slough road as it existed February 23rd, 1893 (measured at right angles to said road); thence westerly parallel to and 150 feet northerly from said north line of said county road to a point in the easterly line of the four and one-half (4½) acre tract of land owned by the Spokane, Portland and Seattle Railway Company; thence northeasterly along said east line to the most easterly corner thereof; thence northwesterly along the northerly line of said four and one-half (4½) acre tract of land to the northwesterly side line of the Spokane, Portland and Seattle Railway Company's right of way; thence northeasterly tracing said northwesterly line of said right of way to the center line of Oregon Slough; thence northwesterly and at right angles to said northwesterly line of said right of way a distance of 80 feet; thence southwesterly and parallel to said northwesterly line of said right of way to the center line of Columbia Slough; thence westerly following the center line of said Columbia Slough to the north line of section 6 in township 1 north, range 1 east of the Willamette Meridian; thence west along the north line of section 6 of said township 1 north, range 1 east and along the north line of section 1 of township 1 north, range 1 west of said meridian to the northerly line of the O. W. R. R. & N. Company's right of way; thence westerly along the northerly line of said right of way to the north line of section 2, said township 1 north, range 1 west; thence west along said north line of said section 2 to the center line of the main channel of the Willamette River; thence northwesterly along said center line to a point opposite the upper entrance of the Willamette Slough; thence at right angles to the thread of the stream of the Willamette River to the point where the center line of the upper entrance of the Willamette Slough intersects the Willamette River; thence along the center line of said upper entrance of the Willamette Slough to a point opposite the point where the west boundary line of the Jacob Sanders Donation Land Claim in section 34 of township 2 north, range 1 west of said Willamette Meridian intersects the south bank of the upper entrance of said Willamette Slough; thence at right angles to the thread of the stream at the center of the Willamette Slough to said point on the west boundary of the Jacob Sanders Donation Land Claim; thence south along the west boundary of said donation land claim to the north line of township 1 north, range 1 west of said Willamette Meridian; thence west along said township line to its intersection with the half-section line north and south in section 4 of township 1 north, range 1 west of said Willamette Meridian; thence south along said half-section line to its intersection with the center line of Cornell Road, being County Road No. 652; thence southeasterly along said center line to its intersection with the south boundary of the northeast quarter of section 15 of said township 1 north, range 1 west; thence east along said south boundary line to the west line of section 14 of said township 1 north,

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range 1 west; thence south along said west line to the southwest corner of said section 14; thence east along the south line of said section 14 to the southeast corner of said section 14; thence south along the section line between sections 23 and 24 of said township 1 north, range 1 west to the southwest corner of said section 24; thence east along the south line of said section 24 to the southeast corner of said section 24; thence south to the quarter section corner between section 25 of township 1 north, range 1 west, and of section 30, of township 1 north, range 1 east of said Willamette Meridian; thence east along the half-section line of said section 30 to the east line of said section; thence south along the east line of sections 30 and 31 of said township 1 north, range 1 east to the southeast corner of said section 31; thence east one-half mile to the quarter section corner on the north line of section 5 of said township 1 south, range 1 east; thence south two miles to the quarter-section corner between sections 8 and 17 of said township 1 south, range 1 east; thence east one mile to the quarter section corner between sections 9 and 16 of said township 1 south, range 1 east; thence south two miles along the half-section line of sections 16 and 21 in township 1 south, range 1 east, to the quarter section corner on the south line of section 21 of township 1 south, range 1 east, which is the place of beginning

Adopt 11/6/28

nexation of such territory to voters residing within such territory and to none others.
[Ch. 1903, §15; Am. May 3, 1913, §4.]

§ 13. EFFECT ON PROPERTY RIGHTS; ON LIABILITIES:

In case of a majority of the qualified voters residing in such territory and voting on said question vote in favor of such annexation, such territory shall on the first day of July next following said election be and become a part of the City of Portland. All rights and property, both real and personal, then vested in or belonging to any therein existing local municipal corporation or corporations, excepting school districts, or in or to the public of said territory, including all parks, public grounds, buildings and improvements, and all rights or property in public streets or highways (including within the meaning of the word streets any way mentioned in any definition or explanation of said word contained in this Charter) and also including all other rights and property vested in or belonging to said corporation or in or to the public of said territory, of every nature whatever whether of the same or similar general nature as those above, expressly mentioned or differing therefrom in kind, nature, degree or otherwise, shall thereupon become and be rights and property of the City of Portland, but all county roads lying within the limits of such annexed territory which have not been laid out or accepted as streets, such as above referred to, by such local municipal corporation or corporations shall remain and be county roads until they are laid out or accepted as such streets by said city, and be under the jurisdiction of the County Court of Multnomah County, Oregon, and shall be worked. maintained, and improved as county roads outside the limits of said city are worked, maintained and improved. And all debts, liabilities and obligations of such local municipal corporation or corporations shall thereupon become and be liabilities of the City of Portland, and the City of Portland shall thereupon assume, become liable for, pay, satisfy or discharge all the debts, liabilities and obligations of such local municipal corporation or corporations, and the inhabitants of such annexed territory shall become subject in all respects to the jurisdiction of the authorities of said city, and the jurisdiction of any public authority exercised theretofore in such annexed territory shall, so far as it is in conflict with the corporate authority of said city thereupon cease and determine.
[Ch. 1903, §16.]

§ 14. AMENDMENT OF BOUNDARIES:

The Council shall thereupon, by resolution so alter and amend section 9 of this Charter, and the boundaries of said city as therein prescribed and set out as to include such annexed territory within the boundaries of said City and said section 9 as so amended shall be a part of this Charter and be in full force and effect.
[Ch. 1903, §17.]

§ 15. LIABILITY OF ANNEXED TERRITORY FOR IMPROVEMENTS:

Such annexed territory or any portion thereof shall be liable to such part as the Council may apportion upon it, of the costs of any public improvement made by the Council which shall benefit the same.
[Am. May 3, 1913, §5.]

CHAPTER 3.

Government.

ARTICLE 1. COUNCIL.

§ 16. COUNCIL HAS POWER OF FORMER BOARDS AND COMMISSIONS.
§ 17. ABOLITION OF CERTAIN BOARDS AND COMMISSIONS.
§ 18. GRANT OF GENERAL POWERS.
§ 19. INITIATIVE—REFERENDUM AND RECALL.
§ 20. MUNICIPAL POWERS VESTED IN COUNCIL.
§ 21. ELECTIVE OFFICERS.

§ 22. QUALIFICATIONS.
§ 23. BOND.
§ 24. PROHIBITED INTERESTS
§ 25. INTEREST IN CITY CONTRACT PROHIBITED.
§ 26. DEVOTE ENTIRE TIME TO CITY BUSINESS.
§ 27. OATH OF OFFICERS.
§ 28. SALARIES.
§ 29. VACANCY IN OFFICE.
§ 30. MANNER OF FILLING VACANCIES.
§ 31. EMERGENCY FUND.
§ 32. INVESTIGATIONS.
§ 33. SALOON LICENSE AND SCHOOL HOUSES.
§ 34. CONTINUATION OF SPECIFIC POWERS.
§ 35. FINES AND IMPRISONMENT FOR VIOLATION OF ORDINANCES—DETENTION HOME.
§ 36. ENUMERATION OF POWERS NOT A LIMITATION.

§ 16. COUNCIL HAS POWER OF FORMER BOARDS AND COMMISSIONS:

All powers conferred and duties devolved by the sections of the Charter of 1903, not repealed by this Charter, upon the Executive Board, the Water Board and other Boards and Commissions abolished by this Charter shall, from and after the adoption of this Charter be exercised and performed by the Council.

[Am. May 3, 1913, part of §1.]

§ 17. ABOLITION OF CERTAIN BOARDS AND COMMISSIONS:

No Boards now existing under the Charter of 1903, as amended, except The Department of Public Docks and the Civil Service Commission which shall be called the Civil Service Board and neither of which Commissions shall be abolished, shall continue to exist more than six months after this Charter takes effect, and until such time such other boards and commissions shall be subject to full regulation or abolition by the Council; provided, that the Executive Board shall cease to exist on July 1, 1913.

The Council may, in the exercise of its general legislative powers, create and establish such boards and commissions as it may deem necessary and may abolish the same or alter their personnel from time to time.

[Am. May 3, 1913, part of §93; Am. June 2, 1913, part of §93.]

§ 18. GRANT OF GENERAL POWERS:

The Council shall have and exercise all powers and authority conferred upon the City of Portland by this Charter or by general law, except where such power is herein expressly bestowed upon some other officer to the exclusion of the Council.

[Am. May 3, 1913, part of §56.]

§ 19. INITIATIVE—REFERENDUM AND RECALL:

The initiative, referendum and recall shall be exercised within the City of Portland in the manner provided by the constitution and general laws of the state, and ordinances of the City of Portland, enacted in pursuance thereof.

[Am. May 3, 1913, part of §56.]

§ 20. MUNICIPAL POWERS VESTED IN COUNCIL:

The power and authority given to the Municipal Corporation of the City of Portland is hereby vested in a Council consisting of a Mayor and four Commissioners, subject to the initiative and referendum and other powers reserved to the people by the Constitution of the State of Oregon, as defined and prescribed by the provisions of the Constitution and general laws relating thereto, and by the provisions of this Charter and ordinances enacted in pursuance thereof.

[Am. May 3, 1913, §6.]

§ 21. ELECTIVE OFFICERS:

There shall be no elective officers of the City of Portland other than the Mayor, four Commissioners and the Auditor. All said officers shall be elected at large by the legal voters of the City of Portland and for a term of four years, except as provided in Sections 30 and 123 of this Charter.

[Am. May 3, 1913, §§ 7-8.]

§ 22. QUALIFICATIONS.

The Mayor and every Commissioner shall be a citizen of the United States and of the State of Oregon, and shall have been a resident of the City of Portland for a period of not less than three years immediately preceding the beginning of his term. If any Mayor or Commissioner shall be chosen without such qualifications or shall cease to have the same, the office shall immediately become vacant.

[Am. May 3, 1913, §9.]

§ 23. BOND:

The Mayor and every Commissioner before entering upon the duties of his office shall execute to the City of Portland a penal bond in the sum of $25,000.00 payable to the City of Portland and conditioned generally for the faithful performance and discharge of his duties and office, and the full amount of such bond shall be recoverable by, and shall be forfeited to the City of Portland as fixed and liquidated damages accruing to the City of Portland upon proof of unfaithfulness, corruption, malfeasance or delinquency in office of any Mayor or Commissioner with respect to any official duty.

An action to establish such unfaithfulness, corruption, malfeasance or delinquency may be brought in the name of the City of Portland in any court of competent jurisdiction. Such bond shall be executed as surety by some responsible surety company authorized to do a surety business in the State of Oregon, and approved by the Council. The Council may require, by a resolution adopted by majority vote, other or additional surety, whenever, in its judgment, the surety on any such bond is not satisfactory or responsible. Such bond when so executed and approved by the Council shall be filed with the Auditor. The premiums on such bonds shall be paid by the City.

[Am. May 3, 1913, §10.]

§ 24. PROHIBITED INTERESTS:

No person appointed or elected to the office of Mayor or Commissioner shall be directly or indirectly pecuniarily interested in any public service corporation engaged in business within the City of Portland or in or with any person or corporation having contracts with the City of Portland. Any person so interested shall be disqualified to hold the office of Mayor or Commissioner. If any such officer shall voluntarily become so interested while in office, his office shall at once become vacant. If he shall become so interested otherwise than voluntarily he shall within ninety days divest himself of such interest, and failing to do so his office shall become vacant upon the expiration of the said period of ninety days.

[Am. May 3, 1913, §§11-12.]

§ 25. INTEREST IN CITY CONTRACT PROHIBITED:

Any contract with the City of Portland, in which any Mayor or Commissioner is directly or indirectly pecuniarily interested, shall be wholly void and incapable of ratification, and no recovery shall be had thereon directly or indirectly, or upon quantum meruit, without respect to whether labor, services or material or other thing of value have been received and retained by the City of Portland by virtue of any such contract.

[Am. May 3, 1913, §13.]

§ 26. DEVOTE ENTIRE TIME TO CITY BUSINESS:

No Mayor or Commissioner shall, during his term of service, hold any other office, or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party. He shall devote his entire time to the duties of his office.

[Am. May 3, 1913, §14.]

§ 27. OATH OF OFFICERS:

Every Mayor and Commissioner before entering upon the performance of his duties shall take an oath or affirmation that he will support the Constitution of the United States and of the State of Oregon, and will faithfully and honestly discharge his duties; that he is not directly or indirectly pecuniarily interested in any public service corporation engaged in business in the City of Portland or in or with any person or corporation having contracts with the City of Portland; that he holds no other office or position of profit, and that he is not a member of any committee of any political party. If such oath or affirmation be false in any particular it shall be deemed a delinquency in office on the part of such Commissioner.

[Am. May 3, 1913, §15.]

§ 28. SALARIES:

The Mayor shall receive an annual salary of $6000.00, and each Commissioner shall receive an annual salary of $5000.00, which salaries shall be audited and paid monthly.

[Am. May 3, 1913, §16.]

§ 29. VACANCY IN OFFICE: Amend See Page 24-1

A vacancy shall exist when the Mayor or a Commissioner fails to qualify by taking the oath and filing the bond on or before July 1 following his election or within ten days after notice of appointment to fill a vacancy, dies, resigns, is removed from office, is convicted of a felony, is judicially declared a lunatic or is judicially convicted of corruption, malfeasance or delinquency in office. A vacancy shall also occur when the Mayor or a Commissioner absents himself from his duties or from the City of Portland without the consent of the Council expressed by ordinance for more than thirty days in any one year. The pay of the Mayor or any Commissioner shall cease after thirty (30) days' absence from the city, but the Council may grant leave of absence without pay for a further reasonable period, upon good cause being shown. No act of the Council in which any member participated whose office was vacant at the time, as herein provided, shall be for that reason invalid, unless the vacancy shall have been previously ascertained and declared by act of the Council or judgment of a court.

[Am. May 3, 1913, §17.]

§ 30. MANNER OF FILLING VACANCIES: Amend See Page 24-2

If a vacancy occur in the office of Mayor or Commissioner the Council shall appoint an eligible person to fill such vacancy until the next general municipal election.

[Am. May 3, 1913, §18.]

§ 31. EMERGENCY FUND:

There shall be annually appropriated and set apart the sum of $5000.00 to be known as the "Emergency Fund of the Council" and the Council may use and expend such fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made. No part of such fund shall be used as compensation or additional salary or for the personal benefit of any Commissioner.

[Am. May 3, 1913, §33.]

Section 29—Vacancy In Office:
A vacancy shall exist when the Mayor or a Commissioner fails to qualify by taking the oath and filing the bond **within the time fixed by the charter** following his election or within ten days after notice of appointment to fill a vacancy, dies, resigns, is removed from office, is convicted of a felony, is judicially declared a lunatic or is judicially convicted of corruption, malfeasance or delinquency in office. **A vacancy in office shall occur whenever the Mayor or a Commissioner or the Auditor, shall, during his term of office become a candidate for any county, state or national office elective by the people, and a vacancy in office shall also occur whenever the City Attorney or any of his deputies, or the Municipal Judge, or the City Engineer, or the City Treasurer, or his deputy, or the Purchasing Agent, or a Civil Service Commissioner, or any member of the Commission of Public Docks, or any other person appointed to any board or commission by the Mayor or the Council, becomes a candidate for any city, county, state or national office elective by the people, and all such vacancies shall commence as of the time when such person files his declaration of candidacy with the officer authorized to receive and file such declaration of candidacy.**

Adopt - May 18, 1934

Section 30. **OTHER VACANCIES AND MANNER OF FILLING.**

1. **Except as hereinafter provided,** if a vacancy occur in the office of Mayor or Commissioner or Auditor, the Council shall appoint an elegible person to fill such vacancy until the next general municipal election.

2. **Whenever the Mayor or any Commissioner or Auditor shall have become a candidate for any municipal office, other than the one which he holds, and shall have been nominated at a municipal nonpartisan primary election, the office held by said Mayor or Commissioner or Auditor at the time of such primary election shall become vacant as of January 1st of the year following such primary election, and a person to succeed him as of such date shall be elected by the voters at the general election following such primary election, which person shall take office, provided such Mayor or Commissioner or Auditor, who having been nominated at the primary election, shall be actually elected at the general election, and a certificate of election issued, and such Mayor or Commissioner or Auditor shall have qualified for the new municipal office to which he has been elected. Any person who possesses the required qualifications for the office thus about to become vacant may become a candidate for the unexpired portion of the term by obtaining and filing one hundred or more certificates of nomination similar to the certificates for nomination at a primary election, and thereupon proceedings for election shall be had as in other cases, and the person who at the general election receives the greatest number of votes shall be elected. The nominating certificates herein mentioned shall be filed with the City Auditor not earlier than sixty (60) days nor later than forty-five (45) days before the general election. The nomination by certificates as herein mentioned shall be a sufficient nomination for final election at the general election. The person so elected shall upon qualifying and assuming the office, serve for the unexpired term of the person whom he succeeds.**

3. **Whenever the Mayor or any Commissioner or the Auditor shall die, resign, or be removed from office during the period from forty-five (45) days prior to the municipal nonpartisan primary election and forty-five (45) days prior to the general election in any election year, his successor shall be elected by the voters at the general election. Nomination in such case shall be in like manner as provided in paragraph 2 of this section, and the person receiving the greatest number of votes shall be elected and upon qualifying shall take office immediately upon the certificate of election having been issued by the Auditor, and the person so elected shall serve the unexpired term of the person whom he succeeds.**

4. **The provisions of Section 64 of the charter relating to the manner of appointing an Auditor in case a vacancy occur shall be subject to the provisions contained in this section.**

Adopt. May 17, 1940

§ 32. INVESTIGATIONS:

The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the city government, and the official acts and conduct of any city officer, employee or agent; and for the purpose of ascertaining facts in connection with such investigation shall have full power to compel the attendance and testimony of witnesses, to administer oaths and to examine such persons as it may deem necessary, and to compel the production of books, documents and other evidence. Willful false swearing in such investigations and examinations shall be perjury and punishable as such, under the laws of the State of Oregon.

[Ch. 1903, §47.]

§ 33. SALOON LICENSE AND SCHOOL HOUSES:

No license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists or to grocers who may be authorized to sell such liquors not to be used or drunk upon the premises) within four hundred feet, measured on street lines of any block on which a public school building is situated within the City of Portland.

[Am. May 3, 1913, §55.]

§ 34. CONTINUATION OF SPECIFIC POWERS:

The specific powers granted to the City under Sections 73 and 73½ of the Charter of 1903 shall continue to be exercised by the Council as a part of the general grant made by the Charter.

[Am. May 3, 1913.]*

*SUBJECTS FOR LEGISLATION.

Section 73. (Charter of 1903.) The Council has power and authority, subject to the provisions, limitations and restrictions in this Charter contained:

(1) To exercise within the limits of the City of Portland all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said limits.

(2) To make and enforce within the limits of the City all necessary water, local, police and sanitary laws and regulations.

(3) To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment not exceeding five hundred dollars' fine or six months' imprisonment, or both, or by forfeiture as penalty; and for working any person sentenced to such imprisonment upon any public work or in any public place during the term thereof, and to provide for the punishment of any person sentenced to imprisonment who shall refuse to work when ordered.

(See § 35 this Charter.)

(4) To provide for entering into contracts by the City for a period not exceeding two years, except as in this Charter otherwise provided.

(5) To accept or reject all property, real, personal or mixed, given, conveyed, devised or bequeathed to the City, and to provide for the execution of all trusts if accepted by the City.

(6) To purchase, or acquire by condemnation, such property, real and personal, as may be needed for public use.

(7) To provide for the purchase of property levied upon under execution in favor of the City, but the sum bid on such purchase shall not exceed the amount of the judgment and costs.

(8) To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any piece or parcel of property, so sold for a delinquent tax or assessment, shall not exceed the amount of the tax, and the necessary costs and expenses on such piece or parcel of property.

(9) To provide for the sale at public auction, after advertising for not less than

five days, of all personal property unfit or unnecessary for the use of the City.

(10) To provide for the lease of lands now or hereafter owned by the City, but all leases shall be made at public auction to the responsible bidder offering the highest monthly rent after publication of notice thereof for not less than ten days. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the Council and approved by the Mayor, and no lease shall be made for a longer period than five years, except as herein otherwise provided.

(11) To provide for the location and construction of any ditch, canal or pipe for the conduct of water, and any drain, sewer or culvert it may deem necessary or convenient, and for such purpose it shall have a right to enter upon any land between the terminal of such ditch, canal or pipe or 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 unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer, pipe, drain or culvert in like manner as provided by the laws of this State for the appropriation of lands or right of way by corporations, and to appropriate and divert from its natural course or channel, for the purpose of drainage or flushing any drain, sewer or culvert, any spring or stream of water and compel the extension of gas, water and sewer connections from the main sewer or pipe to the curb line of the sidewalks of all public streets.

(12) To provide for the opening, laying out, establishing, altering, extending, vacating and closing or for establishing and changing the grades of streets, squares, parks, public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained, or granted for any purpose of public travel by means of any kind of work, improvement or repair mentioned in this Charter, subject to the provisions and limitations contained in this Charter, and in the Constitution of the State of Oregon.

(13) To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with electric, gas or other lights, by contract or by means of its own plant, subject to the conditions and limitations contained in this Charter, and the Constitution of the State of Oregon.

(14) To provide by ordinance for securing the payment of wages to mechanics and other employees in the service of contractors engaged in doing work of any kind for the City, either by exacting bonds from such contractors or otherwise as may seem most advisable.

(15) To provide for furnishing the City with water, as elsewhere in this Charter provided.

(16) To provide a seal for the City and seals for the several boards and officers thereof and a seal for the municipal court.

(17) To establish and regulate the fees and compensation of all officers of the City, except when expressly provided by this Charter, and for all official services not otherwise provided for in this Charter.

(18) To fix a schedule of fees for establishing grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening of street surfaces, grading streets, laying sidewalks, the erection and inspection of buildings and plumbing fixtures therein.

(19) To fix by ordinance the hours during which all offices and departments shall be kept open for business.

[FINANCE AND REVENUE POWERS]

(20) To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

(21) To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof. All money received from licenses for vehicles of every description, whether for pleasure or for business, shall go to the credit of the Street Repair Fund, but the Council

may in its discretion set aside the moneys arising from licenses upon bicycles for the construction or repair of bicycle paths.

(22) To expend for purposes not in this Charter otherwise authorized during any fiscal year moneys out of the General Fund of this city not exceeding in the aggregate the sum of $1000.00, no part of which sum shall be expended except by ordinance duly passed by the affirmative vote of two-thirds of the members of the Council.

(23) The Council must appropriate annually to the Mayor $600.00 as and for a Secret Service Fund, for which he need furnish no vouchers.

(24) Except as otherwise expressly provided in this Charter, the City shall not have the power to issue its bonds for any indebtedness, or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.

[POWERS RELATING TO PUBLIC HEALTH, WELFARE AND SAFETY]

(25) To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases therefrom to suitable hospitals provided by the City for that purpose, which hospitals may be within or without said City; and to provide and to regulate such hospitals; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the City.

(26) To prevent and remove nuisances, and to declare what shall constitute the same, and to punish persons committing or suffering nuisances, and to provide the manner of their removal, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land where any stagnant water stands, and to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Such liens may upon the order of the Council be entered in the docket of city liens and thereafter collected in the same manner as assessments for street improvements, or may be collected in such other manner as the Council may direct.

(27) To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of stock-yards, tanneries, slaughter houses, wash houses and laundries and all other offensive trades, occupations or businesses.

(28) To regulate the plumbing, drainage and sewerage of buildings and the use of steam boilers and steam generators; to provide for the registration of plumbers and stationery engineers; to create the offices and define the duties of plumbing inspector and of boiler inspector.

(29) To compel all persons erecting and maintaining privies or cesspools within one hundred feet of any street in which a sewer has or may hereafter be constructed, to connect the same therewith; provided, that in cases where blocks are more than two hundred feet in width, this authority shall extend to the center of the block.

(30) To regulate the construction, care, use and management of hotels, tenement houses, lodging houses and cellars in the City of Portland for the better protection of the lives and health of the inmates dwelling therein, and of others.

(31) To regulate and provide for and determine the number and size of places of entrance and exit from all theatres, public halls, places of amusement, churches and other buildings used for public gatherings and the modes of hanging doors thereat.

(32) To prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal or tearing down of the same wherever situated.

(33) To prevent the erection or moving of buildings within the City limits which shall be dangerous to the passers-by or to the adjacent property or an obstruction to public travel; and in case any building or structure shall become dangerous to passers-by, the Council shall have the power to cause the same to be removed or made safe at the expense of the property upon five days' notice to the owner thereof or his agent, and to determine by resolution when the same is dangerous. Such expense

shall be made a lien upon the property. Such liens may upon the order of the Council be entered in the docket of city liens and thereafter collected in the same manner as assessments for street improvements or may be collected in such other manner as the Council may direct.

(34) To define the fire limits and to prohibit the erection or repair of wooden buildings within the fire limits; to regulate the height, construction, inspection and repair of all private and public buildings within the City; and to create the office and define the duties of building inspector; to establish sidewalk districts and to determine the character of sidewalks in any of said districts and to specify the time at the expiration of which all sidewalks shall be of a specified character.

(35) To require adequate fire escapes, apparatus and appliances, for protection against fire, to be provided in buildings.

(36) To regulate or prevent the storage, manufacture and sale of dangerous, explosive, or combustible materials, including gunpowder, dynamite, giant powder, calcium carbide, nitro-glycerine, oil and gas, and to provide for the inspection of the same; to prevent by all proper means all risks of injury or damage by fire arising from negligence or otherwise.

(37) To regulate the transportation of gunpowder, dynamite nitro-glycerine and other combustibles and explosives through the streets of the City.

(38) To regulate and prohibit the use of all guns, pistols and firearms, missile weapons, fireworks, firecrackers, bombs and detonators of all descriptions.

(39) To regulate and prevent public criers, advertising notices, steam whistles, the ringing of bells and playing of bands.

(40) To regulate, prevent and prohibit the erection, maintenance or display of signboards and billboards, and of signs, posters or other advertisements, or advertising matter which are offensive, improper, unsightly, indecent, lascivious or obscene upon, along or near the sidewalks, streets or public places.

(41) To regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the street or from houses or other buildings.

(42) To regulate or to prohibit the driving of horses, cattle, sheep, hogs and other animals and livestock through the streets.

(43) To restrain and regulate the keeping of all domestic animals and to prevent any and all domestic animals from running at large within the City or any part thereof, and to punish those who allow animals so to run; to provide for the impounding of the same and also to provide for the sale of such animals upon five days' notice.

(44) To regulate and restrain the keeping and the running at large of dogs; to punish those persons who allow their dogs to be unlicensed or to run at large against the regulations established, and to provide for the impounding of dogs and for the killing of the same when kept against such regulations, or on which no license has been obtained or tax paid as provided by the Council.

(45) To protect the public from injury by runaways by punishing persons who leave horses or carriages in the streets without being fastened.

(46) To require all railways and railroads to provide proper fenders and other safety appliances and the latest and most approved machinery and methods for their cars and tracks and the operation thereof for the protection of human life and the lessening of danger thereto and to enforce such regulations by such fines and penalties as may be prescribed by ordinance.

[CRIMINAL AND POLICE POWERS]

(47) To provide for the punishment by fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment not exceeding two years, or both, of any person or persons who may injure, deface, interfere with or destroy any of the property belonging to the City or in which the City has any interest, right or estate, and to provide that the Municipal Court of (or) the Circuit Court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.

(48.) To regulate and restrain bartenders, saloon keepers, dealers in and manufacturers of spirituous, vinous, fermented or malt liquors, barrooms, drinking shops or places where spirituous, vinous, fermented or malt liquors are kept for sale or in any manner disposed of, and the sale and disposal thereof; all offensive and dangerous trades, employments or business; and for the purpose of this Charter to define and declare who is a bartender, saloon keeper or dealer in spirituous, vinous, fermented or malt liquors, and what is a barroom, drinking shop or place where spirituous, vinous, fermented or malt liquors are kept for sale or disposed of and what are offensive or dangerous trades, employments or businesses. No provision of the law concerning the sale or disposition of any spirituous, vinous, fermented or malt liquors in Multnomah County shall apply to the sale or disposition of the same in the City of Portland. No license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists or to grocers, who may be authorized to sell such liquors not to be used or drunk upon the premises) within four hundred (400) feet, measured on street lines, of any block on which a public school building is situated within the City of Portland.

(49) To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets, to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress opium smoking and houses and places kept therefor and to punish any keeper of such house or place, or person who smokes opium therein or frequents the same; to regulate the sale of cigarettes, cigars and tobacco and to prohibit the sale of the same to minors.

(50) To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures and the like, and to define and declare from time to time what literature, books, papers, prints, pictures and the like are obscene within the purposes and province of this provision.

(51) To prevent trespassing and punish trespassers upon real and personal property.

(52) To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

(53) To prevent, restrain and disperse any riot or riotous assemblage, and to restrain and punish any person taking part therein.

(54) To define what constitutes vagrancy, and provide for the support, restraint, punishment and employment of vagrants and paupers.

(55) To prohibit persons from roaming the streets at unseasonable hours.

(56) To prohibit the carrying of dangerous weapons in a concealed manner.

(57) To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part trereof to any society that shall have officially aided in such conviction.

(58) To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

(59) To establish, change, discontinue or re-establish city jails, prisons, police stations, work houses and houses of detention, punishment and confinement.

[STREETS]

(60) Except as otherwise provided in this Charter or in the constitution or laws of the State of Oregon, to regulate and control for any and every purpose the use of the streets, highways, alleys, sidewalks, public thoroughfores, public places

and parks of the City; to regulate the use of streets, roads, highways and public places for foot passengers, animals, bicycles, automobiles and vehicles of all descriptions.

(61) To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions upon five days' notice.

(62) To regulate the use of the streets and sidewalks for the use of signs, sign posts, hitching posts, awning posts and bicycle racks.

(63) To control and limit traffic on the streets, avenues and elsewhere.

(64) To prescribe the width of tires of all vehicles, and the weight to be carried thereby.

(65) To regulate the use of sidewalks; prevent the extension of building fronts and house fronts over the street line, and to prohibit the building and use of barbed wire fences; to regulate the limits within which it shall be unlawful to erect steps, porticos, bay windows or structural ornaments to houses fronting on any of the streets, lanes or alleys of the City.

(66) To prohibit the planting, growing and use of trees such as may be detrimental to the sewers or to the use of the sewers, and to cause such last-mentioned trees to be cut down or removed.

(67) To set apart as a boulevard or boulevards any street or streets, or portion of a street or streets, over which there is no existing franchise for any street or other railroad.

(68) To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the Record of Plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.

(69) To regulate the numbering of houses and lots on the streets and avenues and the naming of streets and avenues.

(70) To provide a series of conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing their construction by others upon such terms and conditions as the Council may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.

[COMMERCE]

(71) To prescribe rates to be charged for transportation of passengers or property within the limits of the City by means of vehicles of every description.

(72) To provide for the establishment of market houses and places, and to regulate the location and management thereof.

(73) To provide a standard of weights and measures and to authorize inspec-

tion of weights, measures, food and fuel; to regulate the assize and weight of bread, other food products and fuel, and to prevent the sale of adulterated, unhealthful and unwholesome food, and to provide for the seizure and forfeiture of bread, other food products and fuel offered for sale or sold contrary to said regulations.

*See §34.

[WHARVES, DOCKS AND HARBOR.]

(74) To define the duties of harbormaster, additional to those elsewhere in this Charter provided.

(75) To provide for the removal of obstructions, debris and other deleterious matter from the Willamette River within the City limits and to prohibit putting or negligently or wilfully suffering the same to be put therein.

(76) To regulate the building of wharves, and the driving of piles in the Willamette River within the limits of the City, and to establish lines beyond which wharves shall not be built nor piles be driven.

(77) To provide for the construction and regulation of landings at the foot of the streets terminating at the Willamette River.

(78) To appropriate money for the deepening, widening, docking, covering, walling, altering, or changing channels, waterways, or water courses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.

[Ch. 1903.]

*Section 73½. The Council has power and authority to provide for the establishing and maintenance of a Free Employment Bureau in the City of Portland, the expense of establishing and maintaining which shall be paid out of the General Fund of the City of Portland.

[Am. June 3, 1907.]

§ 35. FINES AND IMPRISONMENT FOR VIOLATION OF ORDINANCES—DETENTION HOME:

(The Council has power and authority, subject to the provisions, limitations and restrictions in this Charter contained: * * *)

To provide for the punishment of a violation of any ordinance of the City by a fine not exceeding five hundred dollars, or by imprisonment, or by both, or by confinement in a house of detention or industrial home, such as may hereafter be provided by ordinance, and for working any person sentenced to such confinement during the term thereof, and to provide for the punishment of any such person who shall refuse to work when ordered. Such imprisonment in jail shall be for a term not exceeding six months, but in case of commitment to a house of detention or industrial home it shall be for a term not exceeding two years; provided, however, that any inmate of such jail, house of detention or industrial home may be paroled or released, if in the judgment of the Council such action is advisable, before the sentence is fully served.

[Ch. 1903, Subdiv. 3, §73; Am. June 2, 1913, Subdiv. 3, §73.]

§ 36. ENUMERATION OF POWERS NOT A LIMITATION:

The foregoing or other enumeration of particular powers granted to the Council in this Charter shall not be construed to impair any general grant of power herein contained nor to limit any such general grant to powers of the same class or classes as those so enumerated.

[Ch. 1903, §74.]

ARTICLE 2. MEETINGS AND ORDINANCES.

§ 37. ORGANIZATION OF COUNCIL.
§ 38. THE CALENDAR.
§ 39. AYE AND NAY VOTE.
§ 40. PRIVILEGE IN DEBATE.
§ 41. RIGHT OF COUNCIL TO CONTROL ITS MEMBERS.
§ 42. MEETINGS. PUBLIC AND WEEKLY—JOURNAL OF PROCEEDINGS.
§ 43. QUORUM.
§ 44. MANNER OF TRANSACTING LEGISLATIVE AND JUDICIAL BUSINESS.
§ 45. ORDINANCE TO CONTAIN BUT ONE SUBJECT.
§ 46. ENACTING CLAUSE.
§ 47. MANNER OF PASSING ORDINANCES.
§ 48. DATE ORDINANCES PASSED BY COUNCIL TAKE EFFECT.
§ 49. DATE INITIATIVE AND REFERENDUM MEASURES TAKE EFFECT.
§ 50. MANNER OF AMENDING AND REPEALING ORDINANCES.
§ 51. ATTESTATION OF ORDINANCES.
§ 52. OBJECTIONS TO ORDINANCES.
§ 53. EXISTING ORDINANCES CONTINUED.

§ 37. ORGANIZATION OF COUNCIL:

At its first regular meeting the Council shall elect, by a majority vote, a president. The Mayor shall preside at all meetings of the Council. In his absence or disability the President of the Council shall perform the duties of Mayor. In the absence or disability of both President and Mayor the other members of the Council shall select one of their number to perform the duties of President and Mayor during such absence.

[Am. May 3, 1913, §35.]

§ 38. THE CALENDAR:

The Council shall cause to be printed for public use and placed with the Auditor for distribution at least twenty-four hours before each legislative session a summary of all matters to come before it at the next regular legislative session. No matter not contained in said summary shall be considered at such legislative session unless four members of the Council shall vote to consider the same.

[Am. May 3, 1913, §30.]

§ 39. AYE AND NAY VOTE:

Upon the request of any member the ayes and nays shall be taken and recorded upon any action or resolution.

[Am. May 3, 1913, §31.]

§ 40. PRIVILEGE IN DEBATE:

A member of the Council for words uttered in debate therein shall not be questioned in any other place.

[Am. May 3, 1913, §32.]

§ 41. RIGHT OF COUNCIL TO CONTROL ITS MEMBERS:

The Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of members.

[Am. May 3, 1913, §19.]

§ 42. MEETINGS—PUBLIC AND WEEKLY—JOURNAL OF PROCEEDINGS:

All meetings of the Council and all committee meetings of the Council shall be

public. It shall hold one regular legislative meeting each week, and such other meetings as it may prescribe. The Council shall keep a journal of its proceedings which shall be a public record.

[Am. May 3, 1913, §20.]

§ 43. QUORUM:

At any meeting of the Council three members shall constitute a quorum, but a less number may adjourn from time to time, and may compel the attendance of absent members.

[Am. May 3, 1913, §21.]

§ 44. MANNER OF TRANSACTING LEGISLATIVE AND JUDICIAL BUSINESS:

In the transaction of legislative or judicial business the Council shall act only by ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every member when present must vote, and every action of the Council, except a motion to adjourn, or action to compel the attendance of absent members, shall require the affirmative vote of three members.

[Am. May 3, 1913, §22.]

§ 45. ORDINANCE TO CONTAIN BUT ONE SUBJECT:

No ordinance, except one making an appropriation, shall contain more than one general subject; ordinances making appropriations shall be confined to the subject of appropriations.

[Am. May 3, 1913, §23.]

§ 46. ENACTING CLAUSE:

The enacting clause of all ordinances shall be in the words, "The City of Portland does ordain as follows:"

[Am. May 3, 1913, §24.]

§ 47. MANNER OF PASSING ORDINANCES:

Every ordinance, other than emergency ordinances, shall have three public readings, not more than two of which shall be at the same regular legislative session. At least one week shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within one week of its final passage, except in case of an emergency ordinance. An emergency ordinance may be enacted upon the day of its introduction, providing that it shall contain the statement that an emergency exists, and specify with distinctness the facts and reasons constituting such emergency. The unanimous vote of all members of the Council present, and of not less than four (4) members shall be required to pass an emergency ordinance.

[Am. May 3, 1913, §25.]

(3) Affirmative votes required See Sec 74

§ 48. DATE ORDINANCES PASSED BY COUNCIL TAKE EFFECT:

Ordinances (a) making appropriations and the annual tax levy, (b) relative to local improvements and assessments therefor, and (c) emergency ordinances, shall take effect immediately upon their passage. All other ordinances enacted by the Council shall take effect thirty days after their passage, unless a later date is fixed therein, in which event they shall take effect at such later date, subject to the referendum and subject to the provisions of Section 52 of this Charter.

[Am. May 3, 1913, §26.]

§ 49. DATE INITIATIVE AND REFERENDUM MEASURES TAKE EFFECT:

Ordinances or other measures adopted by the electors of the city under the initiative, or approved by the electors of the city when submitted under the referendum,

shall take effect at the time fixed therein; but if no such time is designated therein, at the date of the adoption.
[Am. May 3, 1913, §27.]

§ 50. MANNER OF AMENDING AND REPEALING ORDINANCES:

Amendments or repeals of ordinances, or sections thereof, shall also be by ordinance.
[Am. May 3, 1913, §28.]

§ 51. ATTESTATION OF ORDINANCES:

An ordinance when passed by the Council shall be signed by the Mayor, or in his absence by the President of the Council, and attested by the Auditor, and shall be carefully filed and preserved and a record thereof made in a book kept for that purpose, marked "Ordinance record."
[Am. May 3, 1913, §29.]

§ 52. OBJECTIONS TO ORDINANCES:

At any time within ten days after the passage of any ordinance which shall not take effect immediately, any member of the Council may file in writing objections to said ordinance which shall be considered and voted upon by the Council at its next regular meeting. If a majority shall vote to sustain such objections the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance. If a majority shall vote not to sustain such objections the same shall have no effect on the ordinance. The objections together with the vote thereon shall be preserved on record.
[Am. May 3, 1913, §29.]

§ 53. EXISTING ORDINANCES CONTINUED:

All existing ordinances of the City of Portland in force when this Charter takes effect and not inconsistent herewith, shall be and remain in full force until repealed or until they expire by limitation.
[Ch. 1903, §52.]

ARTICLE 3. EXECUTIVE AND ADMINISTRATIVE POWERS:

§ 54. THE DEPARTMENTS—DISTRIBUTION OF WORK.
§ 55. ASSIGNMENT OF DEPARTMENT TO COMMISSIONERS.
§ 56. AUTHORITY OF COMMISSIONER OVER HIS DEPARTMENT.
§ 57. COUNCIL TO ASSIGN WORK TO SUBORDINATES.
§ 58. ADMINISTRATIVE CODE.

§ 54. THE DEPARTMENTS—DISTRIBUTION OF WORK:

The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among five departments, as follows:

(a) Department of Public Affairs.
(b) Department of Finance.
(c) Department of Public Safety.
(d) Department of Public Utilities.
(e) Department of Public Improvements.

The distribution of the work among them shall be made and may be changed from time to time by the Mayor by order which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner.
[Am. May 3, 1913, part of §36.]

§ 55. ASSIGNMENT OF DEPARTMENT TO COMMISSIONERS:

At the first regular meeting after the election of any Councilman, the Mayor

shall designate one member to be Commissioner in charge of each department, who shall thereafter be designated as Commissioner of such department, which designation may be changed, and a transfer of Commissioners from one department to another be made, whenever it appears that the public service will be benefited thereby. Such assignment shall be made by the Mayor by order which shall be filed and preserved as an ordinance.

[Am. May 3, 1913, part of §37.]

§ 56. AUTHORITY OF COMMISSIONER OVER HIS DEPARTMENT:

The Commissioner in charge of each department shall have the supervision and control of all the affairs and property which belong to his department, subject to the provisions of this Charter and to such regulation as may be prescribed by the Council.

[Am. May 3, 1913, part of §37.]

§ 57. COUNCIL TO ASSIGN WORK TO SUBORDINATES:

The Council shall prescribe the powers and duties of officers and employes, may assign particular officers to one or more of the departments and may require an officer or employe to perform duties in two or more departments. The Council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the city.

[Am. May 3, 1913 part of §36.]

§ 58. ADMINISTRATIVE CODE:

A complete code providing for the administration of the powers and duties of the different departments and for their organization shall be enacted by the Commissioners as soon as possible after their election. Such code shall provide for a uniform standard for the purchase of materials and supplies and shall provide a purchasing agent, not under civil service rules to inspect and test the quality and quantity of the materials and supplies purchased and determine their exact conformity to specifications. Provision shall be made for the transfer of employes from one department to another. Methods shall be devised for the publication of charts or diagrams showing the financial condition, growth, receipts and expenditures of the different departments. These publications shall be made at least every six months and shall be so published as to give a comparison of the condition at such period with that at a prior period. Each department shall keep time reports and cost data and efficiency records of its employes which shall be made the basis of promotions and increase of salary. Methods shall be provided for by which the heads of departments may determine and compare the work accomplished by the department with reference to its expenditures. A definite system of accounting shall be provided for each department showing the work performed and the material furnished compared with the cost thereof so itemized that it can be determined whether each department is becoming more efficient or less efficient. All stores and supplies of the city shall be properly housed, segregated and tabulated and a perpetual inventory kept showing the additions and depletions thereof. Each department shall keep time reports, time records and reports of expenses to be compared with the prior month and prior year which shall show percentage of increase or decrease and shall also keep stores and material accounts for like comparison.

[Am. May 3, 1913 part of §36.]

ARTICLE 4. THE MAYOR:

§ 59. HIS DUTIES—ANNUAL MESSAGE.
§ 60. INSTITUTION OF SUITS TO CANCEL FRANCHISES; INVESTIGATION OF FRANCHISES.
§ 61. INVESTIGATION OF OFFICES.
§ 62. SUSPENSIONS FROM DUTY PENDING INVESTIGATION.
§ 63. BE NOTIFIED OF VIOLATION OF CONTRACTS.

§ 59. HIS DUTIES—ANNUAL MESSAGE:

The Mayor shall exercise a careful supervision over the general affairs of the city and its subordinate offices. It shall be his duty from time to time to make such recommendations to the Council as he may consider to be for the welfare of the city. On or before the fifth day of January in each year, he must communicate, by message, to the Council a general statement of the conditions and affairs of the city and submit therewith the annual budget of current expenses of the city.

[Ch. 1903, §147.]

§ 60. INSTITUTION OF SUITS TO CANCEL FRANCHISES; INVESTIGATION OF FRANCHISES:

The Mayor may on his own motion, and must upon a resolution passed by the Council directing him so to do, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for an reason may be irregular and void and not binding upon the City, and the City Attorney upon his demand must institute and prosecute the suits or actions required to enforce the provisions of this section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in each of his annual reports or messages.

[Ch. 1903, §151.]

§ 61. INVESTIGATION OF OFFICES:

The Mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department of the City or of any employe, and the official acts and conduct of any official or employe in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officers, or employe. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as he may deem necessary and to compel the production of books, papers and other evidence. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such. The expense of any such investigation shall be paid out of the General Fund in the same manner as other claims against the city are paid. The result of all such examinations and investigations shall be reported to the Council and such report be filed with the Auditor.

[Ch. 1903, §152.]

§ 62. SUSPENSIONS FROM DUTY PENDING INVESTIGATION:

The Mayor shall have the power to suspend, pending an official investigation, any officer of the city, except Councilmen, for any official defalcation or wilful neglect of duty, or official misconduct.

[Ch. 1903, §153.]

§ 63. BE NOTIFIED OF VIOLATION OF CONTRACTS:

It shall be the duty of every officer and person in the employ or service of the City, when it shall come to his knowledge that any contract or agreement with the City, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated, forthwith to report to the Mayor all the facts and information within his possession concerning such matter. A wilful failure so to do shall be sufficient cause for the removal of such officer or employe. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so and such certificate shall be evidenced in exoneration from a charge of neglect of duty in that behalf.

[Ch. 1903, §158.]

ARTICLE 5. THE AUDITOR.

§ 64. QUALIFICATIONS—FILLING VACANCY IN OFFICE.
§ 65. SALARY AND BOND.
§ 66. DUTIES.
§ 67. DEPUTIES AND CLERKS.
§ 68. AUTHORITY TO ADMINISTER OATHS.
§ 69. ACCOUNTS TO BE KEPT AND DEMANDS AUDITED.
§ 70. RECORD OF DEMANDS.
§ 71. APPROVAL OF DEMANDS.
§ 72. APPROVAL OF CERTAIN DEMANDS PROHIBITED.
§ 73. PRESENTATION AND ALLOWANCE OF DEMANDS.
§ 74. REGISTER OF WARRANTS—PREFERENCE NOT ALLOWED.
§ 75. DRAWING WARRANTS.
§ 76. ISSUANCE OF LICENSES.
§ 77. RECORDS AND FILES OF COUNCIL.
§ 78. CERTIFIED COPIES OF RECORDS.
§ 79. PRESENT OWNERSHIP RECORD.

§ 64. QUALIFICATIONS—FILLING VACANCY IN OFFICE:

There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a Commissioner and in addition those of an expert accountant. He shall be elected at the general municipal election and shall serve for a term of four years.

If a vacancy occur in the office of Auditor the Council shall appoint an eligible person to fill such vacancy until the next general election subject to the provisions of law with respect to the recall of officers, and also subject to the provisions of this Charter declaring when a vacancy shall exist; the person appointed to fill such vacancy must within five days from the date of appointment or election qualify therefor as in the case of an officer elected for the full term or he shall be deemed to have declined and the office shall be considered vacant. Any such vacancy shall be filled at the next general municipal election for the unexpired term.

[Ch. 1903, §269; Am. May 3, 1913, §97.]

§ 65. SALARRY AND BOND:

The salary of the Auditor shall be fixed by the Council and shall not be less than thirty-six hundred dollars per annum, payable monthly out of the General Fund in the same manner as other salaries are paid. He shall give a bond for the faithful performance of his duties in such sum as the Council may determine.

[Ch. 1903, §270; Am. May 3, 1913, §98.]

§ 66. DUTIES:

The Auditor is the accounting officer and clerical officer of the city. He shall be in personal attendance at his office daily during office hours. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon demand of the Mayor or the Council, or any Commissioner. He shall be the custodian of the city's seal and shall perform such other duties as this Charter or the Council may direct. He shall keep the records and accounts of the city in a complete and intelligible manner. He shall make a semi-annual statement to the Council showing the receipts and disbursements of the city and the state of each particular fund at the close of business on the 31st day of May in each year, and shall also prepare and transmit to the Council on or before the 15th day of December in each year a report of the financial transactions of the city during the calendar year ending the 30th day of November next preceding and of its financial condition

at the close of business on said 30th day of November. The report shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources and of the expenditures of the city for all purposes, together with a detailed statement of the debt of said city, of the purposes for which said debt had been incurred and of the property of said city, and of the accounts of said city with grantees of franchises, and also a statement showing all franchises, permits, or other privileges then in effect, and the purpose for which the same were granted and the names of the present owners of each thereof.

As a part of each annual statement of the Auditor, he shall include therein an inventory of all public property of the city together with its condition and approximate value and shall also include therein a summary of the assets and liabilities of the city.

[Ch. 1903, §273; Am. May 3, 1913, §99.]

§ 67. DEPUTIES AND CLERKS:

The Auditor may appoint, subject to the Civil Service rules of this Charter, one chief deputy and such other deputies and clerks as the Council may authorize. Said deputies shall have power to do and perform any act or duty required of the Auditor, and the Auditor shall be responsible for their conduct. The compensation to be paid such deputies and clerks shall be determined by the Council.

[Ch. 1903, §271.]

§ 68. AUTHORITY TO ADMINISTER OATHS:

The Auditor and each of his deputies is authorized to administer an oath and certify any acknowledgment authorized or required to be taken by any city ordinance or law of this state and he may require any person presenting for settlement an account or claim of any kind against the city to be sworn before him touching such account or claim, and when so sworn to answer orally as to any facts relative to the merits or justice of such account or claim.

[Ch. 1903, §272.]

§ 69. ACCOUNTS TO BE KEPT AND DEMANDS AUDITED:

The Auditor shall keep an account of all moneys paid into and out of the treasury. Any ordinance or resolution providing for the payment of any demand out of the treasury, whether from public funds or from private funds deposited therein, shall always be construed as requiring the auditing of such demand by the Auditor before the same be paid.

[Ch. 1903, §274.]

§ 70. RECORD OF DEMANDS:

The Auditor shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, and against what appropriation drawn and out of what fund payable.

[Ch. 1903, §275.]

§ 71. APPROVAL OF DEMANDS:

The Auditor shall approve no demand unless the same has been allowed by authority of the Council.

[Ch. 1903, §276; Am. May 3, 1913, §100.]

§ 72. APPROVAL OF CERTAIN DEMANDS PROHIBITED:

No demand shall be allowed by the Auditor in favor of any person or corporation indebted to the city in any manner, except for assessments or taxes not delinquent, without first deducting the amount of any indebtedness then due of which he has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required, nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinace, or the regu-

lation of the Council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties; nor in favor of any officer or employe for the time he shall have absented himself without legal cause or duly granted leave of absence from the duties of his office during office hours, and the Auditor must always examine on oath any person receiving a salary from the city touching such absences.

[Ch. 1903, §277; Am. May 3, 1913, §101.]

§ 73. PRESENTATION AND ALLOWANCE OF DEMANDS:

Every demand upon the Treasurer except the salary of the Auditor must before it can be paid be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation and out of what fund it is payable. If he allows it he shall endorse upon it the word "Allowed," with the name of the fund out of which it is payable and the date of such allowance, and sign his name thereto, but if he disallow the same he shall endorse upon it the word "Rejected." No demand shall be approved, allowed, audited or paid unless it specify each several item, date and amount composing it, and have endorsed thereon the legal authority for its payment.

[Ch. 1903, §278.]

§ 74. REGISTER OF WARRANTS—PREFERENCE NOT ALLOWED:

The Auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, and the appropriation applicable to the payment thereof. He shall not allow any demand out of its order, nor give priority to one demand over another drawn on the same specific fund, except that when liability for any claim presented is not sufficiently apparent to him, he may delay the payment thereof until such liability shall be determined.

[Ch. 1903, §279.]

§ 75. DRAWING WARRANTS:

When any demand has been duly approved and audited, the Mayor and Auditor shall draw warrants on the Treasurer therefor. Such warrants must be drawn on the fund appropriated therefor and be signed by the Mayor and attested by the Auditor; but no warrant, except such as are issued upon funds created by special assessments, or warrants issued in settlement of judgments of the courts, shall be drawn, signed by the Mayor or attested by the Auditor until the money for the payment thereof is in the hands of the City Treasurer and appropriated to the payment thereof upon presentation of same.

[Ch. 1903, §280.]

§ 76. ISSUANCE OF LICENSES:

The Auditor must issue all licenses authorized by ordinance upon the delivery to him of the receipt of the Treasurer for the amount of money required for such license.

[Ch. 1903, §281.]

§ 77. RECORDS AND FILES OF COUNCIL:

As Clerk of the Council, the Auditor shall keep a correct journal of its proceedings, and shall file and keep all books, papers, and maps connected with the business of the Council.

[Ch. 1903, §282.]

§ 78. CERTIFIED COPIES OF RECORDS:

The Auditor shall make certified copies of any papers or maps or transcripts of any records kept in his office when so required, upon the payment of his fees therefor, and such fees shall be deposited with the City Treasurer for the credit of the general fund. The fees charged shall be the same as those provided for in this Charter or by ordinance, and no charge shall be made for any copies, transcripts, or certificates re-

quired or demanded by any official or board when such are needed for the official business of the city.
[Ch. 1903, §283.]

§ 79. PRESENT OWNERSHIP RECORDS:

The Auditor shall keep a record of ownership of real property within the limits of the City of Portland, and correct said record as changes of ownership shall be recorded in the office of the County Clerk for the County of Multnomah, and he shall also keep a record of all property owned by the city and the income derived therefrom.
[Ch. 1903, §284.]

ARTICLE 6. OFFICERS AND EMPLOYES:

§ 80. APPOINTIVE OFFICERS.
§ 81. REMOVAL AND QUALIFICATIONS.
§ 82. COUNCIL MAY CREATE OR ABOLISH OFFICES.
§ 83. APPOINTMENT OF EXPERTS.
§ 84. OFFICIAL BOOKS AND RECORDS.
§ 85. QUALIFICATIONS FOR ALL OFFICIALS.
§ 86. ADDITIONAL BOND MAY BE REQUIRED OF OFFICERS.
§ 87. REQUIREMENTS OF OFFICIAL BONDS.
§ 88. REQUIREMENTS OF SURETIES ON OFFICIAL BONDS.
§ 89. LIABILITY OF SUPERIOR OFFICER FOR ACTS OF SUBORDINATE.
§ 90. BONDS MAY BE REQUIRED OF SUBORDINATES.
§ 91. OFFICERS AND EMPLOYES FORBIDDEN INTEREST IN CITY CONTRACTS.
§ 92. BOOKS AND RECORDS INSPECTION; CERTIFIED COPIES.
§ 93. APPOINTMENTS—HOW MADE AND FILED.
§ 94. SALARIES TO BE FULL COMPENSATION.
§ 95. OFFICERS FORBIDDEN TO FAVOR BIDDERS ON CONTRACTS.
§ 96. OFFICERS TO DEVOTE ENTIRE TIME TO CITY BUSINESS.

§ 80. APPOINTIVE OFFICERS:

As soon as convenient ofter their election the Council shall, by ordinance, appoint the following officers: Treasurer, City Engineer, City Attorney and Municipal Judge and Purchasing Agent.
[Am. May 3, 1913, §102.]

§ 81. REMOVAL AND QUALIFICATIONS:

All appointed officers shall serve during the pleasure of the Council. All may be removed for cause at any time by a majority vote of the Council. A statement of reasons for the removal shall be included in the order, and the officers removed shall have the the right to make a counter statement in writing, which shall be filed and preserved with the order of removal. The order of removal shall not be reviewable. Vacancies in any such offices shall be filled by the Council. The Council may by ordinance impose any duties upon any officer not inconsistent with the general character of such office, and may divide or consolidate any of said offices. It shall also fix and may change from time to time the salary of every officer. The officers named in this section shall at the time of their appointment be citizens of the United States, residents and qualified voters of the City of Portland.

The Municipal Judge and City Attorney shall be attorneys of the supreme court of the State of Oregon. The city attorney may have one or more deputies with same qualifications as the City Attorney, to be appointed by him, in writing, and to continue during his pleasure. The number and compensation of such deputies to be fixed by the Council and shall be deemed removed on the removal or resignation of the City Attorney.
[Am. May 3, 1913, §103.]

§ 82. COUNCIL MAY CREATE OR ABOLISH OFFICES:

The Council shall have the power by ordinance to create and abolish all such subordinate offices, places and employments in the service of the city as it may deem necessary for efficient and economical administration. Each Commissioner shall appoint and remove the incumbents of all subordinate offices and employments in his department, subject to the Civil Service Rules of this Charter.

[Am. May 3, 1913, §104.]

§ 83. APPOINTMENT OF EXPERTS:

The Council may from time to time appoint consulting employes to perform technical or scientific services whose employment shall continue only so long as the particular occasion shall continue and who shall not be subject to the Civil Service Rules of this Charter and of whom the qualifications elsewhera prescribed in this Charter shall not be required.

[Am. May 3, 1913, §105.]

§ 84. OFFICIAL BOOKS AND RECORDS:

The official books and papers of all the officers mentioned in this Charter are city property, and must be kept as such by such officers during their continuance in office and then delivered to their successors; and such books and papers may be inspected at any tme by any member of the Council, by the Mayor or by the public.

[Ch. 1903, §122.]

§ 85. QUALIFICATIONS FOR ALL OFFICIALS:

No person shall at any time hold more than one office yielding pecuniary compensation under this Charter, or under the Mayor, Council, or any of the departments of the city. All municipal officials, except women, shall be registered voters of the City of Portland.

[Ch. 1903, §128.]

§ 86. ADDITIONAL BOND MAY BE REQUIRED OF OFFICERS:

When under any of the provisions of this Charter, or of any ordinance, an official undertaking or bond shall be required from an officer, the Council may, by resolution, require an additional undertaking, or bond, whenever, in the opinion of the Council such undertaking or bond or any surety thereto becomes insufficient; and such additional undertaking or bond shall also be required when a surety to bond shall die or cease to be a resident of this city.

[Ch. 1903, §130.]

§ 87. REQUIREMENTS OF OFFICIAL BONDS:

City officers shall not be accepted as surety for each other on official undertakings or bonds. Every such undertaking or bond shall contain a condition that the principal will faithfully perform all official duties then or that may thereafter be, imposed upon or required of him by law, ordinance or this Charter, and at the epiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Such bond or undertaking when it is not that of a qualified surety company, must also be executed by two or more sureties who shall each justify in the amount required for said bond; but when the amount of the bond or undertaking is more than five thousand dollers, the sureties may become severally liable for portions of not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

[Ch. 1903, §131.]

§ 88. REQUIREMENTS OF SURETIES ON OFFICIAL BONDS:

Every surety upon an official undertaking or bond, other than lawfully authorized surety companies, must make an affidavit, which shall be endorsed upon such under-

taking or bond, that he is a resident and freeholder in the city, and worth in real property situated in the city, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as a principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated, or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officer whose duty it is to approve the undertaking or bond. All bonds and undertakings provided for by this Charter except that of City Treasurer, may be secured by individual sureties.

[Ch. 1903, §132.]

§ 89. LIABILITY OF SUPERIOR OFFICER FOR ACTS OF SUBORDINATE:

Every officer shall be liable on his official undertaking or bond for the acts and omissions of his deputies, assistants, clerks and employes, appointed by him, and of any and each of them, and every official undertaking or bond shall contain such a condition.

[Ch. 1903, §133.]

§ 90. BONDS MAY BE REQUIRED OF SUBORDINATES:

Every board, department or officer may require of their deputies, clerks or employes bonds of indemnity with sufficient sureties for the faithful performance of their duties, the penalties in which shall be prescribed by ordinance.

[Ch. 1903, §134.]

§ 91. OFFICERS AND EMPLOYES FORBIDDEN INTEREST IN CITY CONTRACTS:

No Councilman or other officer or employe of the city shall be or become directly or indirectly interested in or in the performance of any contract for the supply of labor or material to the city, or in the sale of any article, the price or consideration of which is payable from the city treasury, or in the purchase or lease of any real estate or other property belonging or to be taken by the City, or which shall be sold for taxes or assessments or by virtue of legal processes at the suit of the City. And in case any officer or employe of the City shall be interested personally as a promoter or stockholder or shareholder in any firm or corporation in any grant or privilege or franchise sought by himself or his associates or such firm or corporation from the City of Portland, or any public utility which is sought to be acquired or duplicated by the City or which is offered for sale or lease by the City, such officer or employe shall be incapacitated to take any part in the negotiations or proceedings connected with the giving or granting of such grant, privilege or franchise, but all such negotiations and proceedings and acts as would otherwise be conducted by such officer or employe shall be conducted and done on behalf of the City of Portland by such officer and employe as would have done and conducted the same in the absence of such interested officer and employe.

If any officer or person in this section designated shall violate the provisions of this section he shall forfeit his office and all such contracts, grants, privileges and franchises in the hands of others than a purchaser without notice for value shall be void.

[Ch. 1903, §135.]

§ 92. BOOKS AND RECORDS INSPECTION; CERTIFIED COPIES:

All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the record of the Police Department shall not be subject to such inspection unless permission be given by the Executive Board.*

[Ch. 1903, §137.]

* See §§16-17.

§ 93. APPOINTMENTS—HOW MADE AND FILED:

All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the Secretary of the Civil Service Board and the other with the Auditor.
[Ch. 1903, §138.]

§ 94. SALARIES TO BE FULL COMPENSATION:

The salaries provided in this Charter shall be in full compensation for all services rendered, and excepting such salaries, every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the City within twenty-four hours after receipt of the same.
[Ch. 1903, §139.]

§ 95. OFFICERS FORBIDDEN TO FAVOR BIDDERS ON CONTRACTS:

Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.
[Ch. 1903, §140.]

§ 96. OFFICERS TO DEVOTE ENTIRE TIME TO CITY BUSINESS:

All officers and employes receiving pay from this City shall devote their entire time during business hours to the interest of the City, except when excused as in this Charter provided.
[Ch. 1903, §142 Am. May 3, 1913, §94.]

CHAPTER IV.

Civil Service.

§ 97. RULES—TO WHOM APPLIED—EXCEPTIONS.

§ 98. CIVIL SERVICE BOARD—APPOINTMENT—QUALIFICATIONS.
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§ 121. PENALTY FOR MISDEMEANOR.
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§ 97. RULES—TO WHOM APPLIED—EXCEPTIONS: Amend See Page 98-a

All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, as provided for in this Article. The provisions of this article shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: All officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the judges and clerks of elections, the deputies of the City Attorney, the chief deputy of the City Treasurer, the City Engineer, the Chief of Police Department, the Superintendent and the Chief Engineer of the Water Department and the Secretary of the Civil Service Board, the Mayor's Secretary, the members of the Health Department and the Librarian.

[Ch. 1903, §306.]

§ 98. CIVIL SERVICE BOARD—APPOINTMENT—QUALIFICATIONS.

The Civil Service Board shall consist of three Commissioners. Within 30 days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three persons, known to him to be devoted to the principles of Civil Service Reform, one of whom shall serve for two years, one for four years and one for six years; and between the first and tenth days of July in 1905 and each second year therafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five days thereafter, transmit to the Council a written report thereof and of his reasons therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless he shall have been a resident of the City three years immediately preceding his appointment. The Commissioners shall receive no salary or compensation for their services.

[Ch. 1903, §307.]

§ 99. SECRETARY—APPOINTMENT—DUTIES:

The Board shall appoint a secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as it may prescribe. Such secretary shall hold office during the pleasure of the Board. His salary shall be fixed by the Council, and shall be not less than $100.00 per month. At the request of the Board, the Council shall, if practicable, devolve the duties of such secretary upon the Auditor, who shall receive no extra or additional compensation for his services as such seretary.

[Ch. 1903, §308; Am. May 3, 1913, §308.]

§ 100. BOARD TO CLASSIFY SERVICE.

The Board shall classify, with reference to the examinations hereinafter provided for, all the offices, places and employments in the public service of the City to which the provisions of this Article are applicable. Such classification shall be based upon

the respective functions of said offices, places and employments, and the compensation attached thereto, and shall be arranged so as to permit the grading of offices, places and employments of like character in groups and subdivisions. The offices places and employments so classified shall constitute the classified Civil Service of the City; and after the taking effect of this Charter, no appointment or promotion to any such office, place or position shall be made except in the manner provided in this Article.

[Ch. 1903, §309.]

§ 101. BOARD TO MAKE AND PUBLISH RULES AND KEEP RECORDS:

The Board shall make rules to carry out the purposes and provisions of this Article, which rules shall provide, in detail, the manner in which examinations shall be held, and appointments, promotions and removals made in pursuance thereof; and the Board may, from time to time, change its rules. Such rules, and all changes therein, shall be forthwith printed for distribution by the Board, and the Board shall, not less than ten days before the same go into effect, give notice, by publication in the City Official Newspaper, of the place where printed copies of said rules, or changes therein, may be obtained. The Board shall keep on file all examination papers and the markings thereof, and all other papers, documents and communications received by them; and all records and files of the Board shall be public and accessible at convenient times, as other public records and documents; but examination papers and markings need not be preserved more than five years.

[Ch. 1903, §310.]

§ 102. EXAMINATIONS: Amended See Page 48-48-2

The Board shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the classified civil service. Said examinations shall be confined to citizens of the United States who can read and write the English language, and shall be open to all such citizens who possess such qualifications as to residence, age, health, habits and moral character as may, by rule, be prescribed by the Board. Notice of the time, place and general scope of every examination shall be given by the Board by publication in the City Official Newspaper once each week for two successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants, and shall include, when appropriate, tests of health and physical qualifications and of manual, clerical or professional skill. No question in any examination shall relate to political or religious opinions, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the city is designated by the Board, he shall, without being entitled to extra compensation therefor, act as such examiner. Any Commissioner may act as an examiner. No examiner shall receive any compensation for his services as such.

[Ch. 1903, §311.]

§ 103. RECORD OF POSITIONS AND APPLICANTS:

The Board shall prepare and keep a register for each grade or class of positions in the classified civil service of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon such register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. The Board may, by rule, provide for striking candidates from the register after they have remained thereon for a

specified time, and may limit the number of times the same candidate shall be certified to the appointing authority.
[Ch. 1903, §312.]

§ 104. VACANCIES, HOW FILLED; REAPPOINTMENT OF EMPLOYES:

Whenever there shall be a vacancy in any position in the classified civil service, the appointing authority shall immediately notify the Board thereof. The Board shall thereupon certify to such appointing authority the names and addresses of the three eligible candidates standing highest upon the register for the class or grade to which such position belongs, but, if there be less than three, the Board shall so certify all such candidates upon the register. When vacancies exist in two or more positions of the same class in the same department at the same time, the Board may certify a less number than three candidates for each position, but those certified must be the eligible candidates standing highest upon the register. The appointing authority may require the candidates so certified to come before him, and shall be entitled to inspect their examination papers. The appointing authority shall appoint to each vacant position, on probation for a period to be fixed by the rules, one of the candidates so certified. Within such period, the appointing authority may discharge such probationer, and, in like manner, appoint another of such candidates, and so continue until all said candidates have been so appointed; but the appointing authority must make permanent appointment from said list of candidates unless, upon reasons assigned in writing by the appointing authority, the Board consents to and does certify a new list of candidates. If any probationer is not discharged within the period of probation, his appointment shall be deemed permanent. Any person who has been employed in any one department of the public service of the city for the six years immediately preceding the taking effect of this Charter, shall, upon making satisfactory proof of such employment to the Board, within thirty days after its appointment, provided the position which he occupies at the time this Charter goes into effect is included in the classified civil service, be certified by the Board to the appointing authority for that position as entitled to appointment, and such appointing authority shall forthwith appoint said person to such position. The appointing authority shall immediately notify the Commission of any appointment or discharge.
[Ch. 1903, §313.]

§ 105. TEMPORARY APPOINTMENTS:

In the absence and pending the preparation of an appropriate eligible list from which appointments can be made, or in extraordinary emergencies to prevent delay or injury to the public business, any office, place or employment in the classified civil service may be filled temporarily by the appointing authority, but not for longer than thirty days.
[Ch. 1903, §314.]

§ 106. RESTRICTIONS ON APPOINTMENTS: Amended See Page 98-B

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the classified civil service unless he shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made, or unless he shall have served with fidelity for at least six years in a like position in the service of the city. No person habitually using intoxicating beverages to excess shall be appointed to or retained in any office, place or employment in the classified civil service.
[Ch. 1903, §315.]

§ 107. PROMOTIONS:

The Board shall, by its rules, provide for promotions in the classified service, on the basis of ascertained merit and seniority in service, and standing upon examination,

and shall provide that in all cases where practicable, vacancies shall be filled by promotion. All examinations for promotions shall be competitive among such members of the lower ranks established by the Board for each department as desire to submit themselves to such examination; and the Board shall submit to the appointing authority the names of not more than three applicants, having the highest rating, for each promotion; and the promotion shall thereupon be made as in case of original appointments. The method of examining and the rules governing the same and the method of certifying shall be the same, as near as may be, as provided for applicants for original appointment. But the Board may by its rules prescribe the weight to be given to the recommendation of the head of the department in which the candidate for promotion has served; and where record of fidelity and efficiency of employes is regularly kept in good faith in any department the Board shall give the same at least equal value with the record on examination for promotion.

[Ch. 1903, §316.]

§ 108. REMOVALS—INVESTIGATIONS: Amend See Page # P-1

No employe in the classified civil service who shall have been permanently appointed under the provisions of this article shall be removed or discharged except for cause, a written statement of which, in general terms, shall be served upon him and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. Any employe so removed may within ten days from his removal file with the Board a written demand for investigation. If such demand shall allege, or if it shall otherwise appear to the Board that the discharge or removal was for political or religious reasons, or was not in good faith, for the purpose of improving the public service the matter shall forthwith be investigated by or before the Board, or by or before some officer or board appointed by the Board to conduct such investigatin. The investigation shall be confined to the determination of the question of whether such removal or discharge was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employe. On such grounds the Board may find that the employe so removed is entitled to reinstatement upon such conditions or terms as may be imposed, by the Board, or may affirm his removal. The findings of the Board, or such officer or Board, when approved by the Board, shall be certified to the appointing officer and shall be forthwith enforced by such officer.

[Ch. 1903, part §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]
*See §222.]

§ 109. SUSPENSIONS—REDUCTION OF FORCE:

Any appointing authority may suspend a subordinate for a reasonable period not exceeding thirty days, but such suspension if occuring more than once a year shall be deemed a removal and subject to investigation in like manner. But, if at any time the Council or other city authority shall abolish any office or employment, or reduce the number of employes, discharges shall be made in the inverse order of appointment, and if such offices or places shall again be created or reinstated the employes so removed, (except as to emergency employes), shall have preference for reappointment in the order of their original appointment.

[Amendment of June 7, 1915.]

§ 110. HOLD-OVER EMPLOYES:

The present incumbents of all offices, places, and employments under the civil service rules sall continue to hold their respective places, subject to the provisions of this Atricle.

[Ch. 1903, §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]

§ 110½. REINSTATEMENT OF EMPLOYES:

Each act of the Civil Service Board, subsequent to July 1, 1913, in reinstating to his civil service standing any officer or employe who had resigned from or otherwise

relinquished a position to which he had been regularly and permanently appointed under the civil service laws of this Charter, is hereby ratified and confirmed.
[Amendment of November 2, 1920.]

§ 111. ANNUAL REPORT:

The Board shall, on or before the first day of January of each year, make to the Mayor for transmission to the Council a report showing its own actions, the rules in force, the practical effect thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this article. The Mayor may require a report from the Board at any reasonable time.
[Ch. 1903, part of §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of§317.]

§ 112. COUNCIL TO PROVIDE OFFICES:

The Council shall furnish the Board with suitable offices, office furniture, books, stationery, blanks, heat and light and shall provide for the payment of such other expenses as may necessarily be incurred in carrying out the provisions of this Article.
[Ch.1903, §318.]

§ 113. ROSTER OF EMPLOYES; GENERAL PROVISIONS:

It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the classified Civil Service of the City. This roster shall be open for inspection at all reasonable hours. It shall show in reference to each of said persons his name, the date of appointment to or employment in such service, his compensation, the title of the place or office he holds, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employes of the City to give to the Board all the information which may be reasonably requested, or which the regulations established by the Board may require, in aid of the preparation or continuance of said roster, and, so far as practicable, it shall indicate whether any and what persons are holding any and what offices or places aforesaid in violation of this Article or of any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the Auditor the name of each person appointed or employed in the classified Civil Service stating in each case the title or character of the office or employment, the date of commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the said Auditor in like manner every change occurring in any office or employment of the classified civil service forthwith on the occurrence of the change. No officer or employe of the city shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the classified civil service who is not certified by the Board to the Auditor as having been appointed or employed in pursuance of this Article and of the regulations in force thereunder. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this section may be recovered in an action in the name of the City from any officer or employe of the city paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for the payment thereof, and from the sureties on his official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action, be paid into the City Treasury.
[Ch. 1903, §319.]

§ 114. INVESTIGATIONS:

The said Commissioners may make investigations concerning the facts in respect to the execution of the provisions of this Article, and of the regulations established

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Section 97. RULES—TO WHOM APPLIED — EXCEPTIONS — **APPOINTMENT OF CHIEF OF POLICE.** All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, as provided for in this Article. The provisions of this article shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: All officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the judges and clerks of elections, the deputies of the City Attorney, the chief deputy of the City Treasurer, the City Engineer, the Superintendent and the Chief Engineer of the Water Department and the Secretary of the Civil Service Board, the Mayor's Secretary, the members of the Health Department and the Librarian and Chief of Police. **The Mayor shall appoint a Chief of Police, who shall have had ten years' active police service. The Chief of Police shall be subject to removal by the Mayor.**

Section 102. EXAMINATIONS — **ENTRANCE AND RETIREMENT AGE OF MEMBERS OF THE BUREAU OF POLICE.** The Board shall,, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the classified civil service. Said examinations shall be confined to citizens of the United States who can read and write the English language, and shall be open to all such citizens who possess such qualifications as to residence, age, health, habits and moral character as may, by rule, be prescribed by the Board. Notice of the time, place and general scope of every examination shall be given by the Board by publication in the City Official Newspaper once each week for two successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants and shall include, when appropriate, tests of health and physical qualifications and of manual, clerical or professional skill. No question in any examination shall relate to political or religious opinions, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the City is designated by the Board, he shall, without being entitled to extra compensation therefor, act as such examiner. Any Commissioner may act as an examiner. All patrolmen shall be between the ages of twenty-one (21) and thirty (30) years on the date of their appointment.

Section 106. RESTRICTIONS ON APPOINTMENTS. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the classified civil service unless he shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made, or unless he shall have served with fidelity for at least six years in a like position in the service of the City. No person habitually using intoxicating beverages to excess shall be appointed to or retained in any office, place or employment in the classified civil service. **Provided, that nothing in this section shall prevent the demotion, for cause, of officers in the Bureau of Police.**

Section 108. REMOVALS-INVESTIGATIONS. No employe in the classified civil service who shall have been permanently appointed under the provisions of this **chapter** shall be removed or discharged, **or in the case of the members or officers of the Bureau of Police, demoted,** except for cause, a written statement of which in general terms shall be served upon him and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. **In the Bureau of Police removal, discharge or demotion may be made only after a hearing before the Mayor, Chief of Police, or a discipline committee of superior officers appointed as may be provided by ordinance, said hearing to be based on written charges filed by the Mayor, Chief of Police, Inspector of Police, or other superior officer of the Bureau of Police.** Any employe so removed **or demoted** may within ten days from his removal **or demotion** file with the Board a written demand for investigation. If such demand shall allege, or, if it shall otherwise appear to the Board that the discharge or removal, **and in the case of the Bureau of Police, demotion,** was for political or religious reasons, or was not in good faith, for the purpose of improving the public service, the matter shall forthwith be investigated by or before the Board, or by or before some officer or board appointed by the Board to conduct such investigation. The investigation shall be confined **solely** to the determination of the question of whether such removal or discharge, **or, in the case of the Bureau of Police, demotion,** was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employe. On such grounds the Board may find that the employe is entitled to reinstatement upon such terms or conditions as may be imposed by the Board, or may affirm his removal. The findings of the Board shall be certified to the appointing officer and shall forthwith be enforced by such officer.

Adopt Nov. 6, 1934

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Section 102. EXAMINATIONS—ENTRANCE AGE OF MEMBERS OF THE BUREAU OF POLICE AND FIRE.

The Board shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the classified civil service. Said entrance examinations shall be confined to citizens of the United States who can read and write the English language and shall be open to all such citizens who possess such qualifications as may, by rule, be prescribed by the Board. Notice of the time, place and general scope of every examination shall be given by the Board by publication in the City Official Newspaper once each week for two successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants and shall include, when appropriate, tests of health and physical qualifications and of manual, clerical or professional skill. No question in any examination shall relate to political or religious opinions, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the City is designated by the Board, he shall, without being entitled to extra compensation therefor, act as such examiner. Any Commissioner may act as an examiner. All patrolmen shall be between the ages of twenty-one (21) and thirty (30) years on the date of their appointment. **All hosemen shall be between the ages of twenty-one (21) and twenty-six (26) years on the date of their appointment.**

Adopt Nov. 8, 1938

under its authority. In the course of any investigation made by the Board under the provisions of this Article each Commissioner and the secretary shall have the power to administer oaths. Said Board shall have the power, for the purpose of this Article, to examine into books and records, compel the production of books, papers, records or documents, subpoena witnesses, and compel their attendance and examination, as though such subpoena had issued from a court of record of this state; and all officers and employes of the City shall afford the said Board all reasonable facilities in conducting any investigations authorized by this Article, and give inspection to said Board of all books, papers and documents belonging or in any wise appertaining to any offices or departments of the City; and, also, shall produce said books and papers, and shall attend and testify when required to do so by said Commissioners without receiving any extra or special compensation therefor. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such.

[Ch. 1903, §320.]

§ 115. MISDEMEANORS OF COMMISSIONERS:

Any Commissioner, examiner, or any other person who shall wilfully or corruptly, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Article, or who shall, wilfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Article, or aid in so doing or shall wilfully or corruptly make any false representations concerning the same, or concerning the persons examined registered or certified, or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application, or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor.

[Ch. 1903, §321.]

§ 116. POLITICAL ASSESSMENTS PROHIBITED:

No person in the National public service or the public service of the State or any civil division thereof, including counties, cities, towns, shall directly or indirectly use his authority or official influence to compel or induce any person in the public service of the City to pay or to promise to pay any political assessment, subscription or contribution. Every person who may have charge or control in any building, office or room, occupied for any purpose of said public service of the City is hereby authorized to prohibit the entry of any person into the same for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter or remain in any said office, building or room, or send or direct any letter or other writing thereto for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of, demand, collect or receive any such assessment, subscription or contribution; and no person shall prepare or make out, or take part in the preparing or making out of any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the public service of the City, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment by any person in said public service.

Any person who shall be guilty of violating any provision of this section shall be deemed guilty of a misdemeanor.

[Ch. 1903, §322.]

§ 117. BRIBERY—"PUBLIC OFFICER," "PUBLIC EMPLOYE" DEFINED:

Whoever, being a public officer or being in nomination for, or while seeking a nomination or appointment for, any public office, shall use, or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person to secure any office or appointment in the public service, or any nomination, confirmation or promotion, or increase of salary on consideration that the vote, political influence or action of the last-named person or any other shall be given or used in behalf of any candidate, officer or political party or association, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery. And whoever, being a public officer or employe, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employe, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge or promotion of any public officer or public employe, or upon any corrupt consideration, shall also be guilty of bribery, or an attempt of bribery. And every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than fifty dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than two years, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer he shall, in addition to any other punishment imposed, be deprived of his office and be ineligible to any public office or employment for ten years thereafter. The phrase "public officer" shall be held to include all public officials within this city, whether paid directly or indirectly from the public treasury of the state or of the United States, or from that of any civil division thereof, including counties, cities, and towns and whether by fees or otherwise; and the phrase "public employes" shall be held to include every person not being an officer who is paid from any said treasury.

[Ch. 1903, §323.]

§ 118. RECOMMENDATIONS OF APPLICANTS:

No recommendation in favor of any person who shall apply for office or place, or for examination or registration under the provisions of this Article or the regulations established under the authority thereof, except as to residence and as to character, and in the case of former employes as to abilities, when said recommendation as to character and abilities is specifically required by said regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under this Article or under the regulations established under the authority thereof. No recommendation under the authority of this Article shall relate to the religious or political opinions or affiliations of any person whomsoever.

[Ch. 1903, §324.]

§ 119. POLITICAL SERVICES DISREGARDED:

No person in the service of the City is for that reason under any obligation to contribute to any political fund or to render any political service, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No person in the service of the City shall discharge or promote, or degrade, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten to do so for giving, or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his official authority or influence to coerce the political action of any person or body, or to

affect or to interfere with any nomination, appointment or election to public office.
[Ch. 1903, §325.]

§ 120. VIOLATION OF CIVIL SERVICE PROVISIONS A MISDEMEANOR:

Whoever makes appointment to office in the public service of the City or selects a person for employment therein contrary to the provisions of this Article or of any regulation duly established under the authority thereof, or wilfully refuses or neglects otherwise to comply therewith, or conform to, the provisions of this Article, or violates any of such provisions, shall be guilty of a misdemeanor.
[Ch. 1903, §326.]

§ 121. PENALTY FOR MISDEMEANOR:

Misdemeanors under the provisions of this Article shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not longer than one year, or by both such fine and imprisonment. The Circuit Court of the State of Oregon shall have jurisdiction of offenses defined in this Article.
[Ch. 1903, §327.]

§ 122. CITIZENS GIVEN PREFERENCE—MINIMUM WAGE:

In the employment of mechanics and unskilled laborers preference shall in all cases be given to those who are citizens of the United States or those who have declared their intention to become such and who have resided within the City for one year next before entering into the City's employment. Eight hours shall constitute a day's work for all laborers, workmen and mechanics who may be employed by the City, and the minimum wage to unskilled laborers employed by the City shall be $2.00 per day.
[Am. May 3, 1913, §106.]

§ 122a. TWO PLATOONS:

The Bureau of Fire of the City of Portland shall be so organized that the members thereof shall be divided into two substantially equal platoons. Not more than fourteen hourse service on the night platoon nor more than ten hours on the day platoon shall be required for a day's work for any member thereof, except when the platoons change from day to night service or when working at a fire. The platoon on the night shift shall report for duty at six o'clock in the evening. Each platoon shall have equal periods of service on the day and night shift and they shall be changed from day to night service at least four times each month; provided, however, that the foregoing provisions of this act shall not apply to the Chief Engineer or Assistant Chief Engineer, or to any Battalion Chief of the Bureau of Fire, or to the member of said bureau who discharges the duties of the office of Fire Marshal of said City or to any employe of the Fire Alarm Telegraph System of the Bureau of Fire or to any mechanic employed in said Bureau, unless hereafter otherwise provided by the Council of the City of Portland, and provided further, that the hours of service of the masters, pilots, engineers and stokers assigned to the fireboats of the City of Portland shall be fixed by the Council of the City of Portland subject to the marine laws of the Federal Government.

Every member of the Bureau of Fire shall be subject to duty call at all hours of the day or night when there is grave or unusual danger of conflagration. Liberal provisions shall be made at the fire stations for preserving the health, wellbeing and efficiency of the members. House patrol shall be equally divided and not more than one member of each company shall be assigned to such duty at each time.
[Amendment of November 5, 1918.]

CHAPTER 5

Elections

§ 123. MUNICIPAL ELECTIONS.
§ 124. MANNER OF NOMINATION OF OFFICERS.
§ 125. PUBLICATION OF ELECTION NOTICE.
§ 126. INFORMALITIES DISREGARDED.
§ 127. STATE LAWS APPLICABLE.
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§ 131. SAMPLE BALLOTS.
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§ 134. DATES OF ELECTION.
§ 135. NOTICE OF ELECTION TO BE PUBLISHED.
§ 136. COUNCIL TO CHOOSE JUDGES AND CLERKS.
§ 137. QUALIFICATIONS OF VOTERS.
§ 138. CANVASS OF ELECTION RETURNS.
§ 139. STATEMENT OF CANVASS TO BE FILED.
§ 140. CERTIFICATE OF ELECTION.
§ 141. CERTIFICATE OF ELECTION—PRIMARY EVIDENCE.
§ 142. CONTESTED ELECTIONS.
§ 143. PRESENT INCUMBENTS HOLD OVER.

§ 123. MUNICIPAL ELECTIONS: Amended See Page 52-1

A municipal election shall be held on the first Monday in June, 1913, and on the first Monday in June on each second year thereafter, which shall be known as the general municipal election. All others shall be known as special municipal elections. The first general municipal election under this Charter shall be held on the first Monday in June, 1913, for the purpose of electing a Mayor, four Commissioners and an Auditor. The Mayor and the two Commissioners who receive the highest votes shall hold office until the first day of July, 1917, and the Auditor and the other two Commissioners shall hold office until the first day of July, 1915. Thereafter every such officer shall hold office for the full term of four years. Such elected officers shall assume office the first day of July after the election.

[Am. May 3, 1913, §41.]

§ 124. MANNER OF NOMINATION OF OFFICERS: Amended See Page 52-2

The manner of nomination of all elective officers shall be by petition.

(a) Nomination Petition. Certificates: The petition for the nomination of each candidate shall consist of not less than 100 individual certificates. Each certificate shall be of uniform size, to be determined by the auditor, shall be signed and verified by one registered voter, and shall contain the name of only one candidate.

If a legal voter sign more certificates than there are offices to be filled, all those exceeding such number shall be rejected when presented for filing.

(b) Form of Certificates: The form of the certificate shall be substantially as follows:

INDIVIDUAL NOMINATION CERTIFICATES

STATE OF OREGON,)
County of Multnomah,)ss.
City of Portland.)

Section 123. TIME OF TAKING OFFICE.

At the general election on November 8, 1932, the person elected Mayor and the two persons elected Commissioners shall take office on July 1, 1933, and they shall hold office until January 1, 1937. At the general election on November 6, 1934, the person elected Auditor and the two persons elected Commissioners shall take office on July 1, 1935, and they shall hold office until January 1, 1939. Thereafter the Mayor, Commissioners and Auditor shall hold office for the full term of four years and shall assume office on the first day of January after the general election. The incumbents of the above mentioned offices shall hold their respective offices until their successors are elected or appointed, as in this charter provided, and have qualified.

Adopted Nov. 8, 1932.

Section 124. PRIMARY ELECTION: A nonpartisan primary, or first, election shall be held in each even numbered year, on the same day and month as now, or as hereafter provided by the constitution or general laws of Oregon providing for and regulating state partisan primaries.

Section 125. GENERAL ELECTION: A general election shall be held on the first Tuesday after the first Monday in November in each even numbered year.

Section 126. SPECIAL ELECTION: The Council shall have power to call special elections.

Section 127. MANNER OF NOMINATION OF OFFICERS: Nomination of elective officers under this charter shall be made in conformity with nonpartisan methods hereinafter prescribed and provided.

Section 128. TIME OF FILING OF DECLARATION OF CANDIDACY FOR NOMINATION: All declarations of candidates shall be filed with the Auditor not earlier than 60 days and not later than the 45th day prior to the nonpartisan primary election. (In the event the General Laws of Oregon providing for and regulating state partisan primaries change or fix different dates than herein provided by this section then the dates as fixed by the General Laws of Oregon shall be and become the dates fixed for the time of filing under the provisions of this section without the formality of an amendment to the charter).

Section 129. FORM OF DECLARATION: FEE: WITHDRAWAL: CERTIFIED LIST:

(1) **Form of Declaration.** Any person eligible, who shall desire to become a candidate for nomination for any elective office, shall file in the office of the Auditor a declaration of candidacy. The form of such declaration of candidacy shall be furnished by the Auditor and shall be substantially as follows:

State of Oregon, County of Multnomah, City of Portland, ss.

I, ... being first duly sworn, on oath depose and say: That I reside at No. ..... Street (or Avenue), in the City of Portland, Oregon; that I am a registered and qualified voter therein; that I hereby declare myself a candidate for the nomination for the office of ..... to be made at the nonpartisan primary election to be held in the City of Portland, Oregon, on the ..... day of .....19....; that in making this declaration I am not becoming a candidate as the nominee of, or because of any promised support from any national or state political party or any committee or convention representing or acting for any such political party.

.....

Subscribed and sworn to before me this.....day of ..... 19.....

.....

Auditor of the City of Portland.

By .....

Deputy.

(2) **Fee.** The declaration of candidacy shall be accompanied by a fee of $15.00 if for the office of Commissioner and Auditor and $25.00 if for the office of Mayor.

(3) **Withdrawal of Nomination.** Any person whose name has been presented under this section as a candidate may, within the time fixed by the general laws of Oregon applicable to partisan primaries, cause his or her name to be withdrawn from nomination by filing with the Auditor a request therefor in writing, and no name so withdrawn shall be printed upon the official ballot. The Auditor shall preserve in his office for a period of four years all declarations of candidacy filed under the provisions of this section.

(4) **List of Candidates to Be Certified.** The Auditor shall, within the time fixed by the general laws of Oregon, certify a list of the candidates for the respective offices whose names are entitled to appear upon the nonpartisan primary ballot, together with a list of the offices to be filled, and file the list in his office.

Section 130. ADDITIONAL METHOD OF NOMINATING CANDIDATES BY PETITION: As an additional method of nominating candidates to office, any eligible person may file with the Auditor nominating petitions within the time and in the manner provided in this section.

(1) **Nomination Petition, Certificates.** The petition for the nomination of each candidate shall consist of no less than 100 individual certificates. Each certificate shall be of uniform size, to be determined by the Auditor, shall be signed and verified by one registered voter, and shall contain the name of only one candidate.

If a legal voter sign more certificates than there are offices to be filled, all those exceeding such number shall be rejected when presented for filing.

(2) **Form of Certificates:** The form of the certificate shall be substantially as follows:

Individual Nomination Certificate

State of Oregon, County of Multnomah, City of Portland, ss.

I do hereby join in a petition for the nomination of ..... whose residence is at No. ..... Street, Portland, for the office of ..... to be voted for at the municipal election to be held in the City of Portland, on the ..... day of ....., 19..... And I make oath and say that I am qualified to vote for a candidate for said office, and am not at this time a signer of more certificates nominating candidates for city elective offices than there are offices to be filled; that my residence is at No. ..... Street, Portland, and that my occupation is .....

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., A. D., 19.....

.....

Notary Public for Oregon.

My commission expires .....

.....

The petition for nomination of which this certificate forms a part if found defective, shall be returned to .....at No. ..... Street, Portland, Oregon.

(3) **Filing Petitions:** The petition consisting of at least 100 sufficient certificates, shall be presented to the Auditor for filing not earlier than 60 and not later than 45 days before the election. The Auditor shall endorse thereon the day and hour of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(4) **Amendment of Petition:** If, upon examination by the Auditor, the petition be found not to conform to the provisions of this Charter, he shall state immediately in writing on said petition the reason why it cannot be filed. He shall then, within three days, return the defective petition, personally or by mail, to the person designated for that purpose. Within five days of its return to the Auditor, the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition. In no case shall any petition be received or considered after 45 days preceding an election.

(5) **Nominee's Acceptance:** The acceptance of any person nominated under this section shall be filed with the petition with the Auditor, and in the absence of such acceptance the petition shall not be filed.

Such acceptance shall be substantially in the following form:

State of Oregon, County of Multnomah, City of Portland, ss.

I, ... of No. ..... Street, Portland, do hereby accept nomination for the office of ..... If elected I will qualify.

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., A. D. 19.....

.....

Notary Public for Oregon.

My commission expires .....

.....

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(6) **Validity:** The validity or legality of an election shall not be in any way affected by any defect or irregularity in any nominating petition.

(7) **Forms Supplied by Auditor:** It shall be the duty of the Auditor, upon application, to furnish a reasonable number of printed forms of such individual certificates, and of acceptances of nomination.

(8) **Preservation of Nomination Petitions:** The Auditor shall preserve in his office for a period of four years, and during the pendency of litigation relating to the election, all papers relative to nomination.

Sec 131 amend Sec Page 58 3

Section 131. PUBLICATION OF ELECTION NOTICES: The Auditor, beginning not later than the tenth day before every municipal election, shall cause to be published in all successive issues of the City Official Newspaper, up to and including the day of election, an election notice, which notice shall contain a complete list of the offices to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot and, in case measures are to be voted on, the ballot title of the measures; also the time of holding the election and the place in each precinct designated for holding the same. Two copies of such notice (with polling places omitted) shall be mailed to every election board member for posting. The failure to publish or post notices will not invalidate any municipal election.

Section 132. INFORMALITIES DISREGARDED: No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this charter, or the constitution, or general laws of Oregon.

Section 133. STATE LAWS APPLICABLE: The provisions of the constitution and general laws of Oregon in force at the time of any election relating to the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of election, where applicable, shall apply to all municipal elections, except in so far as the same are in conflict with the provisions of this charter. The powers conferred and duties imposed by the constitution and general laws upon state and county officers are hereby conferred and imposed upon the corresponding city officers, where applicable under the provisions of this charter.

Sec 134 amend Sec Page 58 3

Section 134. FORM OF BALLOTS FOR NONPARTISAN PRIMARY ELECTION: All names of candidates to be voted upon at the nonpartisan primary election shall be printed upon the official nonpartisan primary ballot in groups under the designation of the respective titles of the offices for which they are candidates.

No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark (but words not exceeding 12 indicating his views on strictly municipal questions or issues may be). The ballots shall be substantially in the following form:

Nonpartisan Primary Election, City of Portland, (Date). Official ballot for Precinct No. .....

Instructions to Voters:

Mark a cross (X) between the number and name of each candidate or answer voted for. Or you may write in the blank space provided below each group of candidates the name of any person or persons for whom you desire to vote. Any distinguishing marks except as above indicated are forbidden and make the ballot void. If you wrongfully mark, tear or deface the ballot, return it and obtain another from the election officers.

Underneath the above heading and instructions shall be arranged in separate columns the titles of the respective offices to be voted for, and under each title the names of the candidates therefor, in the following manner, viz:

Mayor (One to be elected)
(Name) .....
Commissioner (Two to be elected)
(Name) .....
(Name) .....
Auditor (One to be elected)
(Name) .....

Section 135. FORM OF BALLOTS: Except as provided in Section 134 of this Charter, all ballots shall conform as to size, quality and other requirements to the general laws of Oregon regulating ballots for state partisan primary elections, including the rotation of candidates' names.

Section 136. SAMPLE BALLOTS: The Auditor, at least ten days before any nonpartisan primary or special election, shall cause to be printed not less than ten thousand sample ballots upon paper of different color, but otherwise identical with the ballot to be used at said election, and shall distribute the same to registered voters at his office and cause a copy thereof in convenient form to be published in one or more daily papers of general circulation. Sample ballots shall be posted at the polls on election day.

Sec 137 amend Sec Page 58 3

Section 137. CANVASS OF RETURNS ON NONPARTISAN PRIMARY ELECTIONS: On the fifth day after the close of any nonpartisan primary nominating election, or sooner if all the returns be received, the Auditor shall proceed to open said returns and make abstracts of the votes. The Auditor shall certify the name of each of the persons having the highest number of votes and also the name of each of the persons having the second highest number of votes for nomination as candidates for office; provided that for the office of commissioner the names of the persons certified shall equal twice the number of officers to be elected thereto and shall be selected in consecutive order, according to the number of votes received beginning with the highest vote. When a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal number of votes for nomination to one and the same office, the Auditor shall give notice in writing to the several persons so having the equal number of votes to attend the Auditor's office at a time appointed by the Auditor, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated. The Auditor shall thereafter certify the name of the nominated person.

In all nonpartisan primary nomination elections the two persons having the highest number of votes to any office shall be deemed to have been nominated for that office.

Section 138. DATES OF ELECTIONS: The dates fixed in the constitution and general laws of Oregon shall apply to all nonpartisan primary and general city elections.

Section 139. JUDGES AND CLERKS OF ELECTION: The judges and clerks of election to serve in any state primary or general or special election and appointed under the provisions of the state law shall serve as the judges and clerks in all city elections.

Section 140. QUALIFICATIONS OF VOTERS: No person is qualified to vote at an election held under this charter who has not been a resident of the city for six months and who does not possess the qualifications of a legal registered voter of the State of Oregon.

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Sec 141 Amend See Page 57-9

Section 141. FILING OF LIST OF NAMES OF NOMINEES BY AUDITOR: The Auditor, immediately after canvassing the returns of the nonpartisan primary election, shall certify a list of the nominees for the respective offices and the same shall be published in the Official Newspaper of the city. In the event of death, withdrawal, removal, or disqualification of any nominee for any office for any other cause, at any time prior to the printing of the ballots for the general election, the name of the person receiving the next highest vote for that office at the primary election, and otherwise qualified, shall be substituted therefor. The Auditor shall also prepare a certificate, file the same in his office and certify the same to the County Clerk within the time fixed by the general laws of Oregon of the names of the successful nominees at the nonpartisan election, except that the names of nominees on the general election ballot shall be printed in each group on the ballot in the order of the number of votes they receive at the nonpartisan primary election, the nominee receiving the highest vote at the top in each group, and there shall be no rotation of the names in the printing of the ballots. Provided, however, that the Auditor shall not certify upon the list of nominees nor place upon the official ballots for the general election the name of any person nominated under the provisions of this charter without having filed the declaration of candidacy herein provided for. A blank line shall be left below the name of the nominee for each office wherein the voter may write in the name of any person for whom the voter may desire to vote. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark. The Auditor shall not print upon the general ballot the name of any person as an independent candidate for any office. In any nonpartisan primary election where any candidate for any office shall receive a majority of all votes cast at such nonpartisan primary election for such office, the name of such candidate receiving such majority shall be printed separately on the general election ballot under the designation "Vote for One" and the name of no opposing candidate shall be printed on such ballot in opposition to such candidate, but one space shall be left following such name in which the voter may insert the name of any person for whom the voter wishes to cast his ballot.

Where the word "majority" is used in this section it shall mean the smallest whole number in excess of one-half of the quotient obtained by dividing the total number of votes for any office by the number of officers to be elected thereto.

Section 142. CERTIFICATE OF ELECTION: CERTIFICATE OF NOMINATION OR ELECTION PRIMARY EVIDENCE OF FACTS STATED THEREIN: Immediately after the filing of the canvass by the County Clerk with the Auditor, the Auditor shall make and sign a certificate of election for each person determined by such canvass and deliver the same to the elected officer.

A certificate of nomination or election is primary evidence of the facts therein stated, but the Council is the judge of the qualifications and election of its own members, and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to review by any court of competent jurisdiction.

Adopt Nov. 8, 1932

Section 143. CONTESTED ELECTIONS: A contested election for the office of Auditor shall be determined according to the general laws of Oregon regulating proceedings in contested elections for county officers.

I do hereby join in a petition for the onmination of.....
.....whose residence
is at No.....street,
Portland, for the office of.....
to be voted for at the municipal election to be held in the City of Portland, on the
.....day of....., 19.....
And I make oath and say that I am qualified to vote for a candidate for said office, and am not at this time a signer of more certificates nominating candidates for city elective offices than there are offices to be filled; that my residence is at No. .....street, Portland, and that my occupation is.....
.....

(Signed).....

Subscribed and sworn to before me this.....
day of....., A. D. 19.....

.....
Notary Public for Oregon.

The petition for nomination of which this certificate forms a part, if found defective, shall be returned to.....
at No.....street, Portland, Oregon.

(c) Filing Petitions: The petition, consisting of at least 100 sufficient certificates, shall be presented to the Auditor for filing not earlier than forty and not later than twenty days before the election. The Auditor shall endorse thereon the day and hour of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(d) Amendment of Petition: If, upon examination by the Auditor, the petition be found not to conform to the provisions of this article, he shall state immediately in writing on said petition why it cannot be filed. He shall then, within three days, return the defective petition, personally or by mail, to the person designated for that purpose. Within five days of its return by the Auditor the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition. In no case shall any petition be received or considered after twenty days preceding an election.

(e) Nominee's Acceptance: The acceptance of any person nominated under this article shall be filed with the petition with the Auditor, and in the absence of such acceptance the petition shall not be filed.

Such acceptance shall be substantially in the following form:

STATE OF OREGON,)
County of Multnomah,)ss.
City of Portland.)

I,....., of
No..... street, ...
do hereby accept nomination for the office of.....
if elected I will qualify.

(Signed).....

Subscribed and sworn to before me this.....
day of....., A. D. 19.....

.....
Notary Public for Oregon.

(f) The validity or legality of an election shall not be in any way affected by any defect or irregularity in any nominating petition.

(g) Forms Supplied by the Auditor: It shall be the duty of the Auditor, upon application, to furnish a reasonable number of printed forms of such individual certificates, and of acceptances of nomination.

(h) Preservation of Nomination Petitions: The Auditor shall preserve in his

Amended November 8, 1932.

Sections 124 to 143, inclusive, amended.
See pages 52-2 et al.

office for a period of four years, and during the pendency of litigation relating to the election, all papers relative to nomination.

[Am. May 3, 1913, §42.]

§ 125. PUBLICATION OF ELECTION NOTICE:

Publication of Lists of Candidates: The Auditor on or before the fifteenth day before every election, shall prepare and file in his office a certificate containing a complete list of the offices to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot. The Auditor shall cause to be published in all succeeding issues of the City Official Newspaper before the day of election, an election notice, which shall contain a copy of a certificate above described, and also the time of holding such election, and the place in each precinct designated for holding the same. A copy of such notice shall be posted at all polling places seven days before the day of election. Failure to post notices shall not invalidate the election, nor shall failure to publish notice invalidate any general municipal election.

[Am. May 3, 1913, §43.]

§ 126. INFORMALITIES DISREGARDED:

Informalities in Election: No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this Charter.

[Am. May 3, 1913, §44.]

Amended November 8, 1932.

§ 127. STATE LAWS APPLICABLE.

General Election Regulations: The provisions of any state law, in force at the time of any election, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections, where applicable, shall apply to all municipal elections, except in so far as the same are in conflict with the provisions of this Charter. Powers conferred and duties imposed by such laws upon state and county officers are hereby conferred and imposed upon the corresponding city officers.

[Am. May 3, 1913, §45.]

§ 128. ACT OF 1899 TO GOVERN ELECTIONS—REGISTRATION OF VOTERS:

The provisions of an act entitled "An act to provide for the registration of electors, regulating the manner of conducting elections, providing for the prevention of and punishment for frauds affecting the suffrage and to prevent illegal voting," approved February 17, 1899, shall apply to elections held under this Charter, except as herein otherwise provided. No person who has registered for the preceding county election and has not changed his residence need register again for a city election. The County Clerk shall keep open the registration books, lists, etc., for a period of thirty days immediately before the 15th day of April next preceding the city election and during such time shall register all persons who since the registration books were last closed have become eligible to vote at such elections, or who, being entitled to vote, have failed to register, and shall enter changes of residences occurring since the last registration of all persons who shall apply therefor. Such clerk shall send to the several precincts the precinct register thus corrected, as provided by said act, and the same shall be used by the judges and clerks at such election as provided in said act.

[Ch. 1903, §23.]

§ 129. PREFERENTIAL SYSTEM OF VOTING:

Ballots, Preparation and Form: The Auditor shall cause ballots for general and special elections to be prepared, printed and authenticated. The ballots shall contain

Sections 124 to 143, inclusive, amended.
See pages 52-2 et al.

a complete list of the offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than three times the number of offices to be filled, each voter shall have the right to vote for as many first choice candidates as there are offices to be filled, and as many second choice candidates as there are offices to be filled, and as many third choice candidates as there are offices to be filled. The form of the ballot shall be substantially as follows:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF PORTLAND

(Inserting date thereof)

INSTRUCTIONS:

To vote for any person mark a cross (X) in a square to the right of the name.
VOTE FIRST CHOICE FOR (here insert number of offices to be filled).
VOTE SECOND CHOICE FOR (here insert number of offices to be filled).
VOTE FOR THIRD CHOICE FOR (here insert number of offices to be filled).
VOTE YOUR FIRST CHOICES IN THE FIRST COLUMN.
VOTE YOUR SECOND CHOICES IN THE SECOND COLUMN.
VOTE YOUR THIRD CHOICES IN THE THIRD COLUMN.
DO NOT VOTE MORE THAN ONE CHOICE FOR ANY ONE CANDIDATE.
All distinguishing marks make the ballot void.

If you wrongly mark, tear or deface the ballot, return it and obtain another from the election officers.

(Here state officers to be elected, as Mayor and two Commissioners, or Auditor and two Commissioners.)

1 If any voter shall vote more than one choice for any one candidate the vote highest in grade shall be counted and others rejected.

	First Choice	Second Choice	Third Choice
Mayor			
Names of Candidates			
	First Choice	Second Choice	Third Choice
Auditor			
Names of Candidates			
	First Choice	Second Choice	Third Choice
Commissioners			
Names of Candidates			

(Charter amendments, ordinances, or other referendum matters to be voted upon to appear here)

When the number of candidates is more than twice the number of offices to be filled, and not more than three times the number of offices to be filled, the ballot shall give first and second choice columns only; and in such case the voter shall have no third choice; and the instructions on the ballot shall be modified accordingly.

When the number of candidates is not more than twice the number of offices to be filled only one column for marking shall appear; and in such case the voter shall have no second choice; and the instructions on the ballot shall be modified accordingly.

[Am. May 3, 1913, §46.]

Amended November 8, 1932.

§ 130. FORM OF BALLOTS:

Requirements of Ballots: All official ballots used at any election shall be identical in form. Space shall be provided on the ballot for Charter amendments or other questions to be voted upon at municipal elections. The names of the candidates for each office shall be arranged on the ballot in the order in which the nominating
1 petitions were filed; nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark and there shall not be appended to the name of any candidate any party or political designation or mark (but words not ex-

1 Sections 124 to 143, inclusive, amended.
See pages 52-2 et al.

ceeding twelve indicating his views on strictly municipal questions or issues may be).
[Am. May 3, 1913, §47.]

§ 131. SAMPLE BALLOTS:

Sample Ballots: The Auditor, at least ten days before the election shall cause to be printed not less than 5000 sample ballots upon paper of different color but otherwise identical, except in numbering, with the ballot, to be used at the election, and shall distribute the same to registered voters at his office and cause a copy thereof in convenient form to be published in one or more daily papers of general circulation. Sample ballots shall be posted at the polls on election day.
[Am. May 3, 1913, §48.]

§ 132. CANVASS OF RETURNS AND DETERMINATION OF RESULTS OF ELECTIONS:

(a) As soon as the polls are closed the precinct election officers shall open the ballot boxes, take therefrom and count the ballots and enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return thereof to the Auditor as provided by law.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. If a ballot contain either first, second or third choice votes in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted.

(c) The foregoing subdivisions (a) and (b) of this section shall be printed conspicuously on the tally sheets furnished to the election officers.

(d) Candidates receiving a majority of first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates, and candidates who by such addition shall receive a majority vote shall be elected.

(e) If by count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

(f) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes, said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled who received the highest number of votes by said addition shall be elected.

(g) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide then the tie shall be determined by lot, under the direction of the canvassing board.

(h) Whenever the word "majority" is used in this section it shall mean the smallest whole number in excess of one-half of the quotient obtained by dividing the total number of first choice votes, for any office by the number of officers to be elected thereto.
[Am. May 3, 1913, §49.]

§ 133. EXPENSE OF REGISTRATION PAID BY CITY:

The County Court of Multnomah County, Oregon, shall cause an itemized state-

Amended November 8, 1932.

Sections 124 to 143, inclusive, amended.
See pages 52-2 et al.

ment of the actual additional cost to said county caused in each year in which a general city election is held under this Charter by the opening, preparation and use of said registration lists and preparation of ballots as herein prescribed and by matters in connection therewith to be prepared and filed with the Auditor of the City of Portland. The Council shall appropriate the amount named in such statement or such other amount as it may determine to be such true actual additional cost, and the same shall be paid to said County of Multnomah in reimbursement of such cost.

[Ch. 1903, §24.]

§ 134. DATES OF ELECTIONS:

The dates fixed in said election laws are hereby changed as far as they relate to said city elections, and the dates prescribed in this Charter shall be substituted for and take the place of the dates set forth in said election laws.

[Ch. 1903, §25.]

§ 135. NOTICE OF ELECTION TO BE PUBLISHED:

The Auditor, under the direction of the Council, shall give ten days' notice by publication in the city official newspaper of each general city election, the officers to be elected at the same and the place or places in each ward designated for holding the election therein.

[Ch. 1903, §26.]

§ 136. COUNCIL TO CHOOSE JUDGES AND CLERKS:

Judges and clerks of election to serve at city elections shall be chosen by the Council at its first meeting in January each year in which a city election is to be held, objections, remonstrances and suggestions relating to such judges shall be heard by the Council at its second regular meeting in February.

[Am. May 3, 1913, §50.]

§ 137. QUALIFICATIONS OF VOTERS:

No person is qualified to vote at an election held under this act who has not been a resident of the city for six months and of the precinct in which he offers to vote for thirty days next preceding such election, and who does not possess the qualifications of a legal voter of the state of Oregon.

[Ch. 1903, §27; Am. May 3, 1913, §51.]

§ 138. CANVASS OF ELECTION RETURNS:

On the fourth day after an election, or sooner if the returns from all precincts are in, the Auditor shall call to his assistance the County Clerk of the County of Multnomah and a Justice of the Peace, resident in Portland, and they three shall then canvass the returns of the election.

[Ch. 1903, §31; Am. May 3, 1913, §52.]

§ 139. STATEMENT OF CANVASS TO BE FILED:

A written statement of the canvass shall be made and signed by the canvassers, or a majority of them, and filed with the Auditor, within the time appointed to complete the canvass. Such writing must contain a statement of the whole number of the votes cast at such election, and the number given for any person for any office and the names of the persons elected, and to what office, and also the number of votes for or against any propostion submitted to the people.

[Ch. 1903, §32.]

§ 140. CERTIFICATE OF ELECTION:

Immediately after the completion of the canvass the Auditor must make and sign a certificate of election for each person determined by such canvass to be elected and deliver the same to him on demand.

[Ch. 1903, §33.]

Sections 124 to 143, inclusive, amended.
See pages 52-2 et al.

Amended November 8, 1932.

Amended November 8, 1932.

§ 141. CERTIFICATE OF ELECTION—PRIMARY EVIDENCE:

A certificate of election is primary evidence of the facts therein stated, but the Council is the judge of the qualifications and election of its own members; and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to review by any court of competent jurisdiction.

[Ch. 1903, §34; Am. May 3, 1913, §53.]

§ 142. CONTESTED ELECTIONS:

A contested election for any office, other than that of Mayor or Councilman, must be determined according to the law of this state regulating proceedings in contested elections for county officers.

[Ch. 1903, §35.]

§ 143. PRESENT INCUMBENTS HOLD OVER:

The incumbents of all offices, places and positions under the Charter of 1903, not expressly abolished by this Charter, shall continue to hold their respective places until their successors under this Charter are chosen and qualified.

[Ch. 1903, §40; Am. May 3, 1913, §54.]

Section 143½ Corrupt Practice Act. See page 58-1

CHAPTER 6

Official Advertising and Contracts

§ 144. COUNCIL TO CONTRACT ANNUALLY FOR ADVERTISING.
§ 145. COUNCIL TO RE-LET CONTRACT IF ANNULLED.
§ 146. OFFICIAL ADVERTISING—WHERE TO BE MADE.
§ 147. TERMS "SUCCESSIVE" AND "CONSECUTIVE" DEFINED.
§ 148. CONTRACT FOR OVER $250 MUST BE IN WRITING.
§ 149. CONTRACTORS TO GIVE INDEMNITY BOND.
§ 150. NO PURCHASE IN EXCESS OF $250 WITHOUT BID—CONTRACTS TO LOWEST RESPONSIBLE BIDDER.

§ 144. COUNCIL TO CONTRACT ANNUALLY FOR ADVERTISING:

All contracts for official advertising shall be let annually by the Council to the lowest responsible bidder publishing a daily newspaper in the City of Portland and which has a bona fide circulation therein.

The paper to which the award of such advertising is made shall be known and designated as the "City Official Newspaper."

[Am. May 3, 1913, §38.]

§ 145. COUNCIL TO RE-LET CONTRACT IF ANNULLED:

If the City Official Newspaper ceases to be published, or for any cause the contract be annulled, a new contract for the unexpired term of the original contract shall be let to the lowest responsible bidder publishing a daily newspaper as provided in this Charter, and until such new contract is let the Council shall designate a daily newspaper in which all advertising shall be published, which newspaper shall be known and designated for the time being as the "City Official Newspaper."

[Am. May 3, 1913, §39.]

§ 146. OFFICIAL ADVERTISING—WHERE TO BE MADE:

All advertising and publications provided for in this Charter must be made in the City Official Newspaper and such other publications as the Council may by ordinance direct.

[Am. May 3, 1913, §40.]

Sections 124 to 143, inclusive, amended. See pages 52-2 et al.

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Section 143½

(1) Expense of Candidates on Nomination. No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him in his campaign for nomination for Mayor, Auditor or Commissioner, in excess of fifteen per cent of one year's compensation or salary of the office for which he is a candidate; provided, that no candidate shall be restricted to less than $100.00 in his campaign for such nomination.

(2) Expense of Nominee. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate, to be paid by him who has received the nomination for Mayor, Auditor or Commissioner, in excess of ten per cent of one year's salary or compensation of the office for which he is nominated; provided, that no candidate shall be restricted to less than $100.

(3) Itemized Sworn Statement of Expenditures; Penalty for Failure to File. Every candidate for nomination or election to the office of Mayor, Commissioner or Auditor, shall file with the Auditor, within two days of the election at which he is a candidate, an itemized sworn statement setting forth in detail all the moneys contributed, expended or to be expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises of every character and all liabilities remaining uncancelled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before or during such election campaign. If no money or other valuable thing was given or to be given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred or to be incurred by a candidate for public office to aid or promote his nomination or election, he shall file a statement to that effect within two days prior to the election at which he is a candidate. Any candidate who shall fail to file such a statement shall be ineligible to receive such nomination, and ineligible to qualify if elected, unless excused by the court.

(4) Accounts to be kept by Organizations or Committees and Others. Every organization or committee advocating or promoting any candidate for nomination or election shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person, who in the aggregate receives or expends money or incurs liabilities to the amount of more than $50.00 for such political purposes and by every such political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the canvass, campaign, nomination, or election concerned. Every person or organization receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such candidate, shall on demand, and in any event within two days prior to the election give such treasurer, agent, candidate, or other person on whose behalf such expense or liability was incurred detailed account thereof, with proper vouchers, and file a copy with the Auditor. Every payment, except payments less in the aggregate than $5.00 to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt, and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate, or other person, and shall be preserved by the public officer with whom it shall be filed for six months after the election to which it refers. Any person not a candidate for any office or nomination who expends money or value to an amount greater than $50.00 in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or measures before the people, shall within two days prior to the election in which said money or value was expended, file with the Auditor an itemized statement of such receipts and expenditures and vouchers for every sum paid in excess of $5.00, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers. The books of account of every treasurer of any committee, or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing organization for the same electoral district, and his right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction.

(5) Failure to File; Penalty. Any candidate, or other person, who shall fail to file the statements required by this section, shall, upon conviction in the Municipal Court, be fined $25.00 for every day on which he was in default, unless excused by the court. Five days after any such election the Auditor shall notify the City Attorney of any failure to file such a statement on the part of any candidate or other person, and within five days thereafter the City Attorney shall proceed to prosecute said candidate or other person for such offense, by filing a complaint in the Municipal Court, which court shall have jurisdiction of such offense.

Adopt Nov. 6, 1934

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Section 127. Manner of Nomination of Mayor, Auditor and Commissioners Nomination of **Mayor, Auditor and Commissioners, the** elective officers under this charter, shall be made in conformity with **municipal** non-partisan **primary** methods hereinafter prescribed and provided. **The positions of the present commissioners shall be designated as follows:**

Position No. 1—J. E. Bennett.
Position No. 2—R. E. Riley.
Position No. 3—Ralph C. Clyde.
Position No. 4—Ormond R. Bean.

and all incumbents shall hereafter be designated by the same position number as the commissioner whom they succeed in office. In all proceedings for the nomination of candidates for election to the office of Commissioner, every petition and individual nomination certificate, or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and his name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon.

Section 129. FORM OF DECLARATION — FEE — WITHDRAWAL — CERTIFIED LIST:

(1) Form of Declaration. Any person eligible, who shall desire to become a candidate for nomination for any elective office, shall file in the office of the Auditor a declaration of candidacy. The form of such declaration of candidacy shall be furnished by the Auditor and shall be substantially as follows:

State of Oregon)
County of Multnomah)ss
City of Portland)

I, ...,
being first duly sworn, on oath depose and say: That I reside at No..... Street (or Avenue), in the City of Portland, Oregon; that I am a registered and qualified voter therein; that I hereby declare myself a candidate for the nomination for the office of.....
(if a candidate for Commissioner state the official number of position)
to be made at the **municipal** non-partisan primary election to be held in the city on the.....day of....., 19....; that in making this declaration I am not becoming a candidate as the nominee of, or because of any promised support from any national or state political party or any committee or convention representing or acting for any such political party.

.....

Subscribed and sworn to before me this.....day of....., 19....

.....
Auditor of the City of Portland.
By.....
Deputy.

(2) Fee. The declaration of candidacy shall be accompanied by a fee of $15.00 if for the office of Commissioner or Auditor and $25.00 if for the office of Mayor.

(3) Withdrawal of Nomination. Any person whose name has been presented under this section as a candidate may, within the time fixed by the general laws of Oregon applicable to partisan primaries, cause his or her name to be withdrawn from nomination by filing with the Auditor a request therefor in writing, and no name so withdrawn shall be printed upon the official ballot. The Auditor shall preserve in his office for a period of four years all declarations of candidacy filed under the provisions of this section.

(4) List of Candidates to be Certified. The Auditor shall, within the time fixed by the general laws of Oregon **applicable to partisan primaries,** certify a list of the candidates for the respective offices whose names are entitled to appear upon the **municipal** non-partisan primary ballot, together with a list of the offices to be filled **and the official number of the position of Commissioner** and file the list in his office.

Section 130. ADDITIONAL METHOD OF **SEEKING NON-PARTISAN PRIMARY NOMINATION** BY PETITION.

As an additional method of **seeking non-partisan primary** nomination any eligible person may file with the Auditor nominating petitions within the time and in the manner provided in this section.

(1) Nomination, Petition, Certificates. The petition for the nomination of each candidate shall consist of no less than 100 individual certificates. Each certificate shall be of uniform size, to be determined by the Auditor, shall be signed and verified by one registered voter, and shall contain the name of only one candidate.

If a legal voter sign more certificates than there are offices to be filled, all those exceeding such number shall be rejected when presented for filing.

(2) Form of Certificate. The form of certificate shall be substantially as follows:

Individual **Non-Partisan Primary** Nomination Certificate

State of Oregon)
County of Multnomah)ss
City of Portland)

I do hereby join in a petition for the **non-partisan primary** nomination of .....,
whose residence is at No..... Street (or Avenue), Portland, Oregon, for the office of.....
(if a candidate for Commissioner state the official number of position)
to be voted for at the municipal **non-partisan primary** election to be held in the city on the.....day of....., 19.... And I make oath and say that I am qualified to vote for a candidate for said office, and am not at this time a signer of more certificates nominating candidates for city elective offices than there are offices to be filled; that my residence is at No.....Street, Portland, and that my occupation is.....

.....

Subscribed and sworn to before me this....day of....., A. D. 19....

.....
Notary Public for Oregon.

My commission expires.....

The **said** petition for nomination of which this certificate forms a part if found defective, shall be returned to....., at No..... Street, Portland, Oregon.

(3) Filing Petitions. The **said** petition consisting of at least 100 sufficient certificates, shall be presented to the Auditor for filing not earlier than 60 and not later than 45 days before the **municipal non-partisan primary** election. The Auditor shall endorse thereon the day and hour of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(4) Amendment of Petition. If, upon examination by the Auditor, the petition be found not to conform to the provisions of this Charter, he shall state immediately in writing on said petition the reason why it cannot be filed. He shall then, within three days, return the defective petition, personally or by mail, to the person designated for that purpose. Within five days of its return by the Auditor the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition. In no case shall any petition be received or considered after 45 days preceding an election.

(5) Nominee's Acceptance. The acceptance of any person nominated under this section shall be filed with the petition with the Auditor, and in the absence of such acceptance the petition shall not be filed.

Such acceptance shall be substantially in the following form:

State of Oregon)
County of Multnomah)ss
City of Portland)

Adopt Nov. 6, 1934

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I,.....,
of No.....Street (or Avenue), Portland, do hereby accept nomination for the office of..... **(if nominated as Commissioner state the official number of position.)** If elected I will qualify.

.....

Subscribed and sworn to before me this....day of....., A. D. 19....

.....

Notary Public for Oregon.

My commission expires.....

(6) Validity. The validity or legality of an election shall not be in any way affected by any defect or irregularity in any nominating petition.

(7) Forms Supplied by Auditor. It shall be the duty of the Auditor, upon application, to furnish a reasonable number of printed forms of such individual certificates, and of acceptance of nomination.

(8) Preservation of Nomination Petitions. The Auditor shall preserve in his office for a period of four years, and during the pendency of litigation relating to the election, all papers relative to nomination.

(9) **Single Declaration. Where a petition is filed by or on behalf of, or declaration of candidacy made by only one person as a candidate for nomination for Mayor, Auditor or for a single position as Commissioner, the name of such person shall not be placed upon the primary ballot, but such person shall be declared the nominee for Mayor, Auditor or Commissioner, as the case may be.**

Section 131. PUBLICATION OF ELECTION NOTICES.

The Auditor, beginning not later than the tenth day before every municipal election, shall cause to be published in all successive issues of the City Official Newspaper, up to and including the day of election, an election notice, which notice shall contain a complete list of the offices to be filled, stating whether for a full or an unexpired term, **the official number for Commissioner,** and the candidates for each office who are entitled to have their names appear upon the ballot and, in case measures are to be voted on, the ballot title of the measure; also the time of holding the election and the place in each precinct designated for holding the same. Two copies of such notice (with polling places omitted) shall be mailed to every election board member for posting. The failure to publish or post notices will not invalidate any municipal election.

Section 134. FORM OF BALLOTS FOR **MUNICIPAL** NON-PARTISAN PRIMARY ELECTION.

All names of candidates to be voted upon at the **municipal** non-partisan primary election shall be printed upon the official **municipal** non-partisan primary ballot in groups under the designation of the respective titles **and numbers** of the offices for which they are candidates.

No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark (but words not exceeding 12 indicating his views on strictly **municipal** questions or municipal issues may be). The ballots shall be substantially in the following form:

MUNICIPAL NON-PARTISAN PRIMARY ELECTION

City of Portland, (Date).....

Official Ballot for Precinct No.....

Instructions to Voters:

Mark a cross (X) between the number and name of each candidate or answer voted for. Or you may write in the blank space provided below each group of candidates the name of any person or persons for whom you desire to vote. Any distinguishing marks except as above indicated are forbidden and make the ballot void. If you wrongfully mark, tear or deface the ballot, return it and obtain another from the election officers.

Underneath the above heading and instructions shall be arranged in separate columns the title **and numbers** of the respective offices to be voted for, and under each title the names of the candidates therefor, in the following manner, viz:

Mayor (One to be elected)
(Name) .....
Commissioner, Position No.....
(One to be elected).
(Name) .....
Commissioner, Position No.....
(One to be elected).
(Name) .....
Auditor (One to be elected).
(Name) .....

Section 137. CANVASS OF RETURNS ON **MUNICIPAL** NON-PARTISAN PRIMARY ELECTIONS.

On the fifth day after the close of any non-partisan primary nominating election, or sooner if all the returns be received, the Auditor shall proceed to open said returns and make abstracts of the votes. The Auditor shall certify the name of each of the persons having the highest number of votes and also the name of each of the persons having the second highest number of votes for nomination as candidates for office; **provided where the office of Commissioner is divided into positions the number of nominees shall not exceed two for any one position.** When a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal number of votes for nomination to one and the same office, the Auditor shall give notice in writing to the several persons so having the equal number of votes to attend the Auditor's office at a time appointed by the Auditor, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated. The Auditor shall thereafter certify the name of the nominated person.

In all **municipal** non-partisan primary nomination elections the two persons having the highest number of votes to any office shall be deemed to have been nominated for that office, **except as provided** in Section 141 relating to Commissioners.

Section 141. FILING OF LIST OF NAMES OF NOMINEES BY AUDITOR.

The Auditor, immediately after canvassing the returns of the **municipal** non-partisan primary election, shall certify a list of the nominees for the respective offices and the same shall be published in the Official Newspaper of the city. In the event of death, withdrawal, removal, or disqualification of any nominee for any office for any other cause, at any time prior to the printing of the ballots for the general election, the name of the person receiving the next highest vote for that office at the **municipal** primary election, and otherwise qualified, shall be substituted therefor. The Auditor shall also prepare a certificate, file the same in his office and certify the same to the County Clerk within the time fixed by the general laws of Oreg of the names of the successful no

Adopt Nov. 6, 1934

inees at the **municipal** non-partisan election, except that the names of nominees on the general election ballot shall be printed in each group on the ballot in the order of the number of votes they receive at the **municipal** non-partisan primary election, the nominee receiving the highest vote at the top in each group, and there shall be no rotation of the names in the printing of the ballots. Provided, however, that the Auditor shall not certify upon the list of nominees nor place upon the official ballots for the general election the name of any person nominated under the provisions of this charter without having filed the declaration of candidacy herein provided for. A blank line shall be left below the name of the nominee for each office wherein the voter may write in the name of any person for whom the voter may desire to vote. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark. The Auditor shall not print upon the general ballot the name of any person as an independent candidate for any office. In any **municipal** non-partisan primary election where any candidate for any office shall receive a majority of all votes cast at such **municipal** non-partisan primary election for such office, the name of such candidate receiving such majority shall be printed separately on the general election ballot under the designation "Vote for One" and the name of no opposing candidate shall be printed on such ballot in opposition to such candidate, but one space shall be left following such name in which the voter may insert the name of any person for whom the voter wishes to cast his ballot.

Adopt Nov. 6, 1934.

§ 147. TERMS "SUCCESSIVE" AND "CONSECUTIVE" DEFINED:

Any requirement of this Charter for any form of notice to be published in the City Official Newspaper for a stated number of successive or consecutive days shall be construed to mean publication of such notice in the stated number of consecutive issues of said newspaper, and publication of said notice in said stated number of consecutive issues of said newspaper shall be a full compliance of such requirements.

[Ch. 1903, §61.]

§ 148. CONTRACT FOR OVER $250 MUST BE IN WRITING:

The City of Portland shall not be bound by any contract nor in any way liable thereon, unless the same is authorized by an ordinance and made in writing and signed by some person or persons duly authorized thereunto by the Council. But an ordinance may authorize any board, body, officer or agent, to bind the city without a contract in writing for the payment of any sum not exceeding two hundred and fifty dollars ($250.00).

[Ch. 1903, §6; Am. May 3, 1913, §3.]

§ 149. CONTRACTORS TO GIVE INDEMNITY BOND:

All contractors shall, at the time of executing any contract for work to be done for the city, execute a bond to the satisfaction of the Council, to be approved by the Mayor, in such sum as said Council may deem adequate, not less than fifty per cent of the contract price of such contract, payable to the City of Portland, and if executed by individual sureties they shall justify in double the amount of the said bond; said bond shall be conditioned for the faithful performance of such contract, and further that the contractor will fully secure and pay the just claims of all laborers, material men and sub-contractors employed by him thereunder. Any such laborer, material man or sub-contractor whose just claims may not be satisfied, shall have and is hereby granted a right of action upon said bond in the name of the City of Portland and said action shall have the same force and effect as if this City was enforcing the covenants of such bond. All persons having such claims may join or be brought into one action and the City shall also be made a a party thereto to the end that all rights arising under one bond may be determined in one action.

[Ch. 1903, §162; Am. May 3, 1913, §95.]

§ 150. NO PURCHASE IN EXCESS OF $250 WITHOUT BID—CONTRACTS TO LOWEST RESPONSIBLE BIDDER:

The Council shall make no purchase of supplies and material in excess of two hundred and fifty ($250.00) dollars without having duly advertised for the same in the City Official Newspaper. The Council shall have no power to let any contract for any public improvement or for any supplies for the City of Portland except such contract be let to the lowest responsible bidder for the class or kinds selected by the Council. The specifications upon which the bids shall be made shall clearly state the kind, class, grade and quality of improvement or supplies desired and one or more sets of the specifications may be adopted by the Council. The Council shall have the right to reject any and all bids. This provision shall not prevent the Council from employing labor direct to construct or carry on public works or to make public improvements.

[Ch. 1903, §164; Am. May 3, 1913, §96.]
*[Note. See Section 295.]

CHAPTER 7

Public Utilities and Franchises

ARTICLE 1.

§ 151. PUBLIC UTILITIES—GENERAL PROVISIONS.

§ 152. POWER OF CITY TO USE.
§ 153. "PUBLIC UTILITY" DEFINED.
§ 154. GENERAL SUPERVISION BY COUNCIL.
§ 155. COUNCIL MAY ISSUE AND SELL CERTIFICATES.
§ 156. COUNCIL MAY INVESTIGATE.
§ 157. QUARTERLY REPORT REQUIRED.
§ 158. COUNCIL MAY MAKE RULES TO GOVERN.
§ 159. FRANCHISE SUBJECT TO CHARTER PROVISIONS.
§ 160. LIMITING INDEBTEDNESS TO BE INCURRED.

§ 151. PUBLIC UTILITIES—GENERAL PROVISIONS:

The City of Portland shall have the power to construct, condemn, purchase, add to, acquire, maintain, operate and own all or any part of any public utility or any plant or enterprise, for the purpose of serving the city and the people thereof for uses public and private. Such power may be exercised in any lawful manner and shall include the power to purchase, condemn or otherwise acquire any franchise heretofore granted to operate a public utility.

[Am. May 3, 1913, §58.]

§ 152. POWER OF CITY TO USE:

The City shall have the power to construct and acquire in any legal way and to maintain and operate works, plants and facilities for the purpose of doing any and all municipal work by direct employment of labor under the supervision of the City, and may use such works, plants and facilities, and the product thereof, for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of all kinds. It shall have power to provide payment for the whole or any part of local improvements constructed or done by the city directly under the provisions of this section by assessment against the property benefited thereby.

Funds for the carrying out of this section may be provided by issuing bonds as provided in Section 227 of this Charter or by the use of any moneys in the general fund at the end of the fiscal year.

[Am. May 3, 1913, §59.]

§ 153. "PUBLIC UTILITY" DEFINED:

The term "public utility" as used in this Charter shall be deemed to include every plant, property or system engaged in the public service within the city or operated as a public utility as such terms are commonly understood.

[Am. May 3, 1913, §60.]

§ 154. GENERAL SUPERVISION BY COUNCIL:

The Council shall have general supervision and power of regulation of all public utilities within the City of Portland, and of all persons and corporations engaged in the operation thereof.

[Am. May 3, 1913, part of §61.]

§ 155. COUNCIL MAY ISSUE AND SELL CERTIFICATES:

The Council is hereby granted power to issue and sell interest bearing public utility certificates for the construction or acquisition by purchase, condemnation or otherwise of any public utility to be operated within the city. The certificates shall be secured by a mortgage or mortgages upon such public utility plant and the revenues thereof, but the same shall not be a general liability of the city and shall be paid solely from the revenues derived from the plant or from the sale thereof. Such power shall be exercised only by ordinances which shall be subject to refer endum in like manner and upon like terms and conditions as ordinances grant ing franchises.

[Am. May 3, 1913, part of §61.]

§ 156.—COUNCIL MAY INVESTIGATE:

The Council shall have the power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City. For that purpose they shall have the right to compel the attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility. They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the city as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employes in the construction, maintenance or operation of any such public utilities.

Every charge, rate, fare or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Portland for any service rendered or to be rendered shall be just, fair and reasonable. The Council shall have the power to hear and determine what are just, fair and reasonable rates, fares and charges and to fix and limit such rates, fares and charges and for that purpose may make valuations of the property of any person or corporation engaged in the operation of a public utility within the City. To that end they shall make and enforce regulations providing that at the time of construction or acquisition of any plant or property rendering a public service and of any improvement or additions thereto the person or corporation having charge thereof shall record with the Auditor a description of all property which such person or corporation shall intend to present for such valuation and all later improvements when made, together with full information as to the cost thereof and vouchers supporting the same, to the end that a complete record of all property to be valued under this section shall be at all times available.

[Am. May 3, 1913, §63.]

§ 157. QUARTERLY REPORT REQUIRED:

Every person or corporation operating a public utility within the City rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books and accounts and make stated quarterly reports in writing to the Council, verified by such person or an officer of the corporation, which shall contain an accurate statement in summarized form as well as in detail of all receipts from all sources and all expenditures for all purposes together with a full statement of all assets and debts including stock and bond issues as well as such other information as to the cost and profits of said service, and the financial condition of such grantee as the Council may require. Such reports shall be public and a summary thereof shall be printed as a part of the annual report of the Auditor, and the Council may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee.

Such books of account shall be kept and reports made in accordance with forms and methods prescribed by the Council and so far as practicable shall be uniform for all grantees and holders of franchises, and shall except for important and necessary changes conform to such reports as are required by state or federal public utility commissions.

Every failure or neglect on the part of the grantee or holder of a franchise to keep books of account or to make reports under this section shall be deemed an offense and the Council may by ordinance provide for the punishment of every such violation, failure or neglect by fine or imprisonment, or both, of the persons or person whose duty it shall be to keep such books of account and make such reports.

The enumeration in this chapter of any particular or special power or duty shall be construed as additional and supplementary to any and all other powers residing in or otherwise conferred upon the City of Portland.

[Am. May 3, 1913, §63.]
[Am. May 3, 1913, §62.]

§ 158. COUNCIL MAY MAKE RULES TO GOVERN:

The Council shall have power to make all orders, rules and regulations necessary or appropriate to carry into effect the powers granted and to make the same effective by penalties and forfeitures, and upon failure by any franchise holder to comply with any of the requirements of sections 157, 178, 179 or 180 of this Charter for a period of thirty days after notice, the Council shall have power to declare by ordinance a forfeiture of the franchise under which any person or corporation so failing to comply is operating a public utility within the City of Portland.

Every such order, rule or regulation of the Council shall take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the Council or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction.

Whenever any person or corporation against whom any rule, order or regulation is directed, as provided by the foregoing subdivision shall believe an order to be unjust or unreasonable, he or it may test its justice or reasonableness by a proper action in the courts commenced within thirty days after service of any such order, rule or regulation, and in such action such further order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

[Am. May 3, 1913, §64.]

§ 159. FRANCHISE SUBJECT TO CHARTER PROVISIONS:

Every franchise hereafter granted shall be expressly subject to all the provisions of the foregoing sections and the power of control and regulation as authorized by such sections cannot be limited, divested or granted away. Subject to the initiative and referendum such power of control and regulation shall be exercised by the Council and may be exercised by the Council through its agents.

[Am. May 3, 1913, §65.]

§ 160. LIMITING INDEBTEDNESS TO BE INCURRED:

No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Charter which, together with the existing bonded indebtedness of the city, shall exceed at any one time seven per centum of the assessed value of all real and personal property in the city, but in estimating such bonded indebtedness, all bonds given for the acquisition or construction of public properties and utilities, the interest on which bonds is paid out of the earnings of said public utilities or properties, shall be excluded, provided that whenever and for so long as such utility or undertaking fails to produce a sufficient revenue to pay all costs of operation and administration (including interest on the city bonds issued therefor and the cost of insurance against loss by fire, accidents and injuries to persons) and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the city's power to incur indebtedness, unless the principal and interest thereof be payable exclusively from the receipts of such undertaking. The Auditor shall annually report to the Council in detail the amount of revenue from each such undertaking and whether there is any, and if so, what, deficit in meeting the requirements above set forth.

[Ch. 1903, §88.]

ARTICLE 2. PUBLIC DOCKS.

§ 161. CREATING DEPARTMENT OF PUBLIC DOCKS.
§ 162. ADMINISTRATION.
§ 163. POWERS AND DUTIES OF DOCK COMMISSION.
§ 164. 1907 DOCK BOND ACT REPEALED.
§ 164½. HARBOR BONDS.
§ 164 2-3. POWER TO SELL.

§ 161. CREATING DEPARTMENT OF PUBLIC DOCKS:

There is hereby created a department in the City of Portland known as the "Department of Public Docks."

[Am. Nov. 8, 1910, Subdiv. 1 of §118.]

§ 162. ADMINISTRATION.

The Department of Public Docks shall be administered by a dock commission composed of five (5) members, who shall be appointed by the Mayor. Within ten (10) days after the adoption of this measure the Mayor shall appoint five (5) persons, who are qualified voters and have been three (3) years residents of the City of Portland, members of the dock commission. Such persons shall determine by lot among themselves the length of their terms, for one, two, three, four and five years, respectively. On the expiration of the term of any member his successors shall be appointed by the Mayor. Resignations, when made, shall be addressed to and accepted by the Mayor, and vacancies filled by him by appointment for the unexpired term. The members shall serve without salary or compensation of any nature. Within ten days after their appointment the commission shall meet and organize by the election of a chairman and secretary and by making provision for stated meetings.

[Am. Nov. 8, 1910, Subdiv. 2 of §118.]

§ 163. POWERS AND DUTIES OF DOCK COMMISSION:

The commission shall have power, and it shall be its duty for and on behalf of said City of Portland:

(a) To cause to be prepared a comprehensive plan for the reconstruction of the harbor front of the City of Portland, making provision for the needs of commerce and shipping and providing for the reconstruction of such docks, piers, slips, wharves, basins, cranes and dock apparatus as they may deem necessary for the convenient and economical accommodation and handling of water craft of all kinds and of goods and passengers; and they may modify such plans from time to time as the requirements of commerce and shipping and the advance of knowledge and information on the subject may suggest.

(b) And as a part of such plan to provide for public owned docks of such number and character and in such places as the commission may deem feasible and proper.

(c) To purchase or acquire by condemnation, as hereinafter provided, or by other lawful means, such lands, or rights, or interests therein, as may be proper or necessary for use in the construction of any public owned dock, wharf, pier, slip, basin or other structure as may be provided for in such plan. If the commission shall deem it proper and expedient that the city should acquire possession of such wharf, property, or land, and no price can be agreed upon between the commission and the owner thereof, the commission may direct the City Attorney to take legal proceedings to acquire the same for the City in the same manner as land is condemned for the purpose of parks, or as is or may be provided by the general laws of the State of Oregon in the case of corporations having the right of eminent domain. The title to all lands acquired by the commisssion shall be taken in the name of the City of Portland. If any lands acquired by the commission shall become unavailable for the purposes for which they were acquired they shall become the property of the City of Portland, free from any restriction, upon the passing of a resolution so declaring by the commission; the commission may exchange, or otherwise dispose of the same, in the discharge of its duties, as hereinafter set forth. No further evidence or attempt by the commission to agree with the owners of property shall be required than the sending of an offer by registered mail to the owner or occupant by name, if known; if not by such general designation, at the premises, if occupied, if not by postisg a notice in a conspicuous place on said

premises for ten (10) days prior to the institution of the suit setting forth the amount of the offer made by the commission.

The City of Portland, acting through its Commission of Public Docks, is hereby authorized and empowered to lease for industrial uses any lands acquired by it not immediately needed for docks, wharfs, piers, slips, basins, or other public uses for such period of time not exceeding thirty years and on such terms as the said Commission may deem advisable, provided, however, that the rent to be paid therefor during the period of such lease shall not be less than five per cent per annum of the market value of the said lands. Such market value shall be ascertained and fixed by the said Commission immediately prior to such leasing and every fifth year thereafter during the term of any such lease.

[Amendment of November 7, 1922].

(d) The commission shall have exclusive charge and control of the wharf property belonging to the City of Portland, including all the wharves, piers, bulkheads and structures thereon, and waters adjacent thereto, and all the slips, basins, docks, water fronts, lands under water and structures thereon and the appurtenances, easements, uses, reversions and rights belonging thereto which are now owned or possessed by said corporation or to which said corporation is or may become entitled, or which said corporation may acquire under the provisions hereof, or otherwise. The commission shall have the exclusive charge and control of the repairing, building, rebuilding, operation, alteration, and leasing of said property and every part thereof and all of the cleaning, dredging and deepening necessary in and about the same.

(e) The commission is also vested with exclusive government and control of all wharf property, wharves, piers, bulkheads and structures thereon, and waters adjacent thereto, and all the basins, slips, and docks, with the land under water, of said City not owned by said corporation. The powers conferred by the law of 1862, being Sections 4042 and 4043 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, in respect of piers and wharves, the same being Sections 5201 and 5202 of the laws of the State of Oregon, as prepared and annotated under the supervision of William F. Lord, code commissioner, and published in the year 1910, are hereby vested in the said commission. The said commission shall further have and exercise all the powers, rights and duties in respect of the subject matter herein provided for and that are now had or enjoyed by the City of Portland or by any of its departments, or officers, and especially the powers and duties conferred by subdivisions 76, 77 and 78 of Section 73 of the Charter of the City of Portland (1903); provided, however, that the grant of power herein contained shall in no wise limit, modify or restrict the powers conferred upon and exercised by the municipal corporation known as the Port of Portland, by its charter and several amendments thereto. Said commissioners, in addition to a general control over the harbor front of the City, as aforesaid, shall have authority to use, for loading and landing merchandise with the right to collect dockage, wharfage and tolls thereon, as hereinafter provided, such portions of the streets of the City of Portland ending or fronting upon the Willamette River in said City, as may be used for said purposes without materially obstructing the use of the same for access to the river.

(f) In the construction of docks, or the performance of other work, the commission shall proceed only after public notice asking for proposals based upon the plans and specifications previously submitted and filed with the commission by its engineer, and approved by them; provided that when, in the judgment of the commission, the bids received are excessive, or otherwise unsuitable, the commission may proceed to do the work directly. The commission shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding one hundred dollars ($100.00) except by public letting, or in case of failure to receive bids after reasonable notice in a public newspaper of the City of Port-

land, or in case of extreme emergency where the delay of public letting might cause serious loss or injury to the work.

(g) The commission shall have the power to make general rules and regulations for the carrying out of the plans proposed by it for the building, rebuilding, repairing, alteration and mainteance of all structures, erections or artificial constructions upon or adjacent to the water front of the City of Portland, and, except as provided by the general rules of the commission, no new structures or repairs upon or along said water front shall be undertaken, except upon application to the commission and under permit by it and in accordance with the general plans of the commission and in pursuance of specifications submitted to the commission and approved by them upon such application. The general rules and regulations of the commission shall be embodied in the forms of ordinances and certified copies thereof shall, forthwith upon their passage, be transmitted to the Auditor of the City of Portland, who shall cause the same to be transcribed at length in a book kept for that purpose and the same shall be included in any publication or compilation of ordinances of the City of Portland. Such book shall be a public record and the same and copies thereof, shall be accessible to the public under like terms and conditions as other ordinances of the City of Portland; provided, however, that the commission may, in its discretion, withhold from publication the places where the public-owned docks proposed by it are to be situated until the same shall be acquired. All such ordinances or general regulations prescribed by the commission shall be subject to amendment, repeal or alteration on referendum or by the initiative in like manner as ordinances of the City of Portland. The commission, however, shall have power and authority to prescribe administrative regulations of a temporary nature and to alter the same from time to time without other record of the same than in its own books.

(h) The commission shall have the power to fix and regulate from time to time, and from time to time to alter the dockage, wharfage, and cranage charges for all public-owned docks, piers, wharves, or slips, and a schedule of such regulations shall be enacted in the form of ordinances and a certified copy thereof shall be transmitted to the Auditor of the City of Portland in like manner as other ordinances before the same shall go into or be in effect.

(i) The power and authority over that part of the streets of the City of Portland which abut upon or intersect its navigable waters, lying between the harbor line and the first intersecting street, measuring backward from highwater mark, is hereby conferred upon and vested in the docks commission to the extent only that may be necessary or requisite in carrying out the powers elsewhere vested in it by this act; and is hereby declared that such power shall include the right to build docks, wharves, piers, retaining or sea walls, or other construction across and upon such streets; providing, only, that access be provided to the public at the shoreward end thereof.

In case it shall be necessary to vacate any street or part of street in this section referred to for the purpose of carrying out the powers vested in the docks commission under this act, proceedings for such vacation shall be conducted as follows:

The docks commission or any other person shall petition the Mayor and Council, setting forth the particular circumstances of the case and giving a distinct description of the property to be vacated and the names of the persons particularly affected thereby, such persons to include all owners of property abutting upon the portion of the street to be vacated. Such petition shall be filed with the City Auditor thirty days previous to the session of the City Council at which time the same is proposed to be considered, and notice of the pendency of such petition shall be given for the same space of time in a public newspaper printed in said town. At such session, if the petitioner shall produce the written consent of the owners of the property abutting upon said street, the Council shall proceed to hear and determine upon said application, and may grant the prayer of the petition, in whole or

in part. If opposition be made to such petition, the Council shall continue the application until its next session and shall then hear all parties interested, and determine upon the vacation or deny the same, as may seem just in the premises. No such vacation shall take place unless the consent of the person or persons owning the property immediately adjoining said street or alley be obtained thereto in writing, which consent shall be acknowledged before some officer authorized to take acknowledgments of deeds, and filed with the County Clerk. Such vacation shall vest in the owners for the time being of the lots or ground bordering thereon on either side, in equal proportions.

(j) The commission shall have the power to employ such officers, employes, and agents as may be necessary in the efficient and economical carrying out of its duties and to fix and provide for their compensation. All permanent officers and employes of the commission, except consulting or technical employes, and employes engaged in construction, shall be subject, in respect of their appointment and removal, to the civil service rules of the City of Portland. All offices, places and employments in the permanent service of the commission shall be provided for by ordinance duly passed and a list of the same shall be transmitted to the civil service commission for classification in like manner as other employments in the service of the City.

(k) The commission shall annually make to the Mayor of the City of Portland a full report of its doings for the year, including an itemized account of its receipts and expenditures, and of its estimated receipts and expenditures for the ensuing year. Such report shall be made at the same time as reports of the other departments of the City are submitted. Such report shall include a careful estimate of the amount necessary over and above net current receipts of the commission to pay interest on its bonded indebtedness then outstanding; to provide for the sinking fund hereinafter described and for the necessary expenses of the commission in the maintenance and operation of dock property, a tax levy sufficient to raise the amount named in said estimate shall annually be made by the Council of the City of Portland in such manner and at such time as other taxes are levied. In the event of the failure of the Council to make such levy, the amount of the estimate of the commission may be certified by it to the County Clerk in like manner and with the same effect as in the case of other corporations having the power to levy a tax. The amount of such tax, however, shall in no case exceed one-tenth of one mill upon the assessed valuation of the City of Portland in addition to the amount necessary to pay the interest and sinking fund, on the outstanding bonds of the commission.

(l) The commission is hereby authorized, in the name of and under the corporate seal of the City of Portland, to issue and dispose of bonds of the City of Portland to an amount not exceeding two million five hundred thousand dollars ($2,500,000.00), of such denomination as the commission may determine, and in such form as they may direct. The commission may prescribe the length of time for which said bonds shall run, and that such bonds, or a prescribed portion of them, may be retired at any time after ten years. Such bonds may be issued in series, as the necessity for the expenditure of money in the progress of the work of the commission may arise. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland. Coupons shall be attached with engraved signatures of the Mayor and Auditor. Said bonds shall contain a promise on the part of the City of Portland, to pay to the bearer of said bonds, or the registered holder, if the same shall be registered, at the maturity thereof, the sum mentioned therein in gold coin of the United States, together with such interest thereon in like gold coin, as said commission shall prescribe, not to exceed six per cent per annum, payable half-yearly. Said bonds shall be known as "Dock Bonds of the City of Portland." They shall be sold to the highest responsible bidder, but the commission may reject any and all bids tendered for the same, and proceed to readvertise when bids are not satisfactory. The Treasurer of the City of Port-

land shall have the care and custody of all moneys received from the sale of said bonds, and shall pay out the same on the warrants of the chairman of the commission, countersigned by its secretary, and not otherwise. The proceeds from the sale of the said bonds shall be expended by the commission, first, in the payment of the expenses of the issuance of the said bonds; second, for the preparation of the plan provided for by Section 3; third, for the purchase of land for the docks, or the purchase of lands and docks, or in pursuance of condemnation proceedings; and, fourth, in the construction and maintenance of docks, piers, slips and wharves, and in the maintenance and operation and management of the same, and in the exercise of the commission's general powers. The bonds may contain such provision for their redemption as the commission may prescribe, but in the event of no provision being made therein, after five years from the issuance of any series of bonds, not less than two per cent of the pricipal thereof shall be set aside as a sinking fund and invested in income bearing securities, preference being given to bonds of the City of Portland; such security in no case to have a date of maturity subsequent to that of the bonds for the payment of which they are to provide.

(m) All moneys received by the commission shall be paid to the City Treasurer and by him kept in a separate fund. Disbursements shall be made by him on warrants of the president and secretary of the commission, in pursuance of its general purposes and after express authority or ordinance, or resolution of the commission. The books of the commission may from time to time be audited by the City Auditor of the City of Portland under the direction of the Mayor in such manner and at such time as he may prescribe.

[Am. Nov. 8. 1910, Subdiv. 3 of §118.]

§ 164. 1907 DOCK BOND ACT REPEALED:

That that part of section 118 of an act entitled "An Act to Incorporate the City of Portland, Multnomah County, State of Oregon, and to provide authority (a charter) therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 3, 1903, which was added to said section 118 by an act adopted by the people of the City of Portland on January 3, 1907, under and pursuant to a resolution of the Council of the City of Portland, adopted April 3, 1907, the ballot title of which in said election was "five hundred thousand dollars of dock bonds to be authorized for the purchase of land for docks, and construction and improvement of public docks, to be owned by the City of Portland, by an amendment to section 118, of the City Charter," be and the same is hereby repealed.

[Am. Nov. 8, 1910, Subdiv. 4 of §118.]

§ 164½. HARBOR BONDS:

For the purpose of providing additional facilities for the accommodation of vessels of the United States Shipping Board Emergency Fleet Corporation and other vessels including dry docking, wharfing, warehousing, cold storage and such other harbor and dock facilities, equipment, services and accommodations of similar or different nature as the needs of maritime commerce may from time to time require, the Commission of Public Docks of the City of Portland is hereby authorized and empowered to issue and sell bonds of the City of Portland to an amount not exceeding five million ($5,000,000.00) dollars in addition to the bonds heretofore authorized. Said bonds shall be designated and known as "Harbor Development Bonds of the City of Portland." Not more than ten per cent of the total issue hereby authorized shall be made redeemable in any one year. The provisions of the charter relative to Municipal Grain Elevator Bonds of the City of Portland shall be applicable to the issuance and sale of the bonds hereby authorized except as herein otherwise provided, and the bonds hereby authorized shall be general obligations of the City of Portland. The proceeds from the sale of such bonds may be extended by said Commission for paying the expenses of issuing and selling said

bonds and paying not to exceed one year's interest on said bonds, and for carrying out the provisions of this section. Said Commission shall have power and authority to acquire within or without the City of Portland such property as may be needed for the purpose above designated and to do all things which may be found necessary or expedient for carrying out said purposes; to lease, for such time as may be deemed advisable and with or without advertising, any undeveloped property which may be under the control of said Commission and not required for public use; to purchase from, and enter into agreements with the United States government, or its agencies or the state or its agencies, with or without advertising for bids, for the purpose of carrying into effect any of the purposes herein provided and to repay any indebtedness so incurred from the proceeds of bonds herein or heretofore authorized; to do or provide for doing such dredging and/or filling as may be needed; to fix and collect reasonable charges for any and all services and facilities which may be performed or provided by said Commission, and to change such charges from time to time and to accept and exercise any and all powers and authority which may be granted to or conferred upon said Commission by the Legislative Assembly of the State of Oregon relative to public matters pertaining to or facilitating shipping and/or commerce. The powers and duties of said Commission heretofore provided relative to other matters shall apply to the matters herein provided for. No tax shall be levied pursuant to the provisions of this section other than an amount which, with the net current revenues accruing and which may be applied to such purposes, will be sufficient to meet the maturing interest on all bonds issued hereunder and provide a fund for the redemption of said bonds. The levy of such tax shall be made annually in the same manner and with the same force and effect as heretofore provided with respect to said Commission.

[Amendment of November 5, 1918.]

(Income eight years to expend by limitation)

ARTICLE 3

Public Incinerating Plant.

§ 165. AUTHORIZING BOND ISSUE:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said city to issue and dispose of bonds of said City of Portland to an amount not exceeding two hundred thousand dollars ($200,000.00), of the denomination of five hundred dollars ($500.00) or one thousand dollars $1,000.00), as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and of the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of twenty-five years from the date thereof, the sum named therein, in gold coin of the United States, together with interest thereon in like coin at the rate of four per centum per annum, payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as Crematory Bonds of the City of Portland, Oregon, Series 1913.

See Section 902

The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor, countersigned by the Auditor, not otherwise.

The proceeds of the sale of the bonds herein provided for shall be expended by

the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for incinerating plants, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes; and by the Board of Health* in pursuance of appropriations therefor in the purchase, construction, installation, improvement and repair of an incinerating plant and its necessary accessories. Said incinerating plant shall be under the management, control and supervision of the Board of Health. The Council is hereby authorized to provide a rate to be charged for the collection and removal of garbage.

[Am. June 2, 1913, §425½A.]

*See §§16-17.

ARTICLE 4

Franchises.

§ 166. FRANCHISE IS PROPERTY.
§ 167. COUNCIL MAY AUTHORIZE INDUSTRIAL TRACKS.
§ 168. AUTHORIZING AGREEMENT WITH COMMERCIAL RAILROADS.
§ 169. COMMON USER REQUIRED.
§ 170. LIMITED TIME FRANCHISES.
§ 171. NO FRANCHISE EXCLUSIVE.
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§ 173. WHEN FRANCHISE TAKES EFFECT.
§ 174. FRANCHISE CONDITIONS MUST BE EXPLICIT—SPECIFIC CONDITIONS.
§ 175. WRITTEN ACCEPTANCE MUST BE FILED.
§ 176. COUNCIL MAY IMPOSE FURTHER CONDITIONS.
§ 177. CONDITIONS AND RESTRICTIONS ON FRANCHISES.
§ 178. CONSENT OF COUNCIL NECESSARY TO TRANSFER OF FRANCHISE.
§ 179. STATEMENT REQUIRED WITHIN NINETY DAYS.
§ 180. AUDITOR TO KEEP RECORD OF FRANCHISES.
§ 181. FORFEITED FRANCHISES.
§ 182. ABANDONMENT RESTRICTED.
§ 183. COMMON TRANSPORTATION TERMINAL.
§ 184. MULTNOMAH COUNTY TO OPERATE BRIDGES AND FERRIES.

§ 166. FRANCHISE IS PROPERTY:

Every franchise granted under this Charter shall be taken and deemed as property and shall be subject to taxation as property.

[Ch. 1903, §100; Am. May 3, 1913, §67.]

§ 167. COUNCIL MAY AUTHORIZE INDUSTRIAL TRACKS:

The Council shall have power on application or assent in writing of the owners of a majority part in extent of the lots or tracts of land fronting on each side of that portion of any street or part of a street on which it is desired to construct railroad tracks for spurs, sidings or switches, other than those for street railways, to grant revocable permits for the use of streets for that purpose, subject to sections 158 and 171 of this Charter.

[Ch. 1903, §102; Am. May 3, 1913, §68.]

§ 168. AUTHORIZING AGREEMENT WITH COMMERCIAL RAILROADS:

The Council shall have power and authority by ordinance duly passed to agree with any corporation, firm or person constructing a commercial railroad and desiring to enter the City, upon the extent, terms and conditions upon which the streets, alleys

or public grounds of the city may be appropriated, used or occupied by such railroad and upon the manner, terms and conditions under which the cars and locomotives of such railroad may be run over and upon such streets, alleys and public grounds; such agreements shall be subject to the provisions and requirements of sections 151 to 159, 166 to 175, and E and F of section 177 of this Charter.

No exclusive right for the aforesaid purposes shall be granted to any corporation, firm or person and the use of all such rights shall at all times be subject to regulation by the Council.

[Ch. 1903, §103; Am. May 3, 1913, §69.]

§ 169. COMMON USER REQUIRED:

In addition to the other requirements of this Charter every ordinance granting such right shall be upon the condition that such grantee shall allow any other railroad company to use in common with it the same track or tracks throughout their entire length between the extreme limits for which the franchise is granted including any private rights of way which may intervene upon obtaining the consent of the Council expressed by ordinance prescribing the regulations for such use, and the compensation therefor, each paying an equitable and proper proportion of the construction, maintenance and repair of the tracks and appurtenances and any private right of way used by such railroad companies jointly, such proportion to be fixed by the Council.

[Am. May 3, 1913, §70.]

§ 170. LIMITED TIME FRANCHISES:

Franchises may be granted for a limited time in and upon the streets, highways and public places and property of the City of Portland, in the manner and subject to the conditions hereinafter contained.

[Am. May 3, 1913, §71.]

§ 171. NO FRANCHISE EXCLUSIVE:

No exclusive franchise shall be granted nor shall any franchise, lease or right be granted for a longer period than twenty-five years.

[Am. May 3, 1913, §72.]

§.172. METHOD OF GRANTING FRANCHISES:

Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant, and shall be filed with the Auditor. Thereupon such proposed ordinance shall be published in full, once in the City Official Newspaper. There shall also be published, in a conspicuous place in such daily newspaper of the City, having a circulation in excess of 15,000, as the Council may direct, a notice prepared by the Auditor, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Auditor within twenty days from the first publication of such notice. If the request is made therefor, the Council shall fix a time for a hearing upon such objections and give reasonable notice of the time thereof and not less than five days. All of such publications and notices shall be at the expense of the applicants for such franchises.

Such ordinances shall not come up for first reading until after the expiration of the said twenty days.

If such ordinance shall be amended, it shall be republished in the City Official Newspaper in full as amended.

No such ordinance granting a franchise shall be put on final passage within thirty days after the first reading nor within twenty days after any amendment thereto, and the affirmative vote of four Commissioners shall be required to pass the same.

[Am. May 3, 1913, §73.]

§ 173. WHEN FRANCHISE TAKES EFFECT:

No franchise shall take effect until sixty days after its passage unless it shall receive a majority of the votes cast thereon at a referendum election held for that purpose within a less time. The filing of a petition for referendum shall defer the taking effect of a franchise until after the election. A petition signed by 2000 registered voters shall be sufficient to call a referendum upon any franchise ordinance.

[Am. May 3, 1913, §74.]

§ 174. FRANCHISE CONDITIONS MUST BE EXPLICIT — SPECIFIC CONDITIONS:

Every franchise granted by the City of Portland shall contain full and explicit statements of its conditions in the following particulars:

(a) In case of railroads and street railways it shall specify plainly the streets or other public places or parts thereof to which they apply. Any other franchises shall state the boundary of the district or districts within which they shall be exercised.

(b) The amount and manner of payment of the compensation to be paid by the grantee for the right.

The Council shall make an estimate of the cash value of any franchise upon the filing of the application, or an estimate of what it may consider fair compensation to the City for such franchise, and the same shall be entered upon the minutes of the proceedings of the Council and published with the published copy of the franchise.

In lieu of a money valuation the Council may at its option declare what will be a reasonable reduction of fares, rates or charges, either at the beginning or progressively from time to time, to be made by the grantee in compensation for the grant.

(c) The time of beginning the construction or other work thereunder, the estimated total cost of such work, the monthly or yearly sums of money to be expended thereon, and in case of franchises to transportation companies or other franchises covering certain streets or portions of streets, the time within which the work under such franchise shall be completed upon such streets or portions of streets, respectively.

(d) Every grant of a franchise which provides for or permits the changing of rates, fares or charges shall contain a provision fixing the maximum that the holder can collect for services rendered by virtue of said franchise and the operation of the plant or property thereunder; subject, however, to the power of regulation prescribed in Section 158 of this Charter.

Rates, however, shall always be uniform to all persons of like classes, under similar circumstances and conditions.

[Am. May 3, 1913, §75.]

§ 175. WRITTEN ACCEPTANCE MUST BE FILED:

Every grantee of any franchise, right or privilege shall within thirty days after the ordinance granting the same shall be enforced, file in the office of the Auditor a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified shall be deemed an abandonment and rejection of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same.

[Am. May 3, 1913, §76.]

§ 176. COUNCIL MAY IMPOSE FURTHER CONDITIONS:

The numeration and specification of particular matters which must be included in every franchise granted shall not be construed to impair the right of the City to insert in such franchise such other and further conditions and restrictions as the Council may deem proper for the public welfare.

[Am. May 3, 1913, §77.]

§ 177. CONDITIONS AND RESTRICTIONS ON FRANCHISES:

Every franchise granted by the City shall be subject to the conditions and restrictions hereinafter provided, to-wit:

(a) That the City may in any lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, condemn, acquire, take over and hold the property and plant of the grantee in whole or in part; if such purchase or taking over be at the expiration of the term of the franchise such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.

(b) That upon payment by the City of Portland of a fair valuation, as above stated, the plant and property so acquired shall become the property of the City without formal execution of any instrument of conveyance, provided, however, the City may at its option compel the execution to it of an instrument of transfer and conveyance.

(c) That upon the acquisition of any such plant or property the right of the holder of any such franchise pursuant to which such plant or property was operated shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of any such franchise of all right, title and interest therein.

(d) No franchise shall be granted without fair compensation to the City therefor, either by way of direct payment or by reduction of rates, fares or charges, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the City such part of its gross receipts as may be fixed in the grant of said franchise. This provision shall not exempt the holder of the franchise from any lawful taxation upon its property nor from any license, charge or imposition not levied on account of such use.

(e) Every franchise and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a similar public utility whenever it shall be advantageous to the public upon payment or tender of fair compensation for such use. The compensation for the franchise itself shall be payable only to the City and not to the holder of the original franchise.

The Council shall have the power to determine what is a fair compensation and to regulate the manner of such use subject to judicial review, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court on a preliminary hearing may determine.

Such compensation shall not include any remuneration for the franchise or rights conferred by the City, except that the new user may be required to pay a ratable part of any tax or public charge imposed upon the original grantee by reason of said franchise, in addition to such other payment to the City as the Council may deem equitable.

(f) The holder for the time being of any franchise to construct or operate railways in the streets or public places shall keep those portions of streets or other places occupied by such holder, in good order, as required by the Council, and shall pave, improve, or repair and maintain from time to time in the manner and within the time directed by the Council, that portion of the street occupied by them lying between the rails of any track and extending one foot outside of such rail and the portion of the streets lying between the tracks.

In addition any franchise granted to any street or other railroad, for the operation thereof, may provide that the holder thereof for the time being shall pave, repave and keep in repair at the time and in the manner required by the Council any street or part thereof used pursuant to such franchise for the whole or any part of the entire width of the street.

Failure or neglect upon the part of any holder of a franchise to do the work in the manner and within the time required by the Council, shall constitute an offense

punishable by a fine of not less than Ten Dollars nor more than One Hundred Dollars for each and every day such refusal or neglect shall continue.
[Am. May 3, 1913, §78.]

§ 178. CONSENT OF COUNCIL NECESSARY TO TRANSFER OF FRANCHISE:

No franchise shall be sublet or assigned, nor shall any of the rights or privileges thereby granted or authorized be leased, assigned, sold or transferred without the consent of the City expressed by ordinance which shall be subject as other ordinances to the referendum.
[Am. May 3, 1913, §79.]

§ 179. STATEMENT REQUIRED WITHIN NINETY DAYS:

Within ninety days after this Charter shall take effect, the holder of any franchise shall file with the Auditor a full and correct statement of the franchise, rights and privileges owned or claimed to be owned by him or it, and shall designate the same by the numbers and titles of the ordinances by which such franchises were granted, and any holder of any franchise, on failure so to do, shall be guilty of an offense punishable by a fine of not less than Ten Dollars and not more than One Hundred Dollars per day while such refusal or neglect continue. The holder of every franchise, and the grantees of every franchise hereafter granted, on sale, transfer, mortgage or lease being made of such franchise, shall within sixty days thereafter file with the Auditor a copy of the deed, agreement, mortgage, lease, or other written instrument evidencing such sale, transfer or lease, certified and sworn to as correct by the grantee, in person, if an individual, or by the president or secretary or authorized agent, if a corporation.

Every sale, transfer, mortgage or lease, of such franchise, whether voluntary or involuntary, shall be deemed void and of no effect unless the grantee shall, within 60 days after the same shall have been made, file such certified copy as required by this section and consented to as provided in Section 178 of this Charter, also unless the Council agrees to such sale by an ordinance expressly passed for that purpose, as provided by Section 178.

The Auditor shall file all such documents and shall make and keep an index of the same in a book to be kept by him for that purpose, which book shall be a part of the public records of the City.
[Am. May 3, 1913, §80.]

§ 180. AUDITOR TO KEEP RECORD OF FRANCHISES:

The Auditor shall keep a separate record for each grantee of a franchise from the City rendering a service to be paid for wholly or in part by users of such service, which record shall show in the case of each such grantee:

1. The true and entire cost of construction, of equipment, of maintenance and of the administration and operation thereof; the amount of stock issued, if any; the amount of cash paid in, the number and par value of shares, the amount and character of indebtedness, if any; the rate of taxes, the dividends declared; the character and amount of all fixed charges; the allowance, if any, for interest, for wear and tear or depreciation; all amounts and sources of income.

2. The amount collected annually from the City treasury and the character and extent of the service rendered therefor to the City.

3. The amount collected annually from other users of the service and the character and extent of the service rendered therefor to them. Such books of record shall be open to public examination at any time during the business hours of the Auditor's office. Such information, in addition to any further data which may be required by the Auditor, under this Charter, shall be furnished by the grantees or holders of such franchises to the Auditor upon his request, and at such grantees' own cost and expense.

4. In case any grantee or holder of a franchise fails or refuses to furnish such

information when requested so to do on petition being presented on behalf of the City to the Municipal Court, such court shall have jurisdiction to compel such grantee or owner to furnish such information and tax the costs of such application against the defendant in such proceeding and in addition may impose a fine of not less than Twenty-five nor more than Five Hundred Dollars for every such offense. All fines collected under this Section shall be paid into the General Fund. The procedure on such application shall be as far as possible analogous to that on mandamus.

[Am. May 3, 1913, §81.]

§ 181. FORFEITED FRANCHISES:

All franchises or privileges heretofore granted by the City which are not in actual use or enjoyment or which the grantee thereof has not in good faith commenced to exercise within the time required by the terms thereof are hereby declared forfeited and of no validity. This Charter shall in no wise validate any contract, privilege or franchise not heretofore a legal and valid obligation of the City.

[Am. May 3, 1913, §82.]

§ 182. ABANDONMENT RESTRICTED:

No abandonment, non-user or failure to comply with the terms of the franchise shall release the holder from any of the obligations thereof without the consent of the City expressed by ordinance which shall be subject to the referendum. Notwithstanding such abandonment the provisions of the franchise may be enforced, but upon abandonment, non-user, or failure to comply with any of the terms of the franchises, the City may be ordinance declare a forfeiture, whereupon all rights of the holders of the franchise shall immediately be divested without a further act upon the part of the City, and in case of a franchise for occupancy of streets, the holder shall be required notwithstanding such forfeiture, to remove its structures or property from the streets and restore the streets to such condition as the Council may require or as may be stipulated in the grant; and upon failure to do so the City may perform the work and collect the cost thereof from the holder of the franchise. The cost thereof shall be a lien upon all the plant and property of the holder of the franchise, prior to any other lien except that of City assessments or general tax, and the City may collect the same as a City assessment or in any other lawful manner.

[Am. May 3, 1913, §83.]

§ 183. COMMON TRANSPORTATION TERRMINAL:

It shall be the policy of the City of Portland to create a common transportation terminal, both land and water, embracing both sides of the harbor for its full extent in the city, which shall be subject to entry and use throughout its full extent by all common carriers on equal terms, as far as the property, rights and jurisdictions of the city may apply to secure same; and all such property, rights and jurisdictions of the city within one thousand (1,000) feet of meander line specified in Section 93 of the Charter of 1903 as amended shall be subject to use and demands for such common terminal purposes and needed connecting roadways, tracks and appurtenant facilities, provided that the public docks may be furnished with warehouses subject to lease.

All proposed franchises, grants, privileges, and public improvements and other improvements as far as the jurisdiction of the city may extend, effecting such territory must be considered in relation to said common terminal and adapted thereto in a systematic way, and shall to that end be submitted to the City Engineer and the official or officials in charge of the public docks for approval. Without the approval of these, it shall require a four-fifths vote of the Council to pass such measure. If the Council pass such measure without the approval aforesaid, the Mayor shall have the measure placed upon the ballot at the next ensuing regular election for approval or rejection by the people.

No grant or franchise affecting this territory shall confer any superior right that

may operate to defeat the purpose of this act to protect the common access on equal terms in said territory and any provision in any grant or franchise contrary to said purpose shall be null and void.

The purpose of this act being to provide connections for and means of interchange of traffic upon the lines or tracks of all common carriers, public or private, with the greatest facility and economy and the least obstruction, inconvenience and cost possible. The City Engineer and the official or officials in charge of the public docks shall at once draw up such plan and elaborate and extend it from time to time to meet the purpose of this act as public needs develop.

In pursuance of the policy established by this amendment, the Mayor shall cause to be made an inventory of all public properties and rights within the 1,000-foot limit defined herein, and to have said properties defined and recorded, especially between meander and harbor lines, and utilize the same to the fullest possible extent in the development of the terminal plan herein provided for. And wherein, in such development, the City may lack jurisdiction or control, the Mayor and Council are required to use, under wise discretion, their best efforts to secure the jurisdiction and control necessary.

All acts and parts of acts in conflict with this act are hereby repealed.

Am. June 2, 1913, §93½.]

§ 184. MULTNOMAH COUNTY TO OPERATE BRIDGES AND FERRIES:

All ferries now or hereafter owned or leased, and all bridges together with approaches and terminals, heretofore erected or leased, or hereafter to be erected or leased, by the City of Portland across the Willamette River shall be operated by the County Court of Multnomah, as now provided by law, or as may hereafter be provided by law at the expense of said County of Multnomah. No exclusive franchise or privilege shall be granted to any person, firm or corporation, for the use of the whole or any part of such bridges, approaches or terminals. All privileges or franchises that may be granted by the City of Portland for the use of the whole or any part of such bridges, approaches or terminals shall be for a term not exceeding twenty-five years, and the compensation to be paid the City by any person, firm or corporation desiring to use such bridges for the operation of cars thereover, shall be not less than three cents per car for each and every car that crosses such bridges in each direction. Said rental shall be paid at the end of each calendar month to the City Treasurer. The Council shall specifically reserve in any franchise granted over any of said bridges the right to reasonably regulate the number and routing of cars across any such bridges.

All that part of sections 231 to 235 and section 236 of the Charter of the City of Portland, entitled, "An Act to Incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, as amended, in so far as the same conflict with the provisions of this Section be and the same are hereby repealed.

[Am. Nov. 2, 1912, §118¾.]

CHAPTER 8

Finance

§ 185. PUBLIC MONEYS AND MUNICIPAL ACCOUNTING.
§ 186. ESTIMATE FOR BUDGET.
§ 187. ANNUAL BUDGET.
§ 188. ANNUAL ESTIMATE FOR TAXATION PURPOSES.
§ 189. FISCAL YEAR.
§ 190. ANNUAL TAX LEVY.
§ 190—1-b. TAX LEVY FOR SALARIES OF BUREAU FIRE AND POLICE.
§ 191. TRANSFER OF MONEY FROM ONE FUND TO ANOTHER.

§ 192. REVERSION OF BALANCE TO GENERAL FUND-INVESTMENT IN IMPROVEMENT BONDS.
§ 193. EXPENDITURES OF MONEY.
§ 194. ANNULMENT OF BACK TAXES.
§ 195. ANNUAL AND OCCASIONAL INDEPENDENT AUDITS.

§ 185. PUBLIC MONEYS AND MUNICIPAL ACCOUNTING:

The Commissioner of Finance shall have direct control of the revenues of the City except as otherwise provided by ordinance. The Council shall be ordinance provide a system for the collection, custody and disbursements of all public moneys, not inconsistent with the provisions of this Charter, and shall by ordinance provide a system of accounting for the city, which shall be so planned as to enable a clear and intelligent statement to be made of the financial affairs of the City from time to time as provided by this Charter. Such system shall be assimilated, as nearly as may be, to what is known as the uniform system of municipal accounting.

[Am. May 3, 1913, §84.]

§ 186.—ESTIMATE FOR BUDGET:

The Commissioner of Finance shall, on or before the first Monday in October of each year certify to the Council the amount of money necessary to be raised by taxation during the ensuing fiscal year to meet payments of interest, sinking fund and principal of bonded indebtedness, and also the estimated amount of revenue from all sources other than tax levy.

On or before the first Monday in October of each year the Commissioner in charge of each department of the City shall cause to be prepared and furnished to the Council, estimates in writing of the public expenses to be incurred in his department, and each branch thereof, for the ensuing fiscal year, specifying in detail such probable expenditures. Duplicates of this estimate shall be sent at the same time to the Commissioner of Finance.

[Am. May 3, 1913, §85.]
[Note: See General Laws of Oregon 1921, Chapter 208.]

§ 187. ANNUAL BUDGET:

On or before the third Monday in November in each year the Council shall make a complete budget of revenue and expenditure for the ensuing fiscal year, and when said budget is completed and approved, the same shall be filed with the Auditor and published in the City Official Newspaper with summaries and comparisons of the various departments for the current fiscal year.

[Am. May 3, 1913, §86.]
[Note: See General Laws of Oregon 1921, Chapter 208.]

§ 188. ANNUAL ESTIMATE FOR TAXATION PURPOSES:

On or before the first day of January in each year the several officers, commissioners, boards and departments of the city, except as in this Charter otherwise provided, shall prepare and file with the Auditor an estimate of the expenses and disbursements for the ensuing year of their respective offices, commissions, boards and departments. From such estimates the Mayor shall prepare his annual budget for the current expenses of the ensuing year and present the same with his annual message to the Council. When said budget has been received, the Council, by ordinance, shall estimate and declare the necessary amount of money to be raised by the general taxes and shall levy the necessary tax therefor which shall be certified by the Auditor to the County Clerk of Multnomah County, who shall extend the said tax in an appropriate column upon the county tax roll. The said tax shall be collected by the officer collecting the county tax and shall be turned over by him to the City Treasurer within ten days after he has collected the same, with a statement of the amount of money so collected and the year or years for which the amount

Section 189. FISCAL YEAR:
The fiscal year of the City shall commence on the **1st day of January** and end on the **31st day of December of each year. The Council hereby is authorized to make such budget and/or auditing adjustments and changes and to do any and all other things necessary to effectuate the change in the fiscal year as herein provided.**

Adopt May 17, 1940.

was collected. The tax levy as certified up to the County Clerk shall be in one sum and shall be entered in a column headed "City of Portland Tax." Neither the Sheriff nor the Tax Collector of Multnomah County nor said county shall receive any fees or compensation for collecting such taxes.

[Ch. 1903, §285.]

§ 189. FISCAL YEAR: Amend See Page 76-1

The fiscal year of the City shall commence on the first day of December and end on the last day of November of the succeeding year.

[Ch. 1903, §113; Am. May 3, 1913, §87.]

§ 190. ANNUAL TAX LEVY: Amend See Page 78-1-78-4

The Council shall, on or before the twenty-eighth day of December in each year, or such other time as may be provided by law, levy upon all property not exempt from taxation, taxes to provide for the payment of the expenses of the City for the fiscal year ending the thirtieth day of November of the following calendar year, as follows:

Paragraph One. A tax not to exceed the amount levied for the preceding year (aside from any special levy or levies herein or hereafter authorized for said year) to provide for the payment of the expenses of the city (aside from any levy for the payment of bonded indebtedness and interest thereon herein authorized), plus six per centum thereon on each dollar valuation not exempt from taxation, except as hereinafter provided. The proceeds from the tax levy above authorized shall be credited to the general fund, and the Council shall direct that of said amount not to exceed one-tenth of one mill on each dollar valuation not exempt from taxation shall be credited to the Firemen's Relief and Pension Fund; and of said amount not to exceed one-tenth of one mill on each dollar valuation not exempt from taxation shall be credited to the Policemen's Relief and Pension Fund; and of said amount not to exceed one-half of one mill on each dollar valuation not exempt from taxation may be placed to the credit of a special bridge fund to provide for the payment of the construction of bridges elsewhere than across the Willamette River, the filling of streets across gulches and/or ravines, the estimated cost of bridges to be not less than ten thousand dollars and the fills ten thousand dollars; and/or the construction of overhead or underground crossings across railroad tracks, provided that this section shall not release any person, firm, or corporation having a franchise, or otherwise liable, from paying his or its full share of the cost of construction of bridges, fills, or crossings as provided by the terms of such franchise, or as otherwise provided by law; and of said amount not to exceed four-tenths of one mill on each dollar valuation not exempt from taxation may be credited to the fund for playgrounds and parks to provide for the purchase of land for and/or for the improvement and/or equipment of playgrounds and/or parks.

Paragraph Two. The Council shall for the year 1927, the year 1928, the year 1929, the year 1930, the year 1931, the year 1932, the year 1933, the year 1934, the year 1935, and the year 1936, at the same time that the taxes are levied for the payment of the expenses of the city, levy upon all property in the City of Portland not exempt from taxation, a special tax in addition to the regular tax provided in paragraph one of this Section not exceeding three mills for the year 1927; two and nine-tenths mills for the year 1928; two and seven-tenths mills for the year 1929; two and five-tenths mills for the year 1930; two and three-tenths mills for the year 1931; one and eight-tenths mills for the year 1932; one and four-tenths mills for the year 1933; one mill for the year 1934; six-tenths of one mill for the year 1935, and two-tenths of one mill for the year 1936 on each dollar of assessed valuation to provide for the payment of the general expenses of the City of Portland during the said years in addition to the taxes above authorized for the same purpose in paragraph one of this section, the proceeds from which tax levies shall be credited to the general fund.

The special tax herein provided for is hereby specifically authorized for each

of said years, and shall not be computed as a part of the revenue raised each year by general taxation which is subject to the tax limitation of Section 11, Article XI of the Constitution of the State of Oregon, and said special tax herein provided for shall be in addition to all other general or special taxes which may be levied according to law. The Council of the City of Portland is hereby authorized to borrow from time to time sufficient funds to meet the current expenses of the City of Portland during each fiscal year pending the collection of the annual tax levy for such fiscal year.

Paragraph Three. Also a tax sufficient to meet the interest on the bonded indebtedness of the city, to be credited to the bonded indebtedness interest fund.

Paragraph Four. Also a tax of not less than four-tenths of one mill on each dollar valuation to provide for the purchase of securities as an investment and/or payment or redemption of the bonded indebtedness of the City, to be credited to the sinking fund.

Paragraph Five. The authority herein contained shall be in addition to the provisions contained in Section 190-1b of the Charter adopted May 21, 1926, authorizing additional special levies for the purpose of providing a special fund for the payment of additional salaries to members of the Bureau of Police and Bureau of Fire, and the taxes herein provided shall always be in addition to all other levies now or hereafter authorized.

Paragraph Six. Nothing herein contained authorizing general or special tax levies shall affect the right or power of The Commission of Public Docks to levy a tax as provided elsewhere in this charter.

Paragraph Seven. Nothing herein contained shall affect the right or power of the Council to levy the tax provided for in Section 190-1b of the charter adopted May 21, 1926. Sections 202, 291 and 301 of the Charter are hereby repealed.

[Amendment of July 1, 1926.]

§ 190-1b. TAX LEVY FOR SALARIES OF BUREAUS OF FIRE AND POLICE:

The Council shall during the year 1927, the year 1928, the year 1929, the year 1930, the year 1931, the year 1932, the year 1933, the year 1934, the year 1935, the year 1936, the year 1937, the year 1938, the year 1939, the year 1940, the year 1941, the year 1942, the year 1943, the year 1944, the year 1945, and the year 1946, at the same time taxes are levied for the payment of the expenses of the City, levy upon all property in the City of Portland not exempt from taxation a special tax in addition to the regular and other taxes provided by the charter of the City of Portland, not exceeding 1¼ mills for each of the years above set forth on each $1.00 of assessed valuation, to provide a fund for the payment of increases of salaries above the salaries now provided for the Bureau of Fire and the Bureau of Police, said tax to be divided as follows: ¾ of a mill for the Bureau of Fire and ½ of a mill for the Bureau of Police.

The special tax herein provided is hereby specifically authorized for each of said years, and shall not be computed as a part of the revenue raised each year by general taxation, which is subject to the tax limitation of Section 11, Article XI, of the Constitution of the State of Oregon, and said special tax herein provided for each of said years shall be in addition to all other general taxes which may be levied according to law.

In case the charter of the City of Portland mentioned in Section 1 hereof is amended or repealed at the same election at which this Act is adopted by vote of the people of the City of Portland, then this Act shall be added to and shall become a part of any substitute or amended charter of the City of Portland that may be adopted at the same election.

[Amendment of May 21, 1926.]

§ 191. TRANSFER OF MONEY FROM ONE FUND TO ANOTHER:

It shall be lawful to transfer money from the General Fund to any other fund of the City and from the Bonded Indebtedness Interest Fund to the Improvement

section 190-1-b repeal Sec 76-2
new section 190-1-b Sec 76-3

190 ANNUAL TAX LEVY:

Council shall, on or before twenty-eighth day of December each year, or such other time as may be provided by law, levy upon all property not exempt from taxation, taxes to provide for the payment of the expenses of the City for the fiscal year ending the thirtieth day of November of the following calendar year, as follows:

Paragraph One. A tax not to exceed the amount levied for the preceding year (aside from any special levy or levies herein or hereafter authorized for said year) to provide for the payment of the expenses of the city (aside from any levy for the payment of bonded indebtedness and interest thereon herein authorized), plus six per centum thereon on each dollar valuation not exempt from taxation, except as hereinafter provided. The proceeds from the tax levy above authorized shall be credited to the general fund, and of said amount not to exceed one-tenth of one mill on each dollar valuation not exempt from taxation shall be credited to the Policemen's Relief and Pension Fund; and of said amount not to exceed one-half of one mill on each dollar valuation not exempt from taxation may be placed to the credit of a special bridge fund to provide for the payment of the construction of bridges elsewhere than across the Willamette River, the filling of streets across gulches and/or ravines, the estimated cost of bridges to be not less than ten thousand dollars and the fills ten thousand dollars; and/or the construction of overhead or underground crossings across railroad tracks, provided that this section shall not release any person, firm, or corporation having a franchise, or otherwise liable, from paying his or its full share of the cost of construction of bridges, fills, or crossings as provided by the terms of such franchise, or as otherwise provided by law; and of said amount not to exceed four-tenths of one mill on each dollar valuation not exempt from taxation may be credited to the fund for playgrounds and parks to provide for the purchase of land for and/or for the improvement and/or equipment of playgrounds and/or parks.

Paragraph Two. The Council shall for the year 1928, the year 1929, the year 1930, the year 1931, the year 1932, the year 1933, the year 1934, the year 1935, and the year 1936, at the same time that the taxes are levied for the payment of the expenses of the city, levy upon all property in the City of Portland not exempt from taxation, a special tax in addition to the regular tax provided in Paragraph One of this Section not exceeding two and nine-tenths mills for the year 1928; two and seven-tenths mills for the year 1929; two and five-tenths mills for the year 1930; two and three-tenths mills for the year 1931; one and eight-tenths mills for the year 1932; one and four-tenths mills for the year 1933; one mill for the year 1934; six-tenths of one mill for the year 1935, and two-tenths of one mill for the year 1936 on each dollar of assessed valuation to provide for the payment of the general expenses of the City of Portland during the said years in addition to the taxes above authorized for the same purpose in Paragraph One of this Section, the proceeds from which tax levies shall be credited to the general fund.

The special tax herein provided for is hereby specifically authorized for each of said years, and shall not be computed as a part of the revenue raised each year by general taxation which is subject to the tax limitation of Section 11, Article XI of the Constitution of the State of Oregon, and said special tax herein provided for shall be in addition to all other general or special taxes which may be levied according to law. The Council of the City of Portland is hereby authorized to borrow from time to time sufficient funds to meet the current expenses of the City of Portland during each fiscal year pending the collection of the annual tax levy for such fiscal year.

Paragraph Three. Also a tax sufficient to meet the interest on the bonded indebtedness of the city, to be credited to the bonded indebtedness interest fund.

Paragraph Four. Also a tax of not less than four-tenths of one mill on each dollar valuation to provide for the purchase of securities as an investment and/or payment or redemption of the bonded indebtedness of the City, to be credited to the sinking fund.

Paragraph Five. The authority herein contained shall be in addition to the provisions contained in Section 190-1b of the Charter adopted May 21, 1926, authorizing additional special levies for the purpose of providing a special fund for the payment of additional salaries to members of the Bureau of Police and Bureau of Fire, and the taxes herein provided shall always be in addition to all other levies now or hereafter authorized.

Paragraph Six. Nothing herein contained authorizing general or special tax levies shall affect the right or power of the Commission of Public Docks to levy a tax as provided elsewhere in this charter.

Paragraph Seven. At the same time other levies of taxes are made and in addition to the tax levies authorized by the Charter the Council shall levy a special tax of 3/10 of a mill on each dollar of the assessed valuation of the property in the City of Portland not exempt from taxation for the years 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, and 1954, which shall be credited EACH YEAR to SUCH FIREMEN'S relief and pension fund provided for by Section 196 of the Charter. AND SAID 3/10 OF A MILL OF THE FOREGOING TAX HEREIN AUTHORIZED SHALL NOT BE COMPUTED AS A PART OF THE REVENUE RAISED BY TAXATION WHICH IS SUBJECT TO THE TAX LIMITATION OF SECTION 11 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON; AND SAID SPECIAL TAX OF 3/10 OF A MILL SHALL BE IN ADDITION TO ALL OTHER TAXES WHICH MAY BE LEVIED ACCORDING TO LAW.

Paragraph Eight. Nothing herein contained shall affect the right or power of the Council to levy the tax provided for in Section 190-1b of the Charter adopted May 21, 1926. Sections 202, 291 and 301 of the Charter are hereby repealed.

Amended 11/5/40
See page 78-4

Adopt Nov. 6, 1928

Section 190-II of Chapter 8 of an Act entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, and as subsequently amended by the legislature and by the people of the City of Portland from time to time, and as revised, codified and arranged by Ordinance No. 29350, passed August 19, 1914, and as amended June 6, 1928, be and the same is hereby repealed.

Adopt Nov. 8, 1932

Section 190-1b. DECLARATION OF PURPOSES: PUBLIC RECREATIONAL AREAS TO BE ACQUIRED, IMPROVED AND EQUIPPED:

It, hereby, is declared that it is the purpose of the people that during the ensuing period of ten years there shall be established, in the City of Portland, a system of public recreational areas consisting of neighborhood parks, playgrounds, and playfields and the acquiring, improving and equipping thereof in the localities within the City boundaries where in the judgment of the City Council they are most needed to meet the requirements of the people.

The Council, hereby, is granted authority to acquire land therefor, and to improve and equip the same. The land required for the purpose of carrying out the intent of this act may be acquired, by the Council, either by purchase from private owners or by exchanging with private owners any of the real property now, or hereafter, owned by the City and not needed for public use, as authorized by Chapter 138, Oregon Laws 1935, and the exchange of properties shall be made in conformity with said law. The Council may enact any further or additional legislation required to carry out the purposes of this act.

The Council, hereby, is authorized and directed, each year hereafter for a period of ten years, to levy a special tax of four-tenths of one mill on each dollar of valuation on all property in the City of Portland not exempt from taxation, the first levy to be made for the year 1939. The proceeds from such special tax levy shall be credited to a public recreational areas fund; provided, that when property now or hereafter owned by the City and not needed for public use, is hereafter used, or exchanged for private properties to be used for said public recreational areas, such an amount of money required to pay the reasonable value of said land so owned, shall be taken from said public recreational areas fund and credited to the assessment collection fund established by section 284a of the charter.

The Council, hereby, is granted authority to lease land with an option to purchase same, if financially advantageous in carrying out the intent of this act. The special tax of four-tenths of one mill authorized by this act shall not be computed as a part of the revenues raised by taxation which is subject to the tax limitation of the Constitution, or the charter, and the said tax herein provided for shall be in addition to all other taxes which may be levied according to law.

The Council, hereby, is granted authority to fix the order of the establishment of said recreational projects and to determine the number of projects of the public recreational system that shall be acquired, improved or equipped in any one year of said 10-year period.

The Council, hereby, is authorized to accept from any Federal agency a grant of funds which may be used either in the purchase of land, for the payment of the cost of the improving, equipping or the maintaining of any of the projects of the public recreational system provided for herein.

Adopt Nov. 8, 1938

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ed, and ... Nov. 5, 1940

Section 190. ANNUAL TAX LEVY:

The Council shall, on or before the twenty-eighth day of December in each year, or such other time as may be provided by law, levy upon all property not exempt from taxation, taxes to provide for the payment of the expenses of the City for the fiscal year ending the thirty-first day of December of the following calendar year, as follows:

Paragraph One. A tax not to exceed the amount levied for the preceding year (aside from any special levy or levies herein or hereafter authorized for said year) to provide for the payment of the expenses of the city (aside from any levy for the payment of bonded indebtedness and interest thereon herein authorized), plus six per centum thereon on each dollar valuation not exempt from taxation, except as hereinafter provided. The proceeds from the tax levy above authorized shall be credited to the general fund, and of said amount not to exceed one-tenth of one mill on each dollar valuation not exempt from taxation shall be credited to the Policemen's Relief and Pension Fund; and of said amount not to exceed one-half of one mill on each dollar valuation not exempt from taxation may be placed to the credit of a special bridge fund to provide for the payment of the construction of bridges elsewhere than across the Willamette River, the filling of streets across gulches and/or ravines, the estimated cost of bridges to be not less than ten thousand dollars and the fills ten thousand dollars; and/or the construction of overhead or under-ground crossings across railroad tracks, provided that this section shall not release any person, firm, or corporation having a franchise, or otherwise liable, from paying his or its full share of the cost of construction of bridges, fills, or crossings as provided by the terms of such franchise, or as otherwise provided by law; and of said amount not to exceed four-tenths of one mill on each dollar valuation not exempt from taxation may be credited to the fund for playgrounds and parks to provide for the purchase of land for and/or for the improvement and/or equipment of playgrounds and/or parks.

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Paragraph Two. Also a tax sufficient to meet the interest on the bonded indebtedness of the city, to be credited to the bonded indebtedness interest fund.

Paragraph Three. Also a tax of not less than four-tenths of one mill on each dollar valuation to provide for the purchase of securities as an investment and/or payment or redemption of the bonded indebtedness of the City, to be credited to the sinking fund.

Paragraph Four. Nothing herein contained authorizing general or special tax levies shall affect the right or power of the Commission of Public Docks to levy a tax as provided elsewhere in this charter.

Paragraph Five. At the same time other levies of taxes are made and in addition to tax levies authorized by the charter, the Council shall levy each year a special tax of three-tenths of a mill on each dollar of the assessed valuation of the property in the City of Portland, not exempt from taxation, which shall be credited each year to the Firemen's Relief and Pension Fund provided for by section 196 of the charter, and said special tax of three-tenths of a mill shall be in addition to all other taxes which may be levied according to law.

Paragraph Six. Nothing herein contained shall affect the right or power of the Council to levy the tax provided for in section 190-1b concerning parks and playgrounds, adopted November 8, 1938. Sections 202, 291 and 301 of the charter are hereby repealed.

Paragraph Seven. The Council of the City of Portland is hereby authorized to borrow from time to time sufficient funds to meet the current expenses of the City of Portland during each fiscal year pending the collection of the annual tax levy for such fiscal year.

Section 2. Section 196 of said Act is hereby amended to read as as follows:

Section 196. CREATION OF FUND:

There is hereby created and established a Firemen's Relief and Pension Fund for the benefit of members of the Fire Department of the City of Portland; for the benefit of widows and children of deceased firemen and for the benefit of disabled firemen.

Section 3. Section 197 of said Act is hereby amended to read as follows:

Section 197. SOURCE OF FUND:

Said fund shall consist of all moneys withheld from the salary of any member of the Bureau of Fire as fines for any breach of discipline and for the violation of the rules and regulations of the Bureau of Fire, all bequests, fees, gifts, or other emoluments paid or given on account of any extraordinary service of any member of said Bureau of Fire (except when specifically allowed to be retained by such member by the Council), and a monthly fee which shall be deducted from the salary and paid into said fund for each member of said Bureau of Fire amounting to four per cent of the then current salary of a first-class fire fighter, except that, as to those members whose salary is then less than that of a first-class fire fighter, the deduction shall be at the rate of four per cent of the then salary, as hereinafter provided, and the proceeds of a tax levy provided by section 190, and the interest on the investment of any portion of said fund. A first-class fire fighter is one who has had at least two and one-half years of service in said Bureau as a regularly appointed fire fighter.

Section 4. Section 204 of said Act is hereby amended to read as follows:

Section 204. PERCENTAGE OF SALARY DEDUCTED FOR THE PURPOSE OF THE FUND:

It shall be the duty of the Auditor, in making out warrants, to deduct and withhold monthly from the salary of each member of the Bureau of Fire the amount above provided during all the time such member may be in the employ of said Bureau, unless permanently disabled, and from the amount earned by each temporary member of the Bureau of Fire four per cent thereof. It shall be the duty of the Auditor to draw a warrant for the amount so withheld payable to the Firemen's Relief and Pension Fund.

Section 5. Section 206 of said Act is hereby amended to read as follows:

Section 206. BENEFITS ON RETIREMENT:

The Board of Trustees shall upon wrtiten application duly verified by any member of the Bureau of Fire who shall have served as an active member thereof for twenty-five

Adopt Nov. 5, 1940

years and who shall have reached the age of fifty years, retire and relieve said member from service, and said member shall receive a monthly pension in the sum of Seventy-five Dollars ($75.00) per month, or as hereinafter provided. Said pension shall cease at his death, except as hereinafter provided. The Board of Trustees shall, upon written application duly verified by any member of the Bureau of Fire who shall have reached the age of fifty-five years and shall have served as an active member thereof for twenty years next preceding said date of application, retire and relieve said member from service and said member shall receive a pension in the proportion that his years of service bear to twenty-five years (for example, twenty-two years of service shall be twenty-two twenty-fifths), and said pension shall cease at his death, except as hereinafter provided. Any member who shall remain in the service for a period longer than twenty-five years shall, upon retirement, receive, in addition to the pension herein provided for, a sum equal to Two Dollars ($2.00) per month for each year over said twenty-five years, up to a maximum of thirty years. The Board of Trustees may by unanimous vote relieve from service any aged, disabled or infirm member of the Bureau who shall have reached the age of fifty-five years and shall have served as an active member for twenty years, next preceding such age, and who upon examination of two regularly licensed physicians appointed by the Board of Trustees for that purpose shall have been reported by said physicians to be, by reason of such age, infirmity or other disability, unfit for the performance of his duty. The member so relieved shall receive such proportion of the pension, not exceeding the full pension, as his years of service shall bear to the number of years required to secure a full pension on the basis of twenty-five years of service. Said pension shall cease at his death except as hereinafter provided. If a member of said Bureau of Fire shall be discharged for a violation of any rule or regulation of said Bureau, after having served twenty years or more, he shall be entitled to, and shall receive, such proportion of the pension not exceeding the full pension, as his years of service shall bear to the number of years required to secure the full pension on the basis of twenty-five years of service.

Section 6. Section 207 of said Act is hereby amended to read as follows:

Section 207. BENEFITS ON PERMANENT DISABILITY:

The Board of Trustees shall, upon application, retire from active service any member of said Bureau of Fire who, by reason of service in said Bureau, becomes disabled in such manner that the Board finds the disability permanent, whereupon such member shall be paid monthly out of the general fund disability benefits equal to his full monthly salary for a period of one year, after which the disabled member shall be paid from the pension fund the amount payable to a first-class fire fighter retiring after twenty-five years of service. In the event of a recovery of such member the Board shall restore him to service in the rank he occupied at the time of retirement and his disability benefit and pension shall cease upon restoration to service.

Section 7. Section 208 of said Act is hereby amended to read as follows:

Section 208. BENEFITS ON TEMPORARY DISABILITY:

Any member of the Bureau of Fire who, by reason of his service in said Bureau becomes disabled and wholly incapacitated from performing his duties, and the Board finds the disability temporary, may be retired by the Board. In case of such retirement such member shall be entitled to receive disability benefits equal to his salary, payable out of the general fund for a period of one year, after which the disabled member shall be paid from the pension fund the amount payable to a first-class fire fighter retiring after twenty-five years of service, which payment shall be during the duration of the disability.

Section 8. Section 209 of said Act is hereby amended to read as follows:

Section 209. BENEFITS DURING INCAPACITY FROM SICKNESS OR INJURY NOT IN LINE OF DUTY:

Any member of the Bureau of Fire who shall have become incapacitated from performing his duties on account of sickness or injury not in line of duty (except wilful injuries, injuries sustained while wilfully doing an unlawful act and weakness or illness

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resulting directly or indirectly from immoral practices) shall be entitled to receive from the general fund during his incapacitation a sum equal to the amount payable to the other employes of the City of Portland as provided by Ordinance No. 66860 of the City as it has been or shall be amended. After the expiration of such benefits said member shall receive monthly from the pension fund the earned portion of his pension for the duration of his disability except that the minimum benefit in such case shall be in the sum of Thirty Dollars ($30.00) per month. A similar allowance shall be made during the first year of a new member in said Bureau, and in case of a repeal or amendment of such ordinance whereby no relief is provided thereunder. The term "earned portion of his pension" shall mean Three Dollars ($3.00) per year during the term of service, as for example if the period of service be twelve years, the pension shall be twelve twenty-fifths of the amount payable on the basis of twenty-five years of service.

Section 9. Section 210 of said Act is hereby amended to read as follows:

Section 210. BENEFITS TO WIDOWS AND CHILDREN OF DECEASED FIREMEN:

If any member of the Bureau of Fire who has died or shall die from any cause while in the line of duty of said Bureau and shall leave a widow, said widow shall be entitled to a full widow's pension of Sixty Dollars ($60.00) per month, or as hereinafter provided (see section 218(3)) while remaining unmarried and a resident of the State of Oregon. In case said deceased member shall leave a widow and child or children under the age of eighteen years, then, the widow shall be entitled to an additional sum of Ten Dollars ($10.00) per month for each child under the age of eighteen years, provided that the total pension payable to the widow and the child or children shall not exceed Seventy-five Dollars ($75.00) per month or the current full pension provided for herein (see section 218(3)), but if there be no widow then such child or children under eighteen years of age shall receive Fifty Dollars ($50.00) per month until reaching eighteen years of age, it being intended that the benefit for each child shall expire upon such child becoming eighteen years of age. If any member of said Bureau has died or shall die from any cause other than from service in the line of duty and leave a widow, or child or children under eighteen years of age, such widow, child or children shall receive benefits in accordance with the following scale based on the years of actual service credited to said deceased member: Less than five years $30.00 per month; five to ten years $35.00 per month; ten to fifteen years $40.00 per month; fifteen to twenty years $45.00 per month; twenty years and over $50.00 per month, and the same shall be paid to the child or children under eighteen years of age in the event that there be no widow.

On and after the effective date of this amendment the trustees of the pension fund shall be under no obligation to provide for the dependent parents of present or future members of the Bureau of Fire. Pensions heretofore granted to dependent parents shall be continued on the same basis as in this act provided. Any widow who is receiving a pension or who may hereafter become eligible for a pension may, if she so elect, with the approval of the Board of Trustees, accept a cash settlement in the sum of One Thousand Dollars ($1,000.00) in full satisfaction of all claims and demands upon the pension funds, on her own part and also on the part of any child or children under eighteen years of age. In case of a dependent child or children under eighteen years of age by a former wife of a deceased fireman who dies leaving a widow, then such widow and such child or children under eighteen years of age by the former wife of such fireman shall share equally in the benefits provided under this act, the wife taking half and the child or children under eighteen years of age taking the other half, and, if there be no such widow, said child or children under eighteen years of age shall be entitled to the full benefits which would otherwise be payable to the widow of said deceased member.

Section 10. Section 211 of said Act is hereby amended to read as follows:

Section 211. PENSIONS TO TEMPORARY FIREMEN:

Any temporary member of the Bureau of Fire who shall have been injured while in the performance of his duty, may, in the discretion of the Board of Trustees, be allowed such pension as may be determined upon by said Board, and in case any temporary member comes to his death by reason of the performance of his duty, said Board may,

Adopt Nov. 5, 1940

in its discretion, grant a pension to his widow or dependent child or children under the age of eighteen years, for such time as may be determined by said Board. A temporary member is defined to be a person employed to serve temporarily in said Bureau. It is provided further, that a temporary member of the Bureau may, in the discretion of the Board, be entitled to benefits as provided in sections 207 and 208.

Section 11. Section 214 of said Act is hereby amended to read as follows:

Section 214. EMERGENCY DUTIES BY RETIRED FIREMEN:

Said Board of Trustees, upon the recommendation of the Chief of the Fire Department, shall have the power to cause members retired or drawing pensions under this Act to submit to a physical examination and thereafter assign said member so examined to perform light duties in the Bureau of Fire in case of extraordinary emergency. In case of any retired member of the Bureau being assigned to duty in an emergency, such member shall be paid on the regular pay roll a rate of pay equal to the current salary of a fire fighter. The pension of members so assigned shall be discontinued during the time he or they are so employed.

Section 12. Section 214a of said Act is hereby amended to read as follows:

Section 214a. WIDOWS, AND DEPENDENT CHILDREN UNDER EIGHTEEN YEARS, OF RETIRED FIREMEN:

The widow of a deceased fireman who has been or shall have been permanently retired from service by the Board of Trustees, as herein provided, shall receive a pension for life, while remaining unmarried and a resident of the State of Oregon, in the sum of Fifty Dollars ($50.00) per month or as hereinafter provided, if she was the lawful wife of such fireman for at least five years immediately prior to the date of his death. A child or children under eighteen years of age of such retired fireman shall be entitled to a pension if their mother shall have died before said fireman, and likewise, if the mother died afterwards, being at the time of her death entitled to a pension.

Section 13. Section 215 of said Act is hereby amended to read as follows:

Section 215. APPLICATION OF PROVISIONS OF ACT:

The provisions of this Act shall apply only to those members of the Bureau of Fire who are or become firemen. A fireman is a member of the Bureau of Fire who shall have passed an examination for fire fighting service or who serves on fire fighting duty as a temporary employe, and this term shall include any person who has had part of his salary deducted for the purpose of the Firemen's Relief and Pension Fund since January 1st, 1938.

Section 14. Section 217 of said Act is hereby amended to read as follows:

Section 217. FORFEITURE OF PENSIONS:

Any person receiving a pension from the Firemen's Relief and Pension Fund who shall be convicted of a felony or who shall have been convicted of an offense involving moral turpitude, or who becomes dissipated or an habitual drunkard, or who shall become a non-resident of the State of Oregon, (provided that this provision of non-residence shall not apply to members retired in accordance with section 206) shall forfeit all right to such pension.

Section 15. Section 218 of said Act is hereby amended to read as follows:

Section 218. PENSION PRORATED WHEN FUND INSUFFICIENT:

If at any time said Firemen's Relief and Pension Fund becomes insufficient to pay in full all the pensions allowed by the Board of Trustees, the Board shall pay said pensions pro rata. No deficit shall be made up.

Section 16. Said Act is hereby further amended by adding thereto five new sections to be numbered consecutively sections 218(1), 218(2), 218(3), 218(4) and 218(5) following section 218, said new sections to read as follows:

Adopt Nov. 5, 1940

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Section 218(1). IN LINE OF DUTY:

The term "in line of duty" shall cover the period which elapsed between the time a member reports in for duty until he is relieved. An injury received during such time shall be considered as in line of duty if such injury be the result of a performance of any duty in the interest of the fire service. In case a doubt arises concerning the matter the findings of the Board shall be the basis of the final decision.

Section 218(2). OCCUPATIONAL DISEASES:

There shall be classified as occupational diseases within the terms of this act the following: Heart trouble, hernia and tuberculosis, for which ailments the members of the Bureau of Fire shall receive the same benefits as provided for herein for disability in line of duty.

Section 218(3). PENSIONS VARIABLE:

Pensions to be paid under the provisions hereof shall increase or decrease as the salary of a first-class fireman increases or decreases, but the pension increase or decrease shall be forty per cent of the increase or decrease of such salary.

Section 218(4). PENSION INCREASES WHEN WARRANTED BY FUNDS ON HAND:

The Board of Trustees shall, when the reserve funds become sufficient, increase the pensions herein provided. Said increases shall be based upon a competent actuarial basis and calculated as the Board may determine.

Section 218(5). MILITARY SERVICE:

Members entering military service in time of National emergency, declared by the President of the United States of America, shall receive credit toward a pension though not paying into the fund, provided said member return to active duty in the Bureau of Fire within sixty days after being relieved from military service. In case of his death while in such military service his widow and dependent child or children under eighteen years of age shall receive in a lump sum the amount which was deducted from his salary for said fund.

Adopt Nov. 5, 1940

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Bond Interest Fund, and the Council may provide that money transferred must be returned to the fund from which it was transferred. No other transfers shall be made.

[Ch. 1903, §115; Am. May 3, 1913, §89.]

§ 192. REVERSION OF BALANCE TO GENERAL FUND—INVESTMENT IN BONDS.

When the necessity for maintaining any fund of the City has ceased to exist and a balance remains in such fund, the Council shall so declare by ordinance, and upon such declaration, such balance shall be forthwith transferred to the General Fund unless other provisions have been made in the original creation of the fund.

Whenever bonds of the City of Portland are offered for sale, and there is a balance to the credit of any sinking fund or special fund, not invested, said bonds may be awarded at par and accrued interest to the City Treasurer for the nearest practical amount, to consume said balance, and shall be held by the City Treasurer as an investment for said fund. In cases where bonds of the City of Portland may not be offered for sale at a time or in sufficient amount to provide for the investing of any such balance, the Council may provide for investing the same in any bonds of the United States Government, State of Oregon, the City of Portland, Multnomah County, School District No. 1 of Multnomah County or Port of Portland, and to that end the Council may authorize the Treasurer to submit a bid for any such bonds which are about to be issued for sale, or may authorize the Treasurer to advertise for proposals from persons holding any such bonds, the purchase of such bonds to be made by the Council of the lowest bidder, reserving the right to reject any and all bids. All interest received from any and all such investments shall be credited to the fund from which the investment was made, provided that two or more funds may be joined in one investment, a suitable provision being made for keeping an account of the amount invested from each fund and making an apportionment of the interest and principal when received. And the Council may sell any bond so purchased when the same may not be payable at or near the time when such funds may be needed for the purpose for which the same was created, provided that any and all such sales shall be made to the highest and best bidder after advertising for proposals in the City Official Newspaper by publication for at least five days. The Council may provide for loans to any such fund from the General Fund from time to time, which loans shall be without interest, and each such loan shall be repaid as soon as practicable by a transfer from such fund of the amount so loaned. Pending the investment as herein provided of any such funds, the same shall be deposited in a suitable bank offering to pay the highest rate of interest as may have been selected for the deposit of municipal funds.

[Amendment of May 17, 1918.]

§ 193. EXPENDITURES OF MONEY:

No money shall be expended or payment made from any fund of the City, except assessment funds, until a specific appropriation shall be made therefor and an ordinance making an appropriation of money shall not contain a provision on any other subject.

All demands for interest on the bonded indebtedness of the City and other fixed charges shall be paid as the same mature, or in accordance with the terms of contract.

Any liability or liabilities incurred by the Council to be paid in any fiscal year, which singly or in the aggregate shall be in excess of the revenues for such year shall be null and void.

The Council may by ordinance limit the expenditures of every department of the City government, except interest charges and other charges fixed by contract or by this Charter during each fiscal year, or during any month thereof, and any contracts made, debts created or liability incurred in excess of the amounts authorized by the Council, where the Council may so limit the expenditures of moneys,

shall be null and void, and the Council shall not authorize any expenditures during any fiscal year, nor shall any liability or liabilities be incurred by or on account of the City of Portland, to be paid in any particular fiscal year(for the payment of which approval of the Council shall be necessary) which singly or in the aggregate shall be in excess of the revenues received during such year, applicable, or made applicable by transfer to the payment of such liability or liabilities. Nothing contained in this Charter shall authorize the enforcement against or collection from said City, on account of any debt, contract or liability, of any sum in excess of the limitations prescribed in this Section.

The City shall issue no warrants or other evidences of indebtedness, except upon special assessment funds, and the payment of judgments against the City, unless there is money in the treasury duly appropriated and applicable to the payment of the same on presentation, and all evidences of indebtedness issued contrary to this provision shall be null and void. Any member of the Council voting to incur any liability or to create any debt in excess of the amount limited and authorized by law, shall be deemed guilty of malfeasance in office, and for such malfeasance such member may be removed from office.

[Ch. 1903, §117; Am. May 3, 1913, §91.]

§ 194. ANNULMENT OF BACK TAXES:

All taxes except special assessments for local improvements levied by the City of Portland or by the former cities of East Portland, Albina or Sellwood for any year prior to 1895, which shall not be collected before July 1st, 1904, shall become void and no steps shall thereafter be taken for their collection.

[Ch. 1903, §119.]

§ 195. ANNUAL AND OCCASIONAL INDEPENDENT AUDITS:

At the close of each fiscal year the books and accounts and the financial affairs and transactions of the City shall be audited by some competent accountant to be appointed for such work by the Council from a list to be provided as follows:

At least sixty days before the time for such annual audit the Council shall make request upon the Portland Clearing House Association to furnish to it a list of the names of three or more competent accountants from which to make such appointment. If said association shall fail or refuse to so furnish such list within twenty days after being so requested application shall then be made by the Council to the grand jury then or next thereafter sitting in Multnomah County, Oregon, to furnish it such list, and if said grand jury shall fail to so furnish such list within twenty days after having been so requested, the Council shall then request the Civil Service Board of the City of Portland to furnish to it such list and it shall be the duty of the Civil Service Board to furnish such list. From a list furnished as above provided such appointment shall be made.

The Council may from time to time and as often as it shall deem necessary, have like audit made, paying the expenses thereof in like manner. The audit made at the close of the fiscal year and in the discretion of the Council any audit made by an accountant employed by it shall be published in the City Official Newspaper.

[Am. May 3, 1913, §34.]

CHAPTER 9

Firemen's Relief and Pension Fund.

§ 196. CREATION OF FUND.
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§.196. CREATION OF FUND: Amended See Page 78-8

There is hereby created and established a Firemen's Relief and Pension Fund for the benefit of the regular members of the Fire Department of the City of Portland who have served twenty or more years; for the benefit of the widows and children under the age of sixteen years of any deceased fireman, and for the benefit of disabled members of said Fire Department.

[Am. June 2, 1913, Subdiv. (1), §176.]

§ 197. SOURCE OF FUND: Amended See Page 78-8.

Said fund shall consist of all moneys withheld from the salary of any member of the Fire Department as fines for any breach of discipline and for violation of the rules and regulations of the Fire Department; all bequests, fees, gifts or emoluments paid or given on account of any extraordinary service of any member of said Fire Department (except when specifically allowed to be retained by such member by the Executive Board),* and a monthly fee which shall be paid into said fund by each member of said Fire Department of one per cent of his regular monthly salary as hereinafter provided, and the proceeds of a tax levy as hereinafter provided, and the interest on the investment of any portion of said fund.

[Am. June 2, 1913, Subdiv 2, §176.]
*See §§16-17.

§ 198. CONTROLLED BY BOARD OF TRUSTEES: Amended See 82-1

The Firemen's Relief and Pension Fund shall be under the supervision and control of the Board of Trustees of the Firemen's Relief and Pension Fund, which Board shall be composed of the Mayor, the City Treasurer (who shall act as the Treasurer thereof without compensation); the Chief Engineer of the Fire Department; the City Auditor (who shall act as the Secretary of said Board without compensation); and a member of said Fire Department who shall be elected to membership on said Board by the regular members of the Fire Department every two years. The first election under this Act shall be held on the second Monday in July, 1913, and biennially

thereafter. Said Board shall elect from its number a chairman and shall keep a record of all its proceedings, and hold regular meetings on the first Monday in each month. It shall annually make to the Council of the City of Portland a full report of its transactions for the current year, including an itemied account of its receipts and expenditures, and an estimate of its receipts and expenditures for the ensuing year, which such report shall be made on or before the 1st day of December of each year.

[Am. June 2, 1913, Subdiv. 3, §176.]

§ 199. **POWERS OF BOARD:**

Said Board of Trustees shall have the power to prescribe its own rules and regulations and enforce the same. It shall hear and determine all applications for pensions or relief, as hereinafter provided for; provided, however, that an appeal may be taken from any decision of said Board to the Executive Board* of the City of Portland. Said Board of Trustees is hereby authorized and empowered to administer oaths, subpoena and examine witnesses and require the production and examination of papers and documents. It is hereby authorized and empowered, in the name of the Board of Trustees of the Firemen's Relief and Pension Fund, to invest any part of said fund in interest-bearing bonds of the United States, the State of Oregon, the City of Portland, or any city of the first class, preference, however, to be given in all instances to interest-bearing bonds of the City of Portland. All such securities shall be deposited with the Treasurer of said Board.

[Am. June 2, 1913, Subdiv. 4, §176.]
*See §§16-17.
*Council.

§ 200. **APPEALS:**

The Executive Board* of the City of Portland is hereby authorized and empowered to review the action of the Board of Trustees on appeal, and to remand the cause appealed back to said Board with instructions as to the final determination of such cause.

[Am. June 2, 1913, Subdiv 5, §176.]
*See §§16-17.
*Council.

§ 201. **CITY TREASURER CUSTODIAN AND DISBURSING OFFICER:**

Said Firemen's Relief and Pension Fund shall be in the care and custody of the City Treasurer, and shall be paid out by him on warrants signed by the Chairman and countersigned by the Secretary of said Board, and not otherwise; provided, however, that no warrants shall be drawn upon said fund except by order of the Board, which order shall be duly entered upon the record of the proceedings of said Board.

[Am. June 2, 1913, Subdiv. 6, §176.]
[Note: See Section 190 for Tax Levy.]

§ 203. **RESTRICTIONS ON AMOUNT OF LEVY:**

If on December 1st of any year said fund shall be credited with Three Hundred Thousand ($300,000.00) Dollars or more, said Board of Trustees shall recommend to the Council that said tax be not levied for the ensuing year, but if, on December 1st of any year said fund shall have to its credit less than said sum of Three Hundred Thousand ($300,000.00) Dollars, then the Council shall make such tax levy for the ensuing year.

[Am. June 2, 1913, Subdiv. 8, §176.]

§ 204. **PERCENTAGE OF SALARY DEDUCTED FOR PURPOSE OF FUND:**

After the taking effect of this Act it shall be the duty of the Auditor, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each regular member of the Fire Department, one per cent of such monthly

§ 197. SOURCE OF FUND.

Said fund shall consist of all moneys withheld from the salary of any member of the BUREAU OF FIRE as fines for any breach of discipline and for the violation of the rules and regulations of the BUREAU OF FIRE; all bequests, fees, gifts or emoluments paid or given on account of any extraordinary service of any member of said BUREAU OF FIRE (except when specifically allowed to be retained by such member by the Council) and a monthly fee which shall be paid into said fund by each member of said BUREAU OF FIRE of 2½ per cent of his regular monthly salary as hereinafter provided, and the proceeds of a tax levy provided BY THIS CHARTER and the interest on the investment of any portion of said fund.

§ 198. CONTROLLED BY BOARD OF TRUSTEES:

The Firemen's Relief and Pension Fund shall be under the supervision and control of the Board of Trustees of the Firemen's Relief and Pension Fund, which Board shall be composed of the Mayor, the City Treasurer (who shall act as the Treasurer thereof without compensation); the Chief Engineer of the Bureau of Fire; the City Auditor (who shall act as the Secretary of said Board without compensation), and THREE MEMBERS OF SAID BUREAU OF FIRE, who shall be elected to membership of said Board by the regular members of the Fire Department. THE FIRST ELECTION SHALL BE HELD ON THE SECOND MONDAY IN JANUARY, 1929, AND ANNUALLY THEREAFTER SAID ELECTION SHALL BE HELD IN THE MANNER PRESCRIBED BY RULES AND REGULATIONS ADOPTED BY SAID BOARD OF TRUSTEES, WHICH MUST BE IN WRITING AND FILED WITH SECRETARY OF THE BOARD OF TRUSTEES. Said Board shall elect from its number a chairman and shall keep a record of all its proceedings, and hold regular meetings on the first Monday in each month. It shall annually make to the Council of the City of Portland a full report of its transactions for the current year, including an itemized account of its receipts and expenditures, and an estimate of its receipts and expenditures for the ensuing year, which report shall be made on or before the first day of December of each year.

§ 199. POWERS OF BOARD.

Said Board of Trustees shall have the power to prescribe its own rules and regulations and enforce the same. SAID BOARD OF TRUSTEES IS HEREBY AUTHORIZED AND EMPOWERED TO DESIGNATE ONE OR MORE REGULARLY LICENSED PHYSICIANS TO ACT AT ANY TIME WITH THE PHYSICIANS APPOINTED BY THE CIVIL SERVICE BOARD IN THE MENTAL AND PHYSICAL EXAMINATION OF APPLICANTS FOR MEMBERSHIP IN THE BUREAU OF FIRE IN THE CITY OF PORTLAND. SAID BOARD OF TRUSTEES IS FURTHER AUTHORIZED AND EMPOWERED TO REQUIRE APPLICANTS FOR PENSION AND/OR ANY BENEFITS FROM THE FIREMEN'S BELIEF AND PENSION FUND OF THE CITY OF PORTLAND TO SUBMIT TO AND UNDERGO MENTAL AND PHYSICAL EXAMINATION BY ONE OR MORE REGULARLY LICENSED PHYSICIANS DESIGNATED BY SAID BOARD FOR THAT PURPOSE. THE BOARD SHALL KEEP A PERMANENT RECORD OF ALL EXAMINATIONS MADE ON ITS OWN ORDER AS WELL AS THOSE MADE BY ITS PHYSICIANS IN ASSOCIATION WITH THE PHYSICIANS THAT MAY BE APPOINTED BY THE CIVIL SERVICE BOARD. It shall hear and determine all applications for pensions or relief, as hereinafter provided for; provided, however, that an appeal may be taken from any decision of said Board to the COUNCIL OF THE CITY OF PORTLAND. Said Board of Trustees is hereby authorized and empowered to administer oaths, subpoena and examine witnesses and require the production and examination of papers and documents. It is hereby authorized and empowered, in the name of the Board of Trustees of the Firemen's Relief and Pension Fund, to invest any part of said fund in interest-bearing bonds specified in Section 192. AS SUBSEQUENTLY AMENDED, preference, however, to be given in all instances to interest-bearing bonds of the City of Portland. All such securities shall be deposited with the City Treasurer.

§ 204. PERCENTAGE OF SALARY DEDUCTED FOR PURPOSE OF FUND:

After the taking effect of this Act, it shall be the duty of the Auditor, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each regular member of the BUREAU OF FIRE, 2½ PER CENT of such monthly salary during all the time such member may be in the employ of the BUREAU OF FIRE unless permanently disabled, and from the amount earned by each temporary member of the BUREAU OF FIRE 2½ per cent thereof. It shall be the duty of the Auditor to draw a warrant for the full amount so withheld, payable to the Firemen's Relief and Pension Fund.

§ 206. BENEFITS ON RETIREMENT:

The Board of Trustees shall, upon written application duly verified, of any member of the BUREAU OF FIRE who has served as an active member thereof for twenty-five years, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the amount of the salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death, EXCEPT AS HEREINAFTER PROVIDED. The Board of Trustees shall upon written application duly verified of any member of the BUREAU OF FIRE who has reached the age of fifty years and has served as an active member thereof for twenty years continuously next preceding said date of application, retire and relieve, said member from service, and said member shall receive a monthly pension equal to one-half of the monthly salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death, EXCEPT AS HEREINAFTER PROVIDED. The Board of Trustees may, by a unanimous vote, retire and relieve from service any aged, disabled or infirm member of the Bureau of Fire who has reached the age of fifty-five years and has served as an active member of the BUREAU OF FIRE for twenty years next preceding such age, and who, upon examination by two regularly licensed physicians appointed by the Board of Trustees for that purpose, may be ascertained to be by reasons of such age, infirmity or other disability unfit for the performance of his duty, and such member shall receive a monthly pension equal to one-half the amount of salary attached to the rank held by him for one year prior to the date of his retirement, and the said pension shall cease at his death, EXCEPT AS HEREINAFTER PROVIDED. If a member of said Bureau of Fire shall be discharged for a violation of any rules or regulations of said Bureau of Fire, after having served twenty years or more, he shall be entitled to and shall receive such a proportion of the pension not exceeding the full pension, as his years of service shall bear to the number of years required to secure the full pension.

82-1

Adopt Nov. 6, 1928
Amended Nov 4 1930

§ 209. BENEFITS DURING SICKNESS:

ANY MEMBER OF THE BUREAU OF FIRE WHO HAS BECOME INCAPACITATED FROM PERFORMING HIS DUTIES ON ACCOUNT OF SICKNESS OR INJURY (EXCEPT WILFUL INJURIES, INJURIES SUSTAINED WHILE WILFULLY DOING AN UNLAWFUL ACT AND WEAKNESS OR ILLNESS RESULTING DIRECTLY OR INDIRECTLY FROM IMMORAL PRACTICES) SHALL BE ENTITLED TO RECEIVE DURING HIS INCAPACITATION A SUM EQUAL TO ONE-HALF THE MONTHLY SALARY HE RECEIVED AT THE TIME OF SUCH INCAPACITATION; PROVIDED, HOWEVER, THAT NO MEMBER SHALL BE ENTITLED TO RECEIVE SUCH RELIEF UNTIL HE SHALL HAVE BEEN INCAPACITATED FOR A FULL PERIOD OF SEVEN DAYS, IN WHICH EVENT SAID MEMBER SHALL BE SO PAID FROM THE TIME HE BECAME SO INCAPACITATED.

§ 210. BENEFITS TO WIDOWS AND CHILDREN OF DECEASED FIREMEN:

If any member of the Bureau of Fire shall die from any cause whatever while in the service of said Bureau of Fire and shall leave a widow, said widow shall be entitled to receive a pension while remaining unmarried and a resident of the State of Oregon, equal in amount to one-half the monthly salary received by such deceased member at the time of his death, or at the time of contracting his last illness. In case said deceased member shall leave no widow, but shall leave a child or children under the age of sixteen years, such child shall receive, until it reaches the age of sixteen years, a pension equal in amount to one-half the monthly salary received by such deceased member. In case such member leaves more than one child, then said pension shall be collectively paid to the children under the age of sixteen years. In case such deceased member leaves no widow or children, but leaves a parent or parents wholly dependent upon him for support, such dependent parent or parents shall receive a pension equal in amount to one-half of the monthly salary received by such member at the time of his death, or at the time of contracting his last illness, and such pension shall continue during such time as may be determined by a MAJORITY of said Board of Trustees.

§ 214a.

THE WIDOW OF A DECEASED FIREMAN WHO HAS BEEN PERMANENTLY RETIRED FROM SERVICE BY THE BOARD OF TRUSTEES, AS HEREIN PROVIDED, SHALL RECEIVE A PENSION FOR LIFE WHILE REMAINING UNMARRIED AND A RESIDENT OF THE STATE OF OREGON, EQUAL TO THAT RECEIVED BY SAID RETIRED FIREMAN; PROVIDED, HOWEVER, THAT SHE WAS THE LAWFUL WIFE OF SAID RETIRED FIREMAN FOR FIVE YEARS PRIOR TO THE DATE OF HIS RETIREMENT.

Section 5. That Section 203 of the Charter of the City of Portland as revised, arranged and renumbered by the City Council June 6, 1928, by authority of Section 287, adopted May 3, 1913, and Ordinance No. 29350, passed August 19, 1914, as amended June 6, 1928, shall be and the same is hereby repealed.

Adopted Nov. 6, 1928.

salary during all the time such member may be in the employ of the Fire Department unless permanently disabled; and from the amount earned by each temporary member of the Fire Department one per cent thereof. And it shall be the duty of the Auditor to draw a warrant for the full amount so withheld, payable to the Firemen's Relief and Pension Fund.

[Amendment of June 7, 1915]

§ 205. PENSIONS PAYABLE MONTHLY:

All pensions and relief claims hereinafter provided for and allowed by said Board of Trustees shall be paid monthly out of the Firemen's Relief and Pension Fund by warrants as herein provided.

[Am. June 2, 1913, Subdiv. 10, §176.]

§ 206. BENEFITS ON RETIREMENT: Amend See Page 82-1-78-5

The Board of Trustes shall, upon the written application duly verified, of any member of the Fire Department who has served as an active member thereof for twenty-five years, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the amount of the salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death. The Board of Trustees shall, upon the written application duly verified of any member of the Fire Department who has reached the age of fifty years and has served as an active member thereof for twenty years continously next preceding said date of application, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the monthly salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death. The Board of Trustees may, by a unanimous vote, retire and relieve from service any aged, disabled or infirm member of the Fire Department who has reached the age of fifty-five years and has served as an active member of the Department for twenty years next preceding such age, and who, upon examination by two regularly licensed physicians appointed by the Board of Trustees for that purpose, may be ascertained to be by reason of such age, infirmity or other disability unfit for the performance of his duty, and such member shall receive a monthly pension equal to one-half the amount of the salary attached to the rank held by him for one year prior to the date of his retirement, and the said pension shall cease at his death.

[Am. June 2, 1913, Subdiv. 11, §176.]

§ 207. BENEFITS ON PERMANENT DISABILITY:

Amend See Page 78-6

The Board of Trustees shall upon application retire from active service any member of the Fire Department who becomes permanently disabled by reason of service in said Department, and such member shall receive a pension equal to one-half the monthly salary he received at the time of his retirement. Said Board shall, upon the recovery of such member from his disability, restore such member to service in the rank he occupied at the time of retirement, and his pension shall cease upon restoration to service.

[Am. June 2, 1913, Subdiv. 12, §176.]

§ 208. BENEFITS ON TEMPORARY DISABILITY:

Amend See Page 78-6

Any member of the Fire Department who, by reason of his services in said Fire Department, becomes disabled and wholly incapacitated from performing his duties, may be retired by the Board of Trustees, and in case of such retirement, such member shall be entitled to receive a pension equal to one-half the monthly salary received by such member at the time of his disability, such pension to continue only during such disability.

Any member of the Fire Department who becomes temporarily disabled by reason of any injury received while in the performance of his duty shall be entitled to

receive a sum equal to the monthly salary he receives at the time of his injury, which shall continue during such disability (not to exceed one year); provided, that such member is paid no salary during said period.

[Am. June 2 ,1913, Subdivs. 13, 14, §176]

§ 209. BENEFITS DURING SICKNESS:

Amend See Page 82-2-78-6

Any member of the Fire Department who becomes incapacitated from performing his duties on account of sickness shall be entitled to receive during his sickness (not to exceed three months in any twelve consecutive months), a sum equal to one-half the monthly salary he received at the time he contracted such sickness; provided, however, that no member shall be entitled to receive such relief unless he shall have been incapacitated for a full period of fourteen days, in which event said member shall be so paid from the time he became so incapacitated.

[Am. June 2, 1913, Subdiv. 15. §176.]

§ 210. BENEFITS TO WIDOWS AND CHILDREN OF DECEASED FIREMEN:

Amend See Page 82-2-78-7

If any member of the Fire Department shall die from any cause whatever while in the service of said Department and shall leave a widow, said widow shall be entitled to receive a pension while remaining unmarried and a resident of the State of Oregon, equal in amount to one-half the monthly salary received by such deceased member at the time of his death, or at the time of contracting his last illness. In case said deceased member shall leave no widow, but shall leave a child or children under the age of sixteen years, such child shall receive, until it reaches the age of sixteen years, a pension equal in amount to one-half the monthly salary received by such deceased member. In case such member leaves more than one child, then said pension shall be collectively paid to the children under the age of sixteen years. In case such deceased member leaves no widow or children, but leaves a parent or parents wholly dependent upon him for support, such dependent parent or parents shall receive a pension equal in amount to one-half of the monthly salary received by such member at the time of his death, or at the time of contracting his last illness, and such pension shall continue during such time as may be unanimously determined by said Board of Trustees.

[Am. June 2, 1913, Subdiv. 16. §176.]

§ 211. PENSIONS TO TEMPORARY FIREMEN:

Amend See Page 78-7

Any temporary member of the Fire Department who is injured while in the performance of his duty may, in the discretion of the Board of Trustees, be allowed such compensation as may be determined upon by said Board, and in case any temporay member comes to his death by reason of the performance of his duty as such member, said Board may, in its discretion, grant a pension to his widow or dependent children under the age of sixteen years, for such time as may be determined by said Board. A temporary member is defined to be a person employed to serve temporarily in said Fire Department.

[Am. June 2, 1913, Subdiv. 17, §176.]

§ 212. FUNERAL EXPENSES:

Upon the death of any active or retired member of the Fire Department, said Board shall pay to the widow or family of said deceased member the sum of One Hundred ($100.00) Dollars to be used for funeral expenses.

[Am. June 2, 1913, Subdiv. 18, §176.]

§ 213. APPLICATIONS FOR PENSIONS:

All applications for relief shall be made within such time as may be fixed by the rules and regulations of the Board of Trustees.

[Am. June 2, 1913, Subdiv. 19. §176.]

§ 214. EMERGENCY DUTIES BY RETIRED FIREMEN: Amend See Page 78-8

Said Board of Trustees, upon the recommendation of the Chief of the Fire Department, shall have the power to assign members retired or drawing pensions under this Act, to perform light duties in the Fire Department in case of extraordinary emergency. In case of any retired member of the Fire Department being assigned to duty in an emergency, such member shall receive from the Fire Fund a sum which with his pension shall equal the salary he was receiving at the time of his retirement.

[Am. June 2, 1913, Subdiv. 20, §176.]

Sec 214a added 11/6/28 See Page 82-2-78-8

§ 215. APPLICATION OF PROVISIONS OF ACT: Amend See Page 78-8

The provisions of this Act shall apply to all persons who are now or shall hereafter become members of the Fire Department of the City of Portland, and all such persons shall be eligible to the benefits secured by this Act.

[Am. June 2, 1913, Subdiv. 21, §176.]

§ 216. PENSION CERTIFICATES:

The Board of Trustees shall issue to each fireman pensioned under the provisions of this Act an engraved certificate showing the amount of pension allowed and the cause for which the same is issued.

[Am. June 2, 1913, Subdiv. 22, §176.]

§ 217. FORFEITURE OF PENSIONS: Amend See Page 78-8

Any person receiving a pension from the Firemen's Relief and Pension Fund who shall be convicted of a felony or who becomes dissipated or an habitual drunkard, or who shall become a non-resident of the State of Oregon (provided that this provision of non-residents shall not apply to members retired in accordance with Subdivision 11), shall forfeit all right to such pension.

[Am. June 2, 1913, Subdiv. 23, §176.]

§ 218. PENSIONS PRO-RATED WHEN FUND INSUFFICIENT: Amend See Page 78-8

If at any time said Firemen's Relief and Pension Fund is insufficient to pay in full the pensions and disability claims allowed by the Board of Trustees, then said Board shall pay said pensions and claims pro-rata until such time as said fund shall be sufficient to pay the same in full; provided, however, that when said fund shall warrant, the Board of Trustees shall pay in full all back pensions and claims.

[Am. June 2, 1913, Subdiv. 24, §176.]

218-1-218-2-218-3-218-4-218-5 See Page 78-9

§ 219. BOOKS AND ACCOUNTS OPEN FOR INSPECTION:

The books and accounts of said Board of Trustees shall, at all times, be subject to the inspection of any person interested, and shall, upon the expiration of the term of office of the Treasurer, be surrendered and delivered to his successor, together with all records and documents, securities, moneys and property which may have come into the possession of said Treasurer.

[Am. June 2, 1913, Subdiv. 25, §176.]

§ 220. DIVISION OF POLICE AND FIRE DEPARTMENT RELIEF FUND:

The Police and Fire Department Relief Fund heretofore established and under the control of the Executive Board* shall be divided and one-half thereof credited to the Firemen's Relief and Pension Fund, and the other half to the Police Relief Fund.

[Am. June 2, 1913, Subdiv. 26, §176.]
*See §§16-17.
*Council

§ 221. PENSIONS EXEMPT FROM EXECUTION:

All Pensions and disability claims hereby authorized and allowed by said Board of Trustees of the Firemen's Relief and Pension Fund shall be exempt from attachment, execution, garnishment or other process issued out of any court for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary thereof.

[Am. June 2, 1913, Subdiv. 27, §176.]

*§ 222. DISCHARGE OF FIREMEN:

No member of the Fire Department who has served faithfully and efficiently for six years continuously shall be removed or discharged without first having a trial or hearing, and not then except for cause upon written charges (of which one copy shall be served upon him and a duplicate filed with the Civil Service Commission (Board). Any fireman so removed may, within ten days from his removal, file with the Civil Service Commission (Board) a written demand for investigation. The charges shall forthwith be investigated by or before the Commission (Board) or by or before some officer or Board appointed by the Commission (Board) to conduct such investigation. The findings of the Commission (Board), or such officer or Board, when approved by the Commission (Board), shall be certified to the appointing officer and shall be forthwith enforced by such officer.

[Am. June 2, 1913, Subdiv. 28, §176.]

*See §108 et seq.

§ 223. CITY ATTORNEY TO ADVISE BOARD:

It shall be the duty of the City Attorney to give advice to the Board of Trustees of the Firemen's Relief and Pension Fund in all matters pertaining to their duties and the management of said fund whenever required by said Board, and he shall represent and defend said Board as its Attorney in all suits or actions at law or in equity that may be brought against it, and institute all suits or actions in its behalf that may be required or determined upon by said Board.

[Am. June 2, 1913, Subdiv. 29, §176.]

§ 224. REPEAL OF SECTIONS OF 1903 CHARTER:

Sections 196, 197 and 317 of the Charter of the City of Portland in so far as they conflict with this Act, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

[Am. June 2, 1913, Subdiv. 30, §176.]

§ 225. POWERS VESTED IN COUNCIL:

The powers conferred and duties devolving upon the Executive Board* under and by virtue of the provisions of this Act, in case said Board is abolished by Charter amendment or otherwise, shall, from and after such abolition, be exercised and performed by the Council.

[Am. June 2, 1913, Subdiv. 31, §176]

*See §§16-17.

§ 226. SECS. 196 TO 226 INCLUSIVE, RETAINED IN CHARTER AS AMENDED. (SECS. 176, 1903 CHARTER AS AMENDED).

In case the Charter of the City of Portland is altered or amended to provide for what is commonly termed a Commission form of government, and this amendment is adopted by a vote of the electors of said City of Portland at the same election or any subsequent election, it shall be held to be a part of the Charter as altered or amended, and to repeal any and all provisions of the Charter as so altered or amended that may conflict herewith.

[Am. June 2, 1913, Subdiv. 32, §176.]

CHAPTER 10

Bond Issues.

ARTICLE 1. GENERAL PROVISIONS:

§ 227. ISSUE AND SALE OF BONDS.
§ 228. VALIDATING PREVIOUS BOND ISSUES.
§ 228½. WATER BONDS.
§ 228¾. WATER REFUNDING BONDS.

§ 227. ISSUE AND SALE OF BONDS:

No bonds other than bonds for public improvements payable out of assessments upon the property benefited, and sewer bonds if otherwise authorized, shall be issued unless approved by vote of the people at a general or special election at which the question shall be submitted in the same manner as other measures are submitted under the initiative or referendum. This provision shall not apply to bonds heretofore authorized. All bonds of the City of Portland shall be sold to the highest responsible bidder.

[Am. May 3, 1913, §92.]

§ 228. VALIDATING PREVIOUS BOND ISSUES:

All bonds heretofore issued and sold by the City of Portland and the former cities of East Portland and Albina (both now a part of the City of Portland), now outstanding and aggregating the sum of $12,798,700 are hereby approved and validated, and the Council of the City of Portland is hereby authorized to issue and sell all additional bonds heretofore authorized and not sold under the provisions of sections 118, 118½, 227*, 425¾ and 429, (§229 to 235, 236, 237, 239 to 248, and 252 to 254), authorizing the issuance and sale of municipal garbage collection bonds, of the Charter of 1903, as amended; provided, that the bonded indebtedness of the City of Portland shall at no time exceed the amount authorized under the provisions of section 88 of the Charter of 1903 (Section 160 of this Charter), and provided further, that the bonds issued and sold under the provisions of section 383a of the Charter of 1903, as amended, shall not be considered as a part of the debt limit fixed by said section 88 (160).

All bonds heretofore or hereafter issued or authorized to be issued pursuant to section 227* of the Charter of 1903, or pursuant to any amendment to the said section, are hereby declared valid and general obligations of the City of Portland, for the payment of the principal and interest of which a tax may be levied in addition to the tax in this Charter provided for, in case the water fund of said city should at any time prove insufficient for that purpose.

The several measures amendatory of and supplementary to section 118 of the Charter of 1903, including section 118½ and section 425¾ of said Charter and especially two measures adopted by the people of the City of Portland, the first at a special election held on the 8th day of November, 1910, entitled, "A measure to provide for the improvement of water and harbor front of the City of Portland, for the acquirement, construction, maintenance and operation of public docks, and for the acquirement by condemnation, or otherwise, of lands for the same; to create a commission to carry on such work and to regulate and control the construction, maintenance and operation of wharves, docks, slips, piers, basins, and other waterfront structures in said city; to authorize the issuance and sale of bonds of the City of Portland up to two million five hundred thousand dollars ($2,500,000) for the above purposes, and to levy a tax as may be necessary for current expenses in carrying out the above purposes, and to amend section 118 of the Charter of the City of Portas now amended by adding thereto the following four sections," and the second at a regular city election held in said city on the 5th day of June, 1911, entitled, "An Act to amend Chapter VII of the Charter of the City of Portland, entitled 'An Act to

incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith,' filed in the office of the Secretary of State, January 23, 1903, as amended, by inserting a section in said Chapter VII after section 425½ and before section 426 thereof, which shall be designated in the charter as section four hundred twenty-five and three-fourths (425¾) of Chapter VII, authorizing the sale of bonds in an amount not to exceed six hundred thousand dollars for the acquisition of land for, and the erection and maintenance of a Public Auditorium in the City of Portland, Multnomah County, State of Oregon, and creating a commission to carry out the provisions of said act," are hereby ratified and bonds issued under the same are hereby declared valid obligations of the City of Portland.

[Am. May 3, 1913, §93; Am. June 2, 1913, §93.]
*Retained as Ordinance.

§ 228½. WATER BONDS: Amend See Page 88.1

In order to provide funds for the enlargement and extension of its water system by the construction of additional pipe lines or conduits from the headworks at the Bull Run River to the City of Portland, by the purchase or condemnation of necessary land and the development of the same, by the construction of necessary reservoirs, by laying water mains, distributing mains and mains for reinforcement, including laterals and appurtenances, by the purchase and installation of necessary pumping machinery, and the purchase of water systems, the Council is hereby authorized and empowered in the name of the City of Portland from time to time as may be deemed expedient and necessary, to issue and dispose of bonds of the City of Portland of the denomination of five hundred dollars and, or one thousand dollars, as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The amount of the several issues of such bonds shall be determined by the Council. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and Auditor engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time fixed by the Council, which shall not be less than three years nor more than thirty years from the date of such bonds, the sum recited therein in Gold Coin of the United States, together with interest thereon in like coin, payable semi-annually, as provided in such coupons. The rate of interest shall not exceed five per cent per annum. The Council shall fix the rate of interest or provide that it shall be fixed by the bid. Competition in bidding shall be on the premium and, or rate of interest as the Council shall designate. The Council shall fix the time of payment and may make the same serial, within the above limits. The bonds issued in pursuance of the authority hereby granted shall be known as "Water Bonds of the City of Portland." Said bonds shall be sold to the highest responsible bidder and the Council may at its discretion reject any and all bids tendered therefor and proceed to readvertise and receive bids until a satisfactory bid is received. All advertisements shall be published in not less than five consecutive issues of the City Official Newspaper. All moneys derived from the sale of said bonds shall be credited to a fund to be known as the "Water Construction Fund" and all moneys received from the water rates shall constitute the Water Fund of the City of Portland, and both said funds shall be in the care and custody of the City Treasurer of the City of Portland and shall be paid out by the Treasurer on warrants signed by the Mayor and countersigned by the Auditor and not otherwise. Money may be transferred by the Council from the Water Fund to the Water Construction Fund, either as a permanent transfer of temporary loan. The revenue from the sale of water is made primarily liable for the payment of the principal and interest of said bonds. The Council shall annually before the first day of the fiscal year, make a written estimate of the probable cost of operation, maintenance, and, or depreciation of the water works, together with interest and sinking funds required for all outstanding indebted-

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Section 228½. WATER BONDS:

In order to provide funds for the enlargement and extension of its water system by the construction of additional pipe lines or conduits from the headworks at the Bull Run River to the City of Portland, by the purchase or condemnation of necessary land and the development of the same, by the construction of necessary reservoirs, by laying water mains, distributing mains and mains for reinforcement, including laterals and appurtenances, by the purchase and installation of necessary pumping machinery, and the purchase of water systems, the Council is hereby authorized and empowered in the name of the City of Portland from time to time as may be deemed expedient and necessary, to issue and dispose of bonds of the City of Portland of the denomination of five hundred dollars and /or one thousand dollars, as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The amount of the several issues of such bonds shall be determined by the Council. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland; and each of said coupons shall have the signatures of the Mayor and Auditor engraved thereon, whereby the City of Portlnd shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time fixed by the Council, which shall not be less than three years nor more than thirty years from the date of such bonds, the sum recited therein in Gold Coin of the United States, together with interest thereon in like coin, payable semi-annually, as provided in such coupons. The rate of interest shall not exceed five per cent per annum. The Council shall fix the rate of interest or provide that it shall be fixed by the bid. Competition in bidding shall be on the premium and/or rate of interest as the Council shall designate. The Council shall fix the time of payment and may make the same serial, within the above limits. The bonds issued in pursuance of the authority hereby granted shall be known as "Water Bonds of the City of Portland." Said bonds shall be sold to the highest responsible bidder and the Council may at its discretion reject any and all bids tendered therefor and proceed to readvertise and receive bids until a satisfactory bid is received. All advertisements shall be published in not less than five consecutive issues of the City Official Newspaper. All moneys derived from the sale of said bonds shall be credited to a fund to be known as the "Water Construction Fund", and all moneys received from the water rates shall constitute the Water Fund of the City of Portland, and both said funds shall be in the care and custody of the City Treasurer of the City of Portland and shall be paid out by the Treasurer on warrants signed by the Mayor and countersigned by the Auditor and not otherwise. Money may be transferred by the Council from the Water Fund to the Water Construction Fund, either as a permanent transfer or temporary loan. The revenue from the sale of water is made primarily liable for the payment of the principal and interest of said bonds. The Council shall annually before the first day of the fiscal year, make a written estimate of the probable cost of operation, maintenance, and/or depreciation of the water works, together with interest and sinking funds required for all outstanding indebtedness during the ensuing year and thereupon fix water rates for such year which will insure a sufficient income from the sale of water to pay for such expense and cost. It shall be mandatory upon the part of the Council to set aside an annual amount for a sinking fund for the retirement of the outstanding water bonds which amount shall, with the anticipated accumulation of interest on money or securities in such fund, be sufficient at the time when the various water bonds heretofore or hereafter issued become due to retire the said issue. Said sinking fund shall be upon an actuarial basis and a table shall be prepared showing the amount of money which should be on hand in the sinking fund at the close of each fiscal year, and if at the close of any fiscal year the amount in the sinking fund is not equal to the amount as computed, any such deficit shall be made up at that time by transferring to the sinking fund from the water fund the necessary additional amount. The payment of the principal and interest of said bonds shall be primarily chargeable against the moneys derived from the sale of water. The principal and interest of said bonds shall be general obligations of the City of Portland, but shall not be included within the debt limit prescribed by the charter. The amount of bonds which may be issued under the provisions of this section is hereby limited as follows: Before any bonds shall be issued hereunder an account shall be had of the total amount of water bonds then outstanding (including, however, only those bonds payable from the revenue of the water system) and from such amount shall be deducted the sum then in the sinking fund applicable to the retirement of such water bonds and the difference shall be held to be the net water bond indebtedness. An account shall at the same time be taken of the amount paid into such sinking fund and/or for the retirement of serial bonds during the preceding fiscal year. No bonds shall in any year be issued under the provisions of this section which with the net outstanding water bond indebtedness ascertained as above, shall exceed an amount which can be realized during a period of thirty-five years by the payment into the sinking fund above required to be maintained of an annual amount equal to the sinking fund payment and payment for the retirement of serial bonds made during such preceding fiscal year with accumulations thereof upon the basis of interest at four per cent per annum, compounded annually.

THE CITY SHALL PAY THE WATER FUND FOR ALL WATER CONSUMED BY OR FURNISHED THE CITY UPON THE SAME ESTABLISHED RATES AS FIXED BY ORDINANCE, AGAINST WHICH CHARGE SHALL BE CREDITED THE COST OF SERVICES RENDERED TO THE BUREAU OF WATER WORKS BY OTHER MUNICIPAL DEPARTMENTS OR OFFICERS.

THE CITY SHALL ALSO PAY INTO THE WATER FUND AN AMOUNT FOR FIRE PROTECTION SERVICE BASED UPON THE INVESTMENT REQUIRED FOR THE SAME AND THE OPERATION AND MAINTENANCE INCIDENTAL THERETO, AGAINST WHICH SHALL BE CREDITED AN AMOUNT TO BE DETERMINED BY APPLYING THE PREVAILING MILLAGE RATE TO THE FAIR ASSESSABLE VALUATION OF THE PROPERTY BELONGING TO THE BUREAU OF WATER WORKS LOCATED IN THE CITY OF PORTLAND NOT USED FOR FIRE PROTECTION. SUCH CREDIT SHALL IN NO CASE EXCEED THE AMOUNT DUE THE WATER BUREAU FOR FIRE PROTECTION SERVICE. NO CHARGE SHALL BE MADE FOR WATER USED IN EXTINGUISHING FIRES.

IT SHALL BE MANDATORY UPON THE COUNCIL TO ANNUALLY BUDGET AND APPROPRIATE FUNDS TO BE RAISED BY TAXATION TO PAY FOR THE SERVICES RENDERED BY THE BUREAU OF WATER WORKS TO THE CITY, DETERMINED IN THE MANNER SET FORTH IN THE TWO PRECEDING PARAGRAPHS, AND TO PAY MONTHLY THE PROPORTIONATE AMOUNT OF SAID FUNDS INTO THE WATER FUND.

Adopt Nov. 8/1932

ness during the ensuing year and thereupon fix water rates for such year which will insure a sufficient income from the sale of water to pay for such expense and cost. It shall be mandatory upon the part of the Council to set aside an annual amount for a sinking fund for the retirement of the outstanding water bonds which amount shall, with the anticipated accumulations of interest on money or securities in such fund, be sufficient at the time when the various water bonds heretofore or hereafter issued become due to retire the said issues. Said sinking fund shall be upon an actuarial basis and a table shall be prepared showing the amount of money which should be on hand in the sinking fund at the close of each fiscal year, and if at the close of any fiscal year the amount in the sinking fund is not equal to the amount as computed any such deficit shall be made up at that time by transferring to the sinking fund from the water fund the necessary additional amount. The payment of the principal and interest of said bonds shall be primarily chargeable against the moneys derived from the sale of water. The principal and interest of said bonds shall be general obligations of the City of Portland but shall not be included within the debt limit prescribed by the charter. The amount of bonds which may be issued under the provisions of this section is hereby limited as follows: Before any bonds shall be issued hereunder an account shall be had of the total amount of water bonds then outstanding (including, however, only those bonds payable from the revenue of the water system) and from such amount shall be deducted the sum then in the sinking fund applicable to the retirement of such water bonds and the difference shall be held to be the net water bond indebtedness. An account shall at the same time be taken of the amount paid into such sinking fund and, or for the retirement of serial bonds during the preceding fiscal year. No bonds shall in any year be issued under the provisions of this section which with the net outstanding water bond indebtedness ascertained as above, shall exceed an amount which can be realized during a period of thirty-five years by the payment into the sinking fund above required to be maintained of an annual amount equal to the sinking fund payment and payment for the retirement of serial bonds made during such preceding fiscal year with accumulations thereof upon the basis of interest at four per cent per annum compounded annually.

[Amendment of November 7, 1922.]

§ 228¾. **WATER REFUNDING BONDS:**

For the purpose of refunding bonded indebtedness incurred by the City in issuing its water bonds dated July 1, 1893, due July 1, 1923, bearing interest at five per cent in the principal sum of $2,200,000, the Council is hereby authorized to refund said bonded indebtedness by issuing and selling refunding bonds of the City of Portland of the denomination of five hundred dollars or one thousand dollars as the Council may determine under the seal of the City of Portland with interest coupons attached thereto in the principal sum of $2,200,000. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland and each of said coupons shall have the signatures of the Mayor and the Auditor, engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises to pay to the bearer of each of said bonds at the expiration of the time fixed by the Council which time shall not be less than five nor more than thirty years from the date of issuance of such bonds, the sum recited therein in Gold Coin of the United States, together with interest thereon in like coin, payable semi-annually as provided in said coupons. The Council shall fix the rate of interest or provide that it shall be fixed by the bid. Competition in bidding shall be on the premium and, or rate of interest, as the Council shall designate. No sale shall be made for less than par and accrued interest. The Council shall fix the time of payment and may make the same serial within the above limits. The refunding bonds issued in pursuance of the authority hereby granted shall be known as "Refund Water Bonds of the City of Portland, Oregon." The bonds herein provided for shall be advertised and sold to the highest responsible bidder, and the Council may at its discretion reject any and all bids tendered for such bonds and proceed to readvertise and receive bids until a satisfactory bid is received. All ad-

vertisements shall be published for not less than five successive issues in the City Official Newspaper. Moneys derived from the sale of said bonds shall be used in the redemption of said bonds dated July 1, 1893, due July 1, 1923, and any balance that remains after such redemption shall be placed to the credit of the Water Bond Sinking Fund. The payment of the principal and interest of said refunding bonds shall be primarily chargeable against moneys derived from the sale of water; the principal and interest of said bonds shall be general obligations of the City of Portland but shall not be included within the debt limit prescribed by the Charter.

[Amendment of November 7, 1922.]

ARTICLE 2. REFUNDING BONDS:

PROCEDURE ON ISSUANCE OF BONDS TO FUND INDEBTEDNESS:

§ 229. ISSUE AND SALE OF BONDS:

For the purpose of funding any bonded indebtedness, including water bonds, of the City of Portland, the former City of East Portland, the former City of Albina, the former City of St. Johns and the former Town of Linnton, already matured or to mature in the future, the City of Portland is authorized and empowered to issue and dispose of bonds of the City of Portland, Oregon, of the denomination of from $100.00 to $1,000.00 as the purchaser may desire, such bonds to be in the name of the City of Portland, under its seal and signed by its Mayor and Auditor, with interest coupons attached thereto with the signature of the Mayor engraved thereon, and the City by each of such bonds shall be held in substance and effect to undertake and promise, in consideration of the amount received therefor, to pay to the bearer thereof at the expiration of the time specified therein, the sum named therein in Gold Coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which rate shall be the rate bid by the successful bidder and the interest on such bonds shall be payable half yearly, and the Council, at the time of providing for the issuance thereof, shall fix a time for payment, which time shall not be less than three years nor over twenty-five years from the date of issuing such bond. The total amount of such refunding bonds shall not exceed the face or par value of the bonds to be refunded. Before such refunding bonds can be sold, the Council shall cause to be inserted for two weeks in the City Official Newspaper and in at least one paper in New York City making a specialty of such matters, an advertisment inviting sealed bids for the purchase of said refunding bonds. Such refunding bonds shall be sold at par and accrued interest to the bidder offering the lowest rate of interest. Among equal bidders preference in the sale and allotment shall be given to the bidders residing in the State of Oregon and subscribing for the smallest amounts.

[Amendment of May 17, 1918]

ARTICLE 3. PARK AND BOULEVARD BONDS:

§ 230. ISSUE AND SALE OF BONDS.
§230a. RECONSTRUCTION BONDS.
§230b. PLAYGROUND BONDS.

§230. ISSSUE AND SALE OF BONDS:

The Council of the City of Portland or its successors in office is hereby authorized and empowered in the name of the City of Portland to issue and dispose of bonds of the City of Portland to an amount not exceeding One Million Dollars of the denominations of $500.00 or $1,000.00 as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the

premises, to pay to the bearer of each of said bonds at the expiration of twenty-five years from the date thereof, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four (4) per cent per annum, payable half yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Park and Boulevard bonds of the City of Portland, Oregon," and the proceeds thereof shall be applied to the purchase of parks and small parcels of ground for neighborhood parks and for the improvement thereof, also for the laying out, establishing and improving of a system of boulevards and park ways with bridges over gulches in the City of Portland. The bonds herein provided for shall be advertised and sold to the highest responsible bidder, and the Council may at its discretion reject any and all bids tendered for said bonds and proceed to re-advertise the same when bids are not satisfactory. Of the bonds herein authorized to be issued not to exceed $500,000 shall be issued and sold during any one fiscal year. All money derived from the sale of said bonds shall be in the care and custody of the Treasurer of the City of Portland and credited to a fund to be kept and known as the "Park and Boulevard Fund," and shall be paid out by him on warrant of the Mayor attested by the Auditor of the City of Portland, and not otherwise. The said fund shall be expended by the Council, when first recommended by the Park Board, for the purposes above enumerated and in either the direct purchase or in pursuance of condemnation proceedings as provided in Article 1, Chapter I., Article 4, ChapterIII., and Article 1, Chapter VI. of the Charter, and in the improvement of such parks, park ways and boulevards; there being expressly reserved to the Council the right to assess lots, blocks and parcels of land in any district or districts especially or peculiarly benefited by the establishing, laying out and improving boulevards in the same manner as provided by the Charter for assessing benefits for street improvements.

[Am. June 3, 1907, §118.]

§ 230a. RECONSTRUCTION BONDS:

For the purposes hereinafter stated the Council of the City of Portland is hereby authorized and empowered in the name and under the corporate seal of the City of Portland to issue and sell bonds of the City of Portland to an amount not exceeding five hundred twenty-seven thousand ($527,000.00) dollars of such denomination as the Council may determine and in such form as it may direct with interest coupons attached thereto. Said bonds shall be known and designated as "Reconstruction Bonds of the City of Portland," Said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland and each of said coupons shall have the signature of the Mayor and of the Auditor of said city engraved thereon, and the city by each of such bonds shall be held in substance and effect to undertake and promise, in consideration of the amount received therefor, to pay to the bearer thereof at the expiration of the time specified therein, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be payable half-yearly. The bonds herein authorized may be issued at one time or any portion thereof may be disposed of as the necessity for the expenditure of money in the progress of the work herein authorized may arise, and shall be numbered, beginning with number one and running consecutively through the total issue authorized by this section. The Council, at the time of providing for the issuance of all or any portion of the bonds hereby authorized shall determine the rate of interest to be paid thereon, which shall not exceed five and one-half per cent per annum, and shall fix the dates for redemption of said bonds, which dates of redemption shall not be less than three years nor more than twenty years from the date of such bonds. A prescribed portion of said bonds, to be designated by the Council, shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one year shall not exceed ten per cent of all the bonds authorized by this section, based upon the par value thereof. Said bonds shall be advertised for not less than two weeks and sold to the highest responsible bidder but not for less than par and

accrued interest, and the Council may reject any and all bids tendered for the same and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of said bonds may be expended by the Council (1) for the payment of expenses of the issuance and sale of said bonds, (2) for the performance of such improvement, construction, reconstruction, maintenance and repair work in, or in connection with, the public parks and boulevards in the City of Portland as the Council may deem necessary or expedient, including the construction, reconstruction, installation, extension, maintenance, alteration and/or repair of buildings, structures, equipment, driveways, walks, comfort stations, lighting and water systems, and all other structures, equipment, fixtures and facilities pertaining to said parks and boulevards and including the grading, planting and embellishment of grounds, (3) for the construction of three comfort stations in the business district of said city, including the acquisiton of necessary property rights therefor.

[Amendment of June 3, 1919.]

§ 230b. PLAYGROUND BONDS:

The Council of the City of Portland is hereby authorized, in the name of and under the corporate seal of said city, to issue and dispose of bonds of said City of Portland to an amount not exceeding five hundred thousand ($500,000.00) dollars of such denomination as the Council may determine and in such form as the Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland and each of said coupons shall have the signature of the Mayor and of the Auditor of the City of Portland engraved thereon, and the City of Portland by each of said bonds shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be payable half-yearly. The bonds hereby authorized may all be issued by the Council at one time or any portion thereof may be issued from time to time as the necessity for the expenditure of money in the progress of the work herein authorized may arise and shall be numbered beginning with number one and running consecutively through the total issue authorized by this section. At the time of providing for the issuance of all or any portion of the bonds hereby authorized, the Council shall determine the rate of interest to be paid thereon, which shall not exceed 5½ per cent per annum, and shall fix the dates for redemption of said bonds, which dates of redemption shall not be less than three years nor more than twenty years from the date of such bonds. A prescribed portion of said bonds, to be designated by the Council, shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one yar shall not exceed ten per cent of all the bonds authorized by this section, based upon the par value thereof. Said bonds shall be designated as "Playground Bonds of the City of Portland, Oregon," and shall be advertised for not less than two weeks and sold to the highest responsible bidder but not for less than par and accrued interest; and the Council may reject any and all bids tendered for same and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of the bonds herein provided for shall be expended by the Council in payment of the expenses of advertising and issuing said bonds and in the acquisition of land in the City of Portland to be used for parks and playgrounds. The Council is hereby authorized and empowered to acquire land for the purposes above enumerated, either by direct purchase or in pursuance of condemnation proceedings, as provided by the Charter of the City of Portland and the statutes of the States of Oregon.

[Amendment of June 3, 1919.]

ARTICLE 4. HAWTHORNE AVENUE BRIDGE BONDS.

§ 231. ISSUE AND SALE OF BONDS.
§ 232. HAWTHORNE AVENUE BRIDGE FUND.

§ 233. AUTHORIZING CONSTRUCTION HAWTHORNE AVENUE BRIDGE.
§ 234. AUTHORIZING CONDEMNATION OF PROPERTY.
§ 235. FRANCHISE RIGHTS ON BRIDGE.

§ 231. ISSUANCE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding Four Hundred and Fifty Thousand Dollars $(450,000.00) of the denomination of Five Hundred Dollars ($500.00) or One Thousand Dollars ($1,000.00), as the Council may determine, and in such form as said Council shall select with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of thirty (30) years from the date thereof the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four per cent (4 per cent) per annum, payable half yearly, as provided in said coupons. The bonds issued under this ordinance shall be known as the "Bridge Bonds of the City of Portland. Series 1907." The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor countersigned by the Auditor, and not otherwise. All expenses connected with the purchase or condemnation of any property, franchise or rights, and the expense of the bonds issued as herein authorized and the cost of the bridge herein provided for, are to be paid out of the proceeds of the sale of said bonds.

[Am. June 3, 1907, §118.]

§ 232. HAWTHORNE AVENUE BRIDGE FUND:

The proceeds of any sales of what is now known as the Madison Street Bridge, or any part thereof, shall become a part of the fund provided herein for the construction of the new bridge and may be used by the said Executive Board* as a part of said fund, and the fund created from the sale of bonds and from the sale of any part or parts of the bridge now known as the Madison Street Bridge, shall be known and designated as the "Hawthorne Avenue Bridge Fund." All of unexpended money after the bridge herein authorized has been constructed and paid for shall be transferred from the Hawthorne Avenue Bridge Fund to a fund to be known and designated as the "Bridge Bond Sinking Fund," or shall be transferred to the "Bonded Indebtedness Interest Fund," and used in the redemption of said coupons outstanding and maturing upon said bonds as the Council of the City of Portland may determine. Any funds or rentals paid for the use of said bridge and trackage rights thereon shall be paid to the Treasurer of the City of Portland and placed to the credit of the Bonded Indebtedness Interest Fund.

[Am. June 3, 1907, §118.]
*See §§16-17.

§ 233.—AUTHORIZING CONSTRUCTION HAWTHORNE AVENUE BRIDGE:

From the Hawthorne Avenue Bridge Fund, as herein provided, the Executive Board* of the City of Portland, County of Multnomah, State of Oregon, and its successors in office is hereby authorized and empowered in the name of the City of Portland to build a bridge across the Willamette River in the said city from Hawthorne Avenue on the east side of said river to Madison Street on the west side of

said river, and to remove what is now known as the Madison Street Bridge located across said river from Hawthorne Avenue on the east side of said river to Madison Street on the west side of said river, and to use or to sell or dispose of the said Madison Street Bridge or the material composing the same for such price and upon such terms as the Executive Board* in its judgment may determine, to be for the best interest of the City of Portland. The approaches to said bridge shall conform to the grades of streets as now established on Hawthorne Avenue on the east side of said river and Madison Street on the west side of said river.

[Am. June 3, 1907, §118.]
*See §§16-17.

§ 234. AUTHORIZING CONDEMNATION OF PROPERTY:

The said Executive Board* and its successors in office for the purpose of carrying into effect this ordinance is hereby authorized and empowered to appropriate and condemn in the name of the City of Portland for the use of the public any private property abutting upon the said avenue or street, or either thereof, or claimed to exist thereunder or over, and any and all franchises, easements, liens, approaches, structures, superstructures, leases, railway tracks, railway wires and roadways, and telephone, telegraph and electric light wires, which said Executive Board may require for the purposes of this ordinance. And said property may be entered upon and examined, surveyed and selected in the mode prescribed by the statutes of this state for the appropriation of property for public use.

[Am. June 3, 1907.]
*See §§16-17.

§ 235. FRANCHISE RIGHTS ON BRIDGE:

It shall be the duty of the Executive Board* before constructing the bridge herein authorized, to enter into negotiations with the Portland Railway, Light and Power Company, or any other company or corporation now operating cars over what is known as the Madison Street Bridge, for the surrender of its present lease and franchise and any and all other rights or privileges it has in, to or upon what is now known as the Madison Street Bridge, and approaches thereto, and as a consideration for such surrender the approaches thereto, and as a consideration for such surrender the Executive Board* is hereby authorized to agree for the City of Portland to construct the new bridge herein provided for, and to remove what is known as the Madison Street Bridge, and to make and execute to the said Portland Railway, Light and Power Company, or such other company or corporation now having rights or franchises on said Madison Street Bridge, a lease or franchise to operate cars over and across said new bridge for a term not exceeding twenty-five years. Provided, however, that the said Portland Railway, Light and Power Company, its successors and assigns, or any other company or corporation holding rights, leases or franchises, on said bridge shall agree in and by said new lease or franchise, to pay as rental for the use of said new bridge and approaches thereto and tracks thereon, five cents (5c) per car for each and every car of thirty-six (36) feet or less in length that crosses said bridge, and such additional rate per car for cars over thirty-six (36) feet in length as may thereafter be agreed upon between the Executive Board and the company or corporation interested therein. Said rental to be paid at the end of each calendar month to the City Treasurer. Said rental in no case to be less than fifteen thousand dollars ($15,000) per year, and in case said rental shall amount to less than fifteen thousand dollars ($15,000) per year upon the basis of the rate per car as hereinbefore provided, then and in that event the Portland Railway, Light and Power Company, its successors and assigns, shall at the end of the year, pay the difference between the amount paid at the rate of five cents (5c) per car and the said sum of fifteen thousand dollars ($15,000) to the City Treasurer. In case the Executive Board shall not make such an agreement with the Portland Railway, Light and Power Company and such other company or companies holding leases or franchises on said bridge as is herein authorized to be made,

then and in such event said Executive Board may in its discretion temporarily or permanently discontinue or abandon any further steps or proceedings toward the building of said new bridge, or may, in its discretion, proceed to acquire by condemnation as hereinbefore provided, in the name of the City of Portland any and all franchises, easements, leases, approaches, structures, superstructures, liens, railway tracks, railway wires, roadways, telephone and telegraph and electric wires and other private property including said lease and franchise and any other rights or privileges of the Portland Railway, Light and Power Company or such other company or companies as may be interested therein, which may be required for the purpose of carrying into effect the purposes of this act. Said Executive Board* and its successors in office, are hereby authorized to enter into contracts and leases with other street railway companies for the use and operation of cars over and upon the tracks of said new bridge and the approaches thereto for such times and such rates and upon such terms and conditions as may in the judgment of said Executive Board be necessary for the best interest of the City of Portland. Provided, however, that in and by every such contract or lease it shall be provided that the street railway company or companies shall pay the City of Portland as rental for the use of said new bridge and approaches thereto and tracks thereon, five cents (5c) per car for each time each and every car of thirty-six (36) feet or less in length crosses said bridge, and such additional rate per car for cars over thirty-six (36) feet in length as may be agreed upon between said railway company or companies and said Executive Board.* And provided, further, that said Executive Board may in giving or granting any such contract or lease, fix a minimum sum to be paid each month, in any event, by the company or companies to which such contract or lease is given or granted. If a specified agreement for the surrender of the present lease or grant and the granting of a new lease as is herein authorized is not made and entered into by the Executive Board of the City of Portland and the said Portland Railway, Light and Power Company, or other company or companies, or corporation or corporations, for rights on said bridge, the same shall have no right or authority to operate cars over and upon or use said new bridge and the approaches thereto, except under or by virtue of such new contract or lease as may be given or granted to it by said Executive Board in accordance with the provisions of this Section. Nothing in this ordinance shall be construed to authorize the Executive Board or its successors in office, to give any street railway company any exclusive right to operate cars over said new bridge. Should said Hawthorne Avenue Bridge be destroyed by fire, flood or other casualty, any lease or contract with reference to the use of the approaches thereto or contracts thereon by any street railway company shall then and thereupon at the option of said Executive Board and its successors in office cease and determine, and if such bridge shall be rebuilt then said lease or contracts for the use of the approaches to or tracks upon said bridge shall apply to said bridge so rebuilt or renewed. After the building of the said bridge hereby authorized the said Executive Board shall surrender and deliver the possession of the same to the County Court of Multnomah County, and such court shall operate, control and manage the same and keep the same in repair in the same manner as other bridges crossing the Willamette River within the City of Portland are operated, controlled and managed, as required by law.

[Am. June 3, 1907, §118.]
*See §§16-17.

ARTICLE 5. BROADWAY AND ROSS ISLAND BRIDGE BONDS:

§236. ISSUE AND SALE OF BONDS; GENERAL PROVISIONS.
§236½. BROADWAY AND ROSS ISLAND BRIDGE ACCESS BONDS.

§ 236. ISSUE AND SALE OF BONDS; GENERAL PROVISIONS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said city to issue and dispose of bonds of said City of Portland to an amount not exceeding two million dollars of the denominations of

five hundred dollars, or one thousand dollars, as the Council may determine and in such form as the said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date thereof the sum named therein in gold coin of the United States, together with interest thereon in like gold coin at the rate of four per centum per annum, payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as the "Bridge Bonds of the City of Portland, Series 1909." The bonds herein provided for and authorized to be issued, shall be advertised and sold to the highest responsible bidder. The Council may, at its discretion, reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, and shall pay out the same on warrants of the Mayor countersigned by the Auditor, and not otherwise. All expenses connected with the purchase or condemnation of any property, easement, franchise, or rights, and the expense of the bonds issued as herein authorized, and the cost of the bridge herein provided for, with its approaches, terminals and necessary accessories, are to be paid out of the proceeds of the sale of said bonds.

From the fund herein provided for, the Executive Board* of the City of Portland, Multnomah County, State of Oregon, and its successors in office, is hereby authorized and empowered, in the name of the City of Portland, to construct and build a bridge with appropriate approaches and terminals, and with a clearance of not less than 65 feet above high water and not less than 96.13 feet above the city datum or low water mark, across the Willamette River in said city, from Broadway street at or near its intersection with Larrabee street, on the east side of said river, and following the line of Broadway street extended westerly in its present course, to a point at or near its intersection with Seventh Street on the west side of said Willamette river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets; and it shall have full power and authority, subject to such regulations as may be imposed by the United States, to build, erect and construct piers, abutments and other necessary supports in the bed of the Willamette River for the foundation of such bridge.

The location of the west approach and incline of said bridge shall be subject, however, to such modification and change as may be deemed expedient by said Executive Board or its successors in office.

The said Executive Board, or its successors in office, for the purpose of carrying into effect the provisions of this section, is hereby authorized and empowered to appropriate and condemn in the name of the City of Portland, for the public use, any property occupied by or abutting upon said streets, bridge, site, approaches, or terminals, or necessary or which may be required, for the construction or maintenance of said bridge, approaches or terminals, including all franchises, easements, liens, approaches, structures, superstructures, leases, railroad tracks, and railroad property, railway wires, rights of way, roadways, telephone, telegraph and electric wires, which said Executive Board, or its successors may require to carry into effect the purposes of this section, and such property may be entered upon and examined, surveyed, selected, condemned and appropriated in the mode provided by the Charter of the City of Portland, or by the statutes of the State of Oregon, for the appropriation of property for public use or corporate purposes. And for the purpose of carrying the provisions of this section into effect, the Executive Board of the City of Portland, or its successors in office, is authorized and empowered to appropriate and use the whole or any part of any of the public streets or highways of the City of Portland or to establish or alter the grades thereof. All railway tracks laid upon said bridge, or upon its approaches or terminals, shall forever be and remain the

exclusive property of the City of Portland, and no exclusive privilege or franchise shall be granted to any person, railway company, or other public service corporation, for the use of the whole or any part of such bridge, approaches, or terminals. And all of such privileges or franchises that may be granted by the City of Portland for the use of the whole, or any part of such bridge, approaches, or terminals, shall be granted upon such compensation to the City as may be determined by the Council of the City of Portland or its successors in office. After the construction of such bridge, the Executive Board, or its successors in office, shall surrender and deliver the possession of the same to the County Court of Multnomah County, State of Oregon, and such court shall operate, control and manage the same and keep the same in repair in the same manner as other bridges crossing the Willamette river within the City of Portland are operated, controlled and managed as required by law.

All acts and parts of acts in conflict herewith are hereby repealed to the extent that they may conflict with the provisions hereof.

[Am. June 7, 1909, §118½.]
*See §16-17.

§ 236½. BROADWAY BRIDGE ACCESS BONDS:

The Council of the City of Portland is hereby authorized, in the name and under the corporate seal of said city, to issue and dispose of bonds of said city to an amount not exceeding $987,000.00, and of such denomination and form as the Council may determine, with interest coupons attached. Such bonds shall be signed by the Mayor and countersigned by the Auditor of said city, and each of such coupons shall have the signature of the Mayor and of the Auditor of said city engraved thereon, and the City of Portland by each of said bonds shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time specified therein, the sum named therein in gold coin of the United States of America, together with interest thereon in like gold coin at the rate mentioned in the bond, which interest shall be payable half-yearly. Portions of the bonds hereby authorized may be issued from time to time as the Council may find expedient. Said bonds shall be known as "Bridge Access Bonds," and the same shall be numbered beginning with Number 1 and running consecutively through the total issue authorized hereby. At the time of providing for the issuance of any such bonds, the Council shall, subject to the provisions hereof, fix the rate of interest to be paid (which rate shall not exceed five and one-half per cent per annum), the dates for redemption of said bonds (which dates shall not be less than three years nor more than thirty years from the date of such bonds), and the portion of said bonds which shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one year shall not exceed ten per centum of all of the bonds authorized by this section based upon the par value thereof. Such bonds, before sale, shall be advertised for not less than two weeks, and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of such bonds, may provide that competition in bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder and the award shall be made upon the bid which is most to the advantage of the city. The Council shall have the right to reject any and all bids and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of such bonds shall be expended by the Council in paying the expense of advertising, issuing and selling the same and in paying seventy-five per cent of the cost of opening, altering, widening and/or extension of the streets, and the cost of lands, rights of way, easements and/or other rights necessary for the purpose of providing additional lands, rights of way, easements and/or other rights for the new Burnside Street Bridge and new Ross Island Bridge (to be constructed by Multnomah County, Oregon), the Glisan street approach to the Railroad Bridge, and the east approach to the Broadway Bridge, the various

streets being designated as follows: Burnside street from the harbor line to Third street on the west side of the river; Burnside street, on the east side of the river, from a point 100 feet west of the west line of East Third street to Grand avenue; Grand avenue from Woodward avenue to Brooklyn street, and Brooklyn street from Grand avenue to East Seventh street; Woods street from the harbor line to Corbett street; Glisan street from Third street to Fourth street; and East Broadway from Crosby street to Larrabee street, it being contemplated and intended and hereby provided that the other 25 per cent of such cost shall be raised by a local assessment for benefits in the manner and as provided by Sections 321 to 324, inclusive, of the charter. In calculating the cost of acquiring such property, easements and/or rights, the cost of engineering, advertising, obtaining values, and all other expenses, shall be included.

If appeals are taken to the Circuit Court of the State of Oregon for Multnomah county, as provided by the charter, by the owners of any lot, tract or parcel of land appropriated, or by persons against whom an assessment of benefits is made, and upon the determination of such appeals judgments are entered by the Circuit Court against the city, increasing the cost of acquiring such property, rights of way, easements and/or other rights over the amount allowed by the City Engineer and the Council, then further authority is hereby given to the Council to issue and sell additional bonds, in the manner and form as above provided, up to but not exceeding an amount sufficient to cover such deficit cost as fixed by said Circuit Court on said appeals.

The amount of all of the bonds authorized by this section of the charter shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland, but shall be excluded from said limitation.

[Amendment of March 4, 1924.]

ARTICLE 6. FIRE BOAT, FIRE MAIN AND FIRE DEPARTMENT CONSTRUCTION BONDS:

§ 237. ISSUE AND SALE OF BONDS.
§ 237-a. FIRE BOAT, FIRE MAIN AND FIRE DEPARTMENT CONSTRUCTION BONDS.

§ 237. ISSUE AND SALE OF BONDS:

The Council of the City of Portland, and its successors in office, is hereby authorized and empowered in the name of the City of Portland to issue and dispose of bonds of the City of Portland to an amount not exceeding $275,000.00 of the denomination of five hundred dollars or of one thousand dollars, as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay the bearer of each of said bonds at the expiration of twenty-five years from the date thereof, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four per cent (4 per cent) per annum, payable half yearly, as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "General Bonds of the City of Portland, Oregon." The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder and the Council may in its discretion reject any and all bids tendered for said bonds and proceed to readvertise the same when the bids are not satisfactory. The money derived from the sale of said bonds shall be in the custody of the Treasurer of the City of Portland and credited to a fund to be known as "The Fire Boat and Fire Mains Fund" and the Treasurer shall pay out of the same on warrants of the Mayor attested by the Auditor and not otherwise. When the said bonds are sold and the money therefor has been paid to the Treasurer of

the City, the power and authority shall be vested in the Executive Board* to purchase, construct and equip an additional fire boat for the City of Portland, and to lay the mains as herein provided, and of the proceeds thereof not to exceed $125,000.00 shall be expended for the purchase or construction and equipment of a suitable fire boat and the remainder thereof shall be expended for the laying of water mains for protection against fire, from the Willamette River and on each side thereof, for a distance of six blocks and for the purpose of placing on said mains, hydrants and other apparatus as may be determined upon by the Executive Board.

[Am. June 3, 1907, §118.]
*See §16-17.

§ 237-a. FIRE BOAT, FIRE MAIN AND FIRE DEPARTMENT CONSTRUCTION BONDS:

The Council of the City of Portland is hereby authorized and empowered, in the name and under the corporate seal of the City of Portland, to issue and dispose of bonds of said City to an amount not exceeding two hundred thousand ($200,000.00) dollars of denominations to be determined by the Council and in such form as it may direct with interest coupons attached thereto. Said bonds shall be known and designated as "Fire Department Construction Bonds of the City of Portland, Oregon." Said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland and each of said coupons shall have the signatures of the Mayor and of the Auditor of said City engraved thereon, and the City by each of said bonds shall be held in substance and effect to undertake and promise, in consideration of the amount received therefor, to pay to the bearer thereof at the expiration of the time specified therein, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be payable half-yearly. The bonds herein authorized may be issued at one time or any portion thereof may be disposed of as the necessity for the expenditure of money in the progress of the work herein authorized may arise, and shall be numbered beginning with number one and running consecutively through the total issue authorized by this section. The Council, at the time of providing for the issuance of all or any portion of the bonds hereby authorized shall determine the rate of interest to be paid thereon, which shall not exceed five and one-half per cent per annum, and shall fix the dates for redemption of said bonds, which dates of redemption shall not be less than three years nor more than twenty years from the date of such bonds. A prescribed portion of said bonds, to be designated by the Council, shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one year shall not exceed ten per cent of all the bonds authorized by this section based upon the par value thereof. Said bonds shall be advertised for not less than two weeks and sold to the highest responsible bidder but not for less than par and accrued interest, and the Council may reject any and all bids tendered for the same and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of said bonds may be expended for the payment of the expenses of the issuance and sale of said bonds and for the construction, reconstruction and/or repair of buildings and structures for the uses and purposes of the Fire Department of the City of Portland, Oregon.

[Amendment of June 3, 1919.]

ARTICLE 7. CREMATORY BONDS:

§ 238. ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding one hundred and fifty thousand dollars ($150,000), of the denomination of five hundred dollars ($500) or one thousand dollars ($1,000), as the Council may determine, and in such form as said Council shall

select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds the sum named therein in gold coin of the United States, in ten equal annual installments from the general fund of the City of Portland, together with interest thereon in like gold coin at the rate of five per cent per annum, payable half yearly as provided in said coupons. The first annual installment to mature July 1, 1910.

The bonds issued in pursuance of the authority hereby granted shall be known as "Crematory Bonds" of the City of Portland and shall be paid from the general fund.

The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor, countersigned by the Auditor, and not otherwise.

The proceeds of the sale of the bonds herein provided for shall be expended by the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for incinerating plants, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes; and by the Board of Health* in pursuance of appropriations therefor, in the purchase, construction, installation, improvement and repair of incinerating plants and their necessary accessories. Said incinerating plants shall be under the management, control and supervision of the Board of Health.*

The Council is hereby authorized to provide a rate to be charged for the collection and removal of garbage.

[Am. June 7, 1909, §425½.]
*See §16-17.
[Note.—$108,000 of this authorization has been issued and the bonds redeemed.]

ARTICLE 8. PUBLIC AUDITORIUM BONDS:

§ 239. CREATION OF COMMISSION; TERMS OF OFFICE.
§ 240. RULES AND REGULATIONS.
§ 241. PUBLIC LETTING OF CONTRACTS.
§ 242. PROVISION FOR OREGON HISTORICAL SOCIETY.
§ 243. SAME—POWER TO EMPLOY SUBORDINATES AND CONTROL USE OF AUDITORIUM.
§ 244. ANNUAL REPORT.
§ 245. ISSUE AND SALE OF BONDS—SINKING FUND.
§ 246. DISBURSEMENTS.
§ 247. DEFICIT PAID OUT OF GENERAL FUND.
§ 248. EXPENDITURE OF FUND.

§ 239. CREATION OF COMMISSION; TERMS OF OFFICE:

That there is hereby created a Public Auditorium Commission.* Said Commission shall be composed of five members who shall be appointed by the Mayor. Within ten days after the adoption of this act the Mayor shall appoint five persons as members of said Commission, who are qualified voters and have been residents of the City of Portland for three years. Such persons shall determine by lot among themselves, the length of their terms, for one, two, three, four and five years, respectively. On the expiration of the term of any member his successor shall be appointed by the Mayor. Resignations, when made, shall be addressed to and ac-

cepted by the Mayor, and vacancies filled by him by appointment for the unexpired term. The members shall serve without salary or compensation of any nature. Within ten days after their appointment the Commission shall meet and organize by the election of a Chairman and the Auditor of the City of Portland shall be ex-officio Clerk of said Commission, without extra compensation.

[Am. June 5, 1911, §425¾.]
*See §16-17.
*Council.

§ 240. RULES AND REGULATIONS:

The Commission shall have power and authority to make all necessary rules and regulations for its government.

[Am. June 5, 1911, §425¾.]

§ 241. PUBLIC LETTING OF CONTRACTS:

In the construction of said Public Auditorium, the Commission shall proceed only after public notice asking for proposals based upon the plans and specifications previously submitted and filed with the Commission by its architect, and approved by it; Provided, that when, in the judgment of the Commission, the bids are excessive, or otherwise unsuitable, the Commission may proceed to do the work directly. The Commission shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding two hundred fifty ($250.00) dollars, except by public letting, or in case of failure to receive bids after reasonable notice in a public newspaper of the City of Portland, or in case of extreme emergency where the delay of public letting might cause serious loss or injury to the work. And it is further provided that open competition shall be had in the letting of all contracts for said construction including contracts of architects in drawing plans and designs for said construction work which shall be in pursuance of the rules of the American Institute of Architects.

[Am. June 5, 1911, §425¾.]

§ 242. PROVISION FOR OREGON HISTORICAL SOCIETY:

The Commission shall have the authority to permit the Oregon Historical Society to occupy such portion of such Public Auditorium as it may designate and upon such terms and conditions as said Commission shall prescribe and said Commission shall have exclusive charge and control of said Auditorium property subject to the provisions herein contained.

[Am. June 5, 1911, §425¾.]

§ 243. SAME—POWER TO EMPLOY SUBORDINATES AND CONTROL USE OF AUDITORIUM:

The Commission shall have the power to employ such officers, employes and agents as may be necessary in the efficient and economical carrying out of its duties and to fix and provide for their compensation, but such officers, employes and agents shall not be subject to the Civil Service provisions of the City Charter. The Commission shall have exclusive authority to fix the rates to be charged for the use of said Auditorium; to enter into any contract with theatrical or other companies for the use of said Auditorium for a term not exceeding two years, and shall also have power and authority to allow said Auditorium to be used by the general public, free of charge, at such times and upon such occasions as it, in its judgment, may determine.

[Am. June 5, 1911, §425¾.]

§ 244. ANNUAL REPORT:

The Commission shall annually make to the Council of the City of Portland a full

report of its doings for the year, including an itemized account of its estimated receipts and expenditures for the ensuing year. Such report shall be made at the same time as reports of the other departments of the City are submitted.
[Am. June 5, 1911, §425¾.]

§ 245. ISSUE AND SALE OF BONDS—SINKING FUND:

The Commission is hereby authorized, in the name and under the corporate seal of said City, to issue and dispose of bonds to an amount not to exceed six hundred thousand dollars, with interest coupons thereto attached, of the City of Portland, in such amounts and in such denominations as the Council may determine; Provided, however, that said issue of bonds shall be subject to the limitations provided in Section 160 of the Charter of the City of Portland. Said bonds shall be signed by the Mayor and countersigned by the Auditor of said City, and each of said coupons shall bear the fac simile signatures of the Mayor and of the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty (30) years from the date thereof, the sum named therein in gold coin of the United States, together with interest thereon in like gold coin at the rate of four (4 per cent) per centum per annum, payable semi-annually as provided in said coupons. Said bonds and interest are to be paid from taxes to be assessed, levied and collected upon real and personal property in the City of Portland, not exempt from taxation, and the Council shall, each year, at the same time the other levy or levies of taxes are made, as provided by Section 190 of the Charter, have power and authority to levy an additional tax of such fraction of a mill on each dollar of valuation of the property in said City that will yield not less than the sum of three thousand ($3,000.00) dollars nor more than four thousand ($4,000.00) dollars, which sum will be apportioned to a fund to be known as a "Sinking Fund" for the retirement of the bonds herein authorized to be issued and said sinking fund shall be invested by the Commission in interest-bearing bonds of the United States, the State of Oregon, the City of Portland, or any city of the first class, preference, however, to be given in all instances to interest-bearing bonds of the City of Portland, and all such securities shall be deposited with the City Treasurer.
[Am. June 5, 1911, §425¾.]

§ 246. DISBURSEMENTS:

The said bonds issued in pursuance of the authority hereby granted shall be known as "Public Auditorium Bonds of the City of Portland, Oregon," and the same shall be advertised and sold to the highest responsible bidder. The Commission may, in its discretion, reject any and all bids tendered for such bonds, and proceed to re-advertise the same when the bids are not satisfactory to said Commission. All moneys derived from the sale of such bonds, and all revenues of every nature whatsoever derived from said Public Auditorium, shall constitute the "Public Auditorium Fund of the City of Portland," and shall be in the care and custody of the Treasurer of the City of Portland. Disbursements shall be made by him on warrants of the Chairman and Clerk of the Commission, in pursuance of its general purposes and after express authority by resolution of the Commission. The books of the Commission shall, from time to time, be audited by the Auditor of the City of Portland, under the direction of the Council, in such manner and at such time as it may prescribe.
[Am. June 5, 1911, §425¾.]

§ 247. DEFICIT PAID OUT OF GENERAL FUND:

In case the revenues from said Auditorium for any preceding year are insufficient to pay for the maintenance and operation of said Auditorium, then the Council shall have authority to pay such deficit out of the general fund.
[Am. June 5, 1911, §425¾.]

§ 248. EXPENDITURE OF FUND:

From the fund herein provided for, the Commission is hereby authorized and empowered to expend the same, first, in the payment of the expense of the issuance and sale of said bonds, and in the acquisition of land for a site for said Auditorium, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes, and second, for the construction, maintenance, operation and management of the said Public Auditorium.

[Am. June 5, 1911, §425¾.]

ARTICLE 9. MUNICIPAL JAIL BONDS:

§ 249. ISSUE AND SALE OF BONDS.
§ 250. EXPENDITURE OF PROCEEDS.
§ 251. CONSTRUCTION OF JAIL BUILDING.

§ 249. ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding two hundred thousand ($200,000.00) dollars of such denomination as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and of the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date hereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate of four per centum per annum payable half yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Municipal Jail Bonds of the City of Portland, Oregon," and shall be payable by general taxation as provided by Section 190 of the Charter. The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may, in its discretion, reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, and shall pay out the same on warrants of the Mayor, countersigned by the Auditor, and not otherwise.

[Am. June 5, 1911, §428.]

§ 250. EXPENDITURE OF PROCEEDS:

The proceeds of the sale of the bonds herein provided for shall be expended by the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for, and in the construction and erection of a building to be used for a municipal jail, municipal courthouse, headquarters for the Police Department, and for an emergency hospital. The Council of City of Portland is hereby authorized and empowered to acquire, either by direct purchase or in pursuance of condemnation proceedings as provided by the Charter of the City of Portland and the statutes of the State of Oregon, an appropriate site for said municipal jail building, or to appropriate and use any property now owned by the City of Portland available for such purpose.

[Am. June 5, 1911, §428.]

§ 251. CONSTRUCTION OF JAIL BUILDING:

From the fund herein provided for, the Executive Board* of the City of Port-

land, Oregon, and its successors in office, is hereby authorized and empowered to construct and furnish a suitable building to be used for the purposes herein designated, and to enter into all the necessary contracts therefor. Said building, when completed, shall be under the supervision and control of said Executive Board.

[Am. June 5, 1911, §428.]
*See §16-17.
*Council

ARTICLE 10. MUNICIPAL GARBAGE COLLECTION BONDS:

§ 252. ISSUE AND SALE OF BONDS.
§ 253. EXPENDITURE OF PROCEEDS—GENERAL PROVISIONS.
§ 254. FIXING OF GARBAGE COLLECTION RATES.

§ 252. ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding seventy-five thousand ($75,000.00) dollars of such denominations as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signature of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date thereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate of four per centum per annum payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Municipal Garbage Collection Bonds," and the interest and principal of said bonds shall be paid out of the Municipal Garbage Collection Fund, but the same shall be considered as a general obligation of the City. The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may, in its discretion, reject any and all bids tendered for such bonds and proceed to readvertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, which shall be credited to the Municipal Garbage Collection Fund, and shall pay out the same on warrants of the Mayor countersigned by the Auditor of the City of Portland, and not otherwise.

[Am. June 5, 1911, §429.]

§ 253. EXPENDITURE OF PROCEEDS—GENERAL PROVISIONS:

The proceeds of the sale of said bonds may be expended by the Council in the payment of the expenses of advertising and issuing said bonds; and the Board of Health* may, in pursuance of appropriations therefor, establish a Municipal Garbage Collection System, and purchase all the necessary accessories therefor. The Council shall have the right to fix the rates which shall be charged for the collection of garbage. The Board of Health shall have power and authority to employ, hire and discharge from time to time, subject to the Civil Service Rules of this Charter, all agents, workmen, laborers and servants, as it may deem necessary or requisite in the conduct, operation and magement of said Municipal Garbage Collection System, and to make all needful rules and regulations for the conduct and management of the same, and to provide for the payment of rates monthly in advance, or otherwise, and to discontinue the service from any house, tenant or place when said garbage rate is not duly paid, or when any rule or regulation is disregarded or disobeyed, and to do any other act or make any other regulation necessary and convenient for the carrying out of the power and authority given by this Charter in conducting said Municipal Garbage Collection System.

[Am. June 5, 1191, §429.]
*See §§16-17.

§ 254. FIXING OF GARBAGE COLLECTION RATES:

The Board of Health* shall annually make, before the first day of January, a written estimate of the probable expense of maintaining and conducting said Garbage Collection System during the ensuing year, and also the cost of any contemplated alteration, improvement or extension thereof. Said Board of Health* shall ascertain and prescribe, as nearly as it conveniently can, a garbage collection rate for the ensuing year which will insure a sufficient income from the collection of garbage to pay such expenses and costs, together with the interest on said bonds, and a sum not exceeding three per cent of the principal of the bonds issued under this act to be used as a sinking fund to redeem said bonds, and said sinking fund shall be invested in interest bearing bonds, preference to be given to bonds issued by the City of Portland. Said estimate shall thereupon be submitted to the Council. The Council shall not increase the expenditures proposed nor decrease the garbage collection rate set out therein, but it may reduce or omit any proposed items of expenditure or increase the rate to be charged for the collection of garbage. The Council shall, by ordinance, authorize the proposed expenditures to be paid only out of the said Municipal Garbage Collection Fund and shall likewise fix the garbage collection rates for the ensuing year. In case of any unforeseen or great emergency, the Council may, by ordinance, at any time on recommendation of the Board of Health*, authorize further expenditures to be made out of the Municipal Garbage Collection Fund. All moneys collected or received by the Board of Health for the collection of garbage shall be deposited with the City Treasurer, who shall keep the same separate and apart from the other funds of the City in a fund to be known as the Municipal Garbage Collection Fund.

[Am. June 5, 1911, §429.]

*See §§16-17.

CHAPTER 11

Streets and Their Improvement.

§ 255. DEFINITION OF "STREET."
§ 256. ORIGINAL ESTABLISHMENT OF GRADES.
§ 257. CHANGE OF GRADE—AUTHORITY OF COUNCIL.
§ 258. ENGINEER'S REPORT.
§ 259. NOTICE TO PROPERTY OWNERS AND HEARING THEREON.
§ 260. HEARING ON OBJECTIONS AND CLAIMS FOR DAMAGES.
§ 261. AWARD OF DAMAGES AND ASSESSMENT OF BENEFITS.
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§ 265. RAILROAD GRADE CROSSINGS.
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§ 284. LOCAL IMPROVEMENT CODE.
§ 284a. COLLECTION OF DELINQUENT ASSESSMENTS.
§ 284b. COST OF IMPROVEMENT—ITEMS THEREOF.

§ 255. DEFINITION OF "STREET":

The term "street" as used in this Charter shall be construed to include any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, public thoroughfare or public way, and any land over which any right of way has been obtained or granted, for any purpose of public travel.

[Ch. 1903, §75; Am. May 3, 1913, §57.]

§ 256. ORIGINAL ESTABLISHMENT OF GRADES:

Amend 11-7-22

When the Council may not have established the grade of any street or streets or part or parts thereof the grade of such street or streets or part or parts thereof may at any time be established by the Council by ordinance without taking any of the proceedings hereinafter provided for.

§ 257. CHANGE OF GRADE—AUTHORITY OF COUNCIL:

Amend 11-7-22

The Council shall have authority to change any grade which may have been previously established, to determine the amount of damages to be paid in consequence of such change and make a local assessment therefor, provided, that where any grade shall have been established by the Council and any permanent building shall have been constructed upon abutting property after such establishment, for which building damages are claimed as hereinafter provided, no such change of grade shall be made without ascertaining whether any damage is sustained and providing for payment of such damage, as hereinafter provided. In other cases the Council shall determine whether or not damages to abutting property shall be considered or awarded. The term "permanent building" shall include any pavement, curb, sidewalk, step, fence or other structure, the cost of which shall have been paid by the claimant for such damages or by his predecessor in title.

§ 258. ENGINEER'S REPORT:

Amend 11-7-22

Whenever the Council shall deem it expedient to change the grade of any street or streets or any part or parts thereof within a district continuously affected by such change of grade, it shall direct the Engineer to make a report thereon. The Engineer shall thereafter, as soon as can be conveniently done, file with the Auditor his report which shall show the location and nature of grade changes which in his judgment should be made.

§ 259. NOTICE TO PROPERTY OWNERS AND HEARING THEREON:

Amend 11-7-22

The Council shall, if it deem such report satisfactory, adopt a resolution approving the same and declaring its intention to make such proposed change of grade, stating the location and nature of the proposed change. Notice of the adoption of such resolution shall be published by the Auditor in the City Official Newspaper for

a period of five consecutive insertions. Such notice shall set forth a copy of such resolution and the time within which objections against such proposed change of grade and claim for damages may be filed in writing with the Auditor, and the time when said matter and objections will be heard by the Council. Objections and claims for damages may be filed at any time within twenty days from the first publication of such notice. The time for hearing shall be the next regular meeting of the Council following the expiration of said 20 days. The City Engineer within five days from the first publcation of such resolution shall cause to be posted on the street or streets affected by such proposed change of grade a notice headed "Notice of Change of Grade," containing in legible characters a copy of the notice so published. One of such notices shall be posted at or near each street intersection where such proposed change of grade is to be made, but if no intersection is affected by such change of grade then the posting of one notice at or near the maximum point of change of grade shall be sufficient. The City Engineer shall file with the Auditor an affidavit of posting stating therein the date when and the places where such notices were posted.

§ 260. HEARING ON OBJECTIONS AND CLAIMS FOR DAMAGES:

If the Council find that the owners of more than three-fifths in area of the property affected have filed written objections, no further proceedings shall be taken for a period or six months except on a petition of the owners of more than half in area of such property or unless an award of damages is made to the owners of property injuriously affected. The Council may determine at such hearing what property is injuriously affected by such proposed change and what property is specially benefited thereby. All claims for damages shall be verified and shall set out the facts upon which such claim is based and the amount thereof. If the Council find that the objectors do not represent three-fifths in area of the property affected injuriously and beneficially or if the Council determines to ascertain and award damages to the owners of property injuriously affected, it shall have jurisdiction to make such change of grade. If the Council find that no claim for damages has been presented by the owner of any permanent building constructd as hereinbefore stated and that the objections filed do not represent three-fifths in area of the property affected, the Council may by ordinance make such change of grade without awarding damages and without further proceedings. The Council may nevertheless determine to award damages to the owners of property injuriously affected.

§ 261. AWARD OF DAMAGES AND ASSESSMENT OF BENEFITS:

If the Council find that any claim for damages has been made by the owner of any building erected as hereinbefore stated, and, or if the Council determine to award damages to the owners of property injuriously affected the Council shall refer the matter to the City Engineer who shall thereafter make a report setting out the amount of damages which in his judgment should be awarded to the owner of each building, lot or parcel of land so injuriously affected, and a detailed assessment on each lot and parcel of land specially benefited according to its proportionate share of benefits resulting from such change. Upon the filing of such report the same proceedings shall be taken with like force and effect as are provided in the charter for street opening or extension proceedings.

[Amendment of November 7, 1922.]

§ 262. REPEALING SECTIONS 256 TO 264, 1903 CHARTER:

That Sections 256 to 264, both inclusive, or said charter as arranged by Ordinance No. 29350 be and the same are hereby repealed, but this repeal shall not affect or impair the validity of any proceeding or act heretofore taken or done thereunder, or which may be taken or done for the purpose of carrying out and consummating any and all proceedings now pending.

[Amendment of June 3, 1919.]

§ 265. RAILROAD GRADE CROSSINGS:

The Council shall have the right, power and authority to determine whether any railroad crossing of any street or highway within the corporate limits of the City of Portland is dangerous, and to provide for the elimination of any grade crossing of any railroad on such street or highway whenever, in the opinion of the Council, it is necessary to eliminate the same.

[Am. June 2, 1913, Subdiv. a, §372½.]

§ 266. ELIMINATION OF RAILROAD GRADE CROSSINGS:

Whenever the Council shall deem that any crossing of a railroad and street or public highway is dangerous to public safety the Council may by ordinance require the City Engineer to prepare plans and specifications for, and estimates of, the cost of making such change as will eliminate such grade crossing.

[Am. June 2, 1913, Subdiv. b, §372½.]

§ 267. CONFERENCE WITH RAILROAD ENGINEER AS TO PLAN:

The City Engineer, upon being required to prepare such plans, specifications and estimates, shall confer with the civil engineer of the railroad company representing such railroad in said city for the purpose of determining upon a reasonable plan and method for eliminating such grade crossing, and in the event that said City Engineer is unable to agree with the Engineer of such railroad company as to said matter, the City Engineer shall thereupon proceed to determine upon a proper and reasonable plan and method of eliminating said grade crossing: Provided, however, that in the event two or more railroads, or one or more interurban or urban car line or lines are affected by such proposed change of grade the City Engineer shall confer with the civil engineer of each of such companies for the purpose of determining upon a reasonable plan or method of eliminating such grade crossing: Provided, further, that in the event the City Engineer shall be unable to agree with such engineers he shall proceed to determine on a reasonable plan for the elimination of such grade crossing: and, provided, further, that in the event such civil engineers, or any of them, shall neglect to confer with the City Engineer after ten days' notice in writing, the City Engineer shall proceed with the preparation of such plans, specifications and estimates without such conference.

[Am. June 2, 1913, Subdiv. c, §372½.]

§ 268. FILING OF PLANS—OBJECTIONS:

When a plan is determined upon as herein provided the City Engineer shall file with the Auditor as his earliest convenience, and within such time as may be fixed by the Council by ordinance, the report on such matter, with the necessary plans, specifications and estimates of the cost thereof, and upon the filing thereof the Auditor shall immediately notify in writing the railroad, interurban or street railway companies interested of such filing, and each of such companies shall have thirty days from the date of the receipt of such notice within which to file with the Auditor objections thereto, or to propose modifications thereof, or to file other or different plans and specifications, together with the estimates of the cost thereof: Provided, however, that the City Engineer shall not neglect the filing of plans, specifications and estimates therefor because of the inability of the engineers of such companies to agree, or their failure or neglect to confer with him in regard to the same or their neglect to attend such conference as the City Engineer may call.

[Am. June 2, 1913, Subdiv. d, §372.½]

§ 269. CONSIDERATION OF PLANS—DAMAGES AND BENEFITS:

The Council, at any regular meeting held within three months after the expiration of said thirty-day period mentioned in Section 268 hereof, shall consider the report, plans, specifications and estimates filed, and may refer the same to a com-

mittee thereof, in which event the Auditor shall give five days' notice in writing to the company or companies interested when such committee will consider said matter, which notice must be mailed to such company or companies, and at the time specified said company or companies may attend and be heard thereon, and thereafter such committee shall make its report containing its findings and recommendations to the Council, and thereafter the Council shall select from said plans so submitted the plan and method for eliminating said grade crossings and adopt specifications therefor, or dismiss said proceedings. Upon the determination by the Council of the manner of eliminating such grade crossing if it appear that a change of grade be required upon any portion of such street or road, it shall determine whether such grade shall be changed with or without considering damages to adjacent property. If it determine to consider damages to adjacent property it shall require the City Engineer to determine and report to the Council the amount of damages which such property may sustain by reason of the change of such grade. The basis for the determination of such damages shall be the depreciation, if any, in the market value of such property on account of such change of grade, and in reckoning such depreciation of the market value the City Engineer shall take into account the benefits, if any, and the effect which such proposed improvement will have upon the market value of such property, and also the probable amount of the assessment which may be placed against such property on account of the making of such improvement. The City Engineer shall, at his earliest convenience, file with the Auditor a report in writing setting forth the amount of damages which the owners of the lots, blocks and parcels of land affected by such change of grade will, in his opinion, sustain thereby.

[Am. June 2, 1913, Subdiv. e, §372½.]

§ 270. APPORTIONMENT OF DAMAGES AND BENEFITS—GENERAL PROVISIONS:

Upon the filing of such report the Auditor shall forthwith publish in the city official newspaper a notice that such report has been filed and shall state the amount of damages sustained by each property owner, specifying the property for which such damage is allowed. Such notice shall be published for four consecutive insertions in the city official newspaper. Said notice shall also state the date when said report of the City Engineer will be heard by the Council, which date shall be not less than five days from the date of last publication of such notice, and shall further state that objections thereto may be made in writing and filed with the Auditor at any time prior to the day of such hearing. At the time fixed for such hearing the Council shall hear and consider said report and all objections and remonstrances thereto, or may refer the same to any committee which shall further consider the same, hear all evidence offered and report thereon to the Council, and at any time thereafter the Council shall determine the amount of damages to be awarded to any or all persons on account of such change of grade. An appeal may be taken from the act of the Council to the Circuit Court of the State of Oregon for the County of Multnomah, but such appeal shall be prosecuted within twenty days after the determination of the damages, if any, by the Council. Such appeal shall be taken by serving notice of appeal upon the City Attorney and filing the same with proof of service, together with an undertaking with one or more sureties who shall have the qualifications of sureties on appeal from the Circuit Court to the Supreme Court, and if excepted to shall justify in like manner, conditioned that such appellant will pay all costs and disbursements that may may be awarded against him on appeal. The City of Portland shall be considered the plaintiff and such appeal shall be conducted and be heard and determined, as far as practicable, in the same manner as an action at law. The jury shall view the property in question and its verdict shall be final and conclusive determination of the question of damages. The cost of making such change and improvement determined upon by the Council, or by the jury on such appeal, shall be apportioned as follows: Sixty per cent thereof shall be paid by the railroad company owning or controlling such railroad at such crossing, and twenty per cent thereof

by the City of Portland from its Special Bridge Fund, and twenty per cent thereof shall be assessed against the property benefited thereby and comprised within a district to be fixed or determined upon by the Council and in arriving at the cost of such change and improvement the raising or lowering of the track or tracks involved shall not be included in said percentage to be paid by said City and by the property in said improvement district except as to the extent embraced within the boundaries of such street or highway, but all other costs and expenses including the abutting property damaged shall be included, and whenever said street or highway is occupied or used by another railroad, street railway, interurban or urban railway company or companies, or whenever said street crosses more than one railroad and the same are embraced and included within the same improvement, then sixty per cent to be paid by such railroad shall be apportioned among all the railroads, street car and interurban railway companies affected by such change, and in addition to such sixty per cent so to be apportioned among said companies, the cost and expense resulting from the raising or lowering of the tracks of said companies, or any of them, shall be likewise apportioned among all of said companies, but the proportion of said sixty per cent and of such additional cost of raising or lowering the grades or tracks to be borne by each of said respective companies shall be determined by the Council unless said interested companes within thirty days after the final determination of the Council ordering said improvements shall file with the Auditor their mutual agreement thereon.

[Am. June 2, 1913, Subdiv. f, §372½.]

§ 271. FUND FOR PAYMENT OF DAMAGES:

In case of the allowance of damages to adjacent property, by reason of such change of grade the City shall, upon final determination of the amount to be awarded to each property owner as soon as can reasonably be done, transfer from the Special Bridge Fund of the City, or any other available fund, to the special assessment fund to be created as hereinafter provided, an amount sufficient to pay all such awards of damages, and thereupon warrants shall be drawn in favor of the various parties entitled thereto, in the respective amounts awarded, which warrants shall be payable upon demand, together with interest thereon from the date thereof at the rate of six per cent per annum, and shall be delivered to such persons upon their application therefor as hereafter provided; and from the time that such warrants are drawn such city shall have power and authority to proceed with the making of such changes and improvements, but none of such warrants shall be delivered until all such property owners, who have been allowed damages, file their written acceptance of such allowance, or the time for contesting the same shall have expired without any contest, or until any and all contests shall have been finally determined. The advancement herein provided for, together with interest thereon at the rate of six per cent per annum from the date thereof, shall be deemed a part of the cost of such alteration and improvement and shall be included in the apportionment hereinbefore specified, and the amount of such advancement, together with interest as aforesaid, shall be returned to the fund from which the same was advanced, excepting, however, twenty per cent thereof which is to be borne and discharged by said City as above provided.

[Am. June 2, 1913, Subdiv. g, §372½.]

§ 272. PUBLICATION; REMONSTRANCES; COLLECTION OF ASSESSMENT:

The Council shall, before adopting plans and specifications for such work, by resolution describe the property benefited thereby and to be assessed for the portion of the cost thereof above specified, and notice of the adoption of such resolution shall be given in the same manner as is stated in Section 376* of said Charter, and remonstrances may be made by property owners, but such property owners shall not have the right by remonstrance to veto or defeat such proposed improvement. Said remonstrance shall be filed with the Auditor within the time to be fixed by said resolution and upon the expiration of such time the Council shall determine whether or not to proceed with said matter. If it determine to proceed it shall by ordinance fix

such assessment district and fix the time and manner of making such change and improvement and adopt plans and specifications therefor as provided by paragraph e (Section 269) of this Act. A contract or contracts for the doing of such work and the furnishing of such material as may be necessary under the plans and specifications therefor adopted for the purpose of making such change and improvement shall thereupon be made, which contract shall be awarded, entered into and the work inspected and accepted and the assessment of that portion of the cost assessable against the property within the assessment district made in the same manner and with the same effect as is or may be provided by charter for street improvements, but such contract shall not embrace the work of raising or lowering the railroad tracks beyond the marginal lines of the street or highway. Assessments made as herein provided shall be entered in the Docket of City Liens in the same manners as is or may be provided by the Charter for the collection of street assessments and the amount to be paid by said railroads, street railways and urban companies shall also be entered in the Docket of City Liens and shall constitute a lien against any real property of each of such companies in the City of Portland including its rights of way, depots, freight yards and stations and if any such company or companies fail to pay or bond the same within the time provided for paying or bonding assessments for street improvements, the City may proceed by mandamus to require the payment thereof, or may proceed to collect the same by a suit or action or in the same manner as other assessments are or may be collected as provided by the Charter in the matter of the collection of delinquent street assessments or by any and all of such methods.

[Am. June 2, 1913, Subdiv h, §372½.]
*Retained as Ordinance.

§ 273. BONDING ASSESSMENTS:

Any and all persons whose property may have been assessed for such improvement, including such company or companies, shall have the right to bond such assessments in the same manner as is or may be provided by the Charter for bonding assessments. No formal proceedings shall be required or had relative to changing the grade of such road or street further than herein specified, and upon the completion of such improvement, the grade of such road or street shall be duly altered and changed in accordance with the grade established by the provisions of this act, and the City Engineer shall make suitable record thereof.

[Am. June 2, 1913, Subdiv. i, §372½.]

§ 274. RAILWAY COMPANIES NOT RELIEVED FROM DUTY TO PAVE:

Nothing in this act shall impair the right of the City of Portland to require any street car company or companies or railroad company or companies, having a franchise on any such street or road to pay for the cost of paving and improving such portion of such street or road as may be provided by the franchise of such company or otherwise.

[Am. June 2, 1913 Subdiv. j, §372½.]

§ 275. REMEDY UNDER ART. III, CHAP. 4, CHARTER NOT—AFFECTED:

The remedy provided by Sections 365 to 372, inclusive, of Article III, Chapter VI of the Charter*, providing for the establishment and change of grades shall in no manner be affected by this act, but the provisions of this act shall be construed as an additional remedy thereto and shall apply only to the elimination of railroad grade crossings on public streets and highways.

[Am.June 2, 1913, Subdiv. k, §372½.]
*Retained as Ordinances.

§ 275a. SEWERS AND DRAINS:

The Council is hereby authorized and empowered to take such action and proceedings from time to time as it may deem necessary for the construction of any sewer and/or drain jointly with any county or counties within which the City of

Portland is or may be wholly or partially situated or with which the boundary of the City of Portland is or may be adjoining or contiguous; to levy and collect special assessments of benefits therefor; to enter into an agreement or agreements with such county or counties with reference to the construction, maintenance and use of every such sewer or drain and paying the cost thereof; to issue bonds for the purpose of financing that portion of the cost which may be agreed upon as chargeable to property outside of the City and to do all other things necessary or proper to be done in order to provide for the construction of sewers and/or drains partially within and partially without the City of Portland, or wholly within the City or wholly without the City when the design, plan or method of construction will render the same beneficial to property both within and without the limits of the City; and to do and perform all such acts as are necessary to carry into effect the provisions of Chapter 293 of the General Laws of Oregon, 1917.

§ 275b. SALE OF BONDS FOR:

The issuance and sale of such bonds may be made from time to time after the construction of any such sewer or drain has been authorized, and each of such bond issues shall be limited in amount so as not to exceed the portion of the cost of such sewer or drain which may be agreed upon with such county or counties as the amount justly and equitably to be borne by the property lying beyond the limits of the City of Portland for the construction of such sewer or drain. Such bonds shall not be issued for a longer period of time than twenty years. No such bonds shall be issued when the same,together with similar bonds outstanding, will exceed $500,-000.00. They shall be general obligations of the City of Portland. In lieu of issuing bonds the Council may provide for the financing of a part or all of the portion of the cost which may be agreed upon as chargeable to property outside of the City from the fund raised from the tax 'for the construction of bridges elsewhere than across the willamette River, the filling of streets across gulches and ravines and the construction of overhead or underground crossings across railroad tracks.' The Council shall have the right and authority to levy and collect an assessment against the property benefited by any such sewer or drain and lying beyond the City limits whenever such property shall be included within the City limits if no previous assessemnts therefor shall have been made on such property and to apply the money so collected to the payment of such bonds, or to reimburse the City for any payment thereof, or expenditure or advancement for such sewer or drain, and any agreement with such county or counties may provide for the levy and collection by such county or counties of an assessment against such property whenever such sewer or drain shall be of immediate benefit to such property, or may be of benefit thereto by reason of the construction of any extension, lateral, branch, or otherwise.

§ 275c DEFINITION OF SEWER:

The word 'sewer' as used in the two previous sections shall embrace and include all trunks and extensions thereof, pipes, ducts, laterals, branches, manholes, lamp holes, catch basins, pumping stations and apparatus therefor, sewerage disposal structures and apparatus therefor, septic tanks and all other structures, apparatus and things which may be reasonably necessary or proper for a complete sewerage and drainage system and for the disposal of sewage, and also the relaying, repairing, reconstruction or renewing thereof. The term 'drain' as used in this act shall embrace and include all ditches, canals, ducts, pumping stations, gates and all other apparatus, structures and devices which may be reasonably necessary or proper for drainage purposes.

[Amendment of June 4, 1917.]

§ 275½. POWER TO ELIMINATE TWO CROSSINGS IN ONE PROCEEDING:

The Council shall have the right, power and authority under Sections 265 to

275, both inclusive, to provide in one proceeding for the elimination of the grade crossings of two or more streets with any railroad or railroads in a district.

[Amendment of June 7, 1915.]

§ 276. COUNTY ROADS AS CITY STREETS; RELINQUISHMENT TO COUNTY:

All county roads lying within the limits of the City of Portland, which have not been laid out or accepted as streets by the authority of said City, shall remain and be county roads until they shall be laid out or accepted by said authorities as streets, and be under the jurisdiction of the County Court of Multnomah County, Oregon, and shall be worked, maintained and improved as county roads outside the limits of said City are worked, maintained and improved.

The Council may by resolution, upon order of the County Court signifying its willingness to accept the same, relinquish for the purpose of working or improving the same, to the county, control of all that part between the curb lines of any street connecting with the county road. Thereupon such street shall, to that extent, be under the control of the County Court and shall be worked and improved in like manner as county roads until such time as the County Court relinquishes jurisdiction of the street.

[Ch. 1903, §422.]

§ 277. CHARTER TO GOVERN PENDING PROCEEDINGS:

Nothing in this Charter shall affect in any way the validity of any proceedings pending at the time that it shall take effect for the opening, widening, laying out or establishing of any street, or for the change or establishing of any grade thereon, or making any kind of street improvement, or for the construction of any drain or sewer, and the levy and collection of assessments therefor, but such proceedings that shall have been taken shall be deemed to be regularly and legally taken and all such proceedings thereafter, of whatever nature, shall be proceeded with and enforced in accordance with and by virtue of the provisions of this Charter.

[Ch. 1903, §423.]

§ 278. BONDING OF STREET IMPROVEMENTS AND SEWERS:

Whenever the Council of the City of Portland or other competent authority shall have proceeded to improve any street or streets or any part or parts thereof, or to lay or reconstruct any sewer within the corporate limits, and shall have assessed the cost of such improvement or sewer to the property benefited thereby and liable therefor according to the provisions of its Charter and Ordinances, it shall be lawful for the owner of any lot, part of lot, parcel of land or other property so assessed for such improvement or sewer in the sum of five dollars ($5) or more, at any time within twenty (20) days after notice of such assessment is first published to file with the Auditor of the City of Portland a written application to pay said assessment in installments, and such written application shall state that the said property owner thereby waives all irregularities and defects, jurisdictional or otherwise, in the proceedings to improve said street or lay said sewer, and in the apportionment of the cost thereof. Said application shall contain a provision that the said property owner agrees to pay said assessment in twenty-semi-annual installments, with interest on all installments at the same rate as that expressed in the bonds issued to pay for such improvement or sewer. Said application shall also contain a statement by lots, blocks or other convenient description of the property of the applicant assessed for such improvement or sewer. No application as aforesaid shall be received or filed by the Auditor if the amount of such assessment, with any previous assessment or assessments for street improvement or sewer construction against the same property and remaining unpaid shall equal or exceed the valuation of said property as shown by the last tax roll of the county; provided, that application for such bonding shall be received by the Auditor in cases where the amount of the assessment, together with the previous assessments for street improvements or sewers against the property (and remaining unpaid) shall exceed the valuation of said property as

shown by the last tax roll of the county, if the owner shall, before making such application, pay in cash into the treasury of the City such excess of unpaid assessments over the valuation as shown by such last tax roll.

The owners of a majority of the property so assessed may select a competent person to inspect such improvement under the direction of the City Engineer.

The Auditor shall keep all such applications for bonding in convenient form for examination, and the applications received for each street improvement and each sewer shall be separate.

After the expiration of the time for filing applications for the payment of assessments for improvement of streets or laying of sewers by installments as herein provided, the Auditor shall enter in a docket kept for that purpose, under separate heads for each street or sewer, by name or number, a description of each lot, part of lot or parcel of land or other property against which the assessment is made or which bears or is chargeable for the cost of such improvement or sewer, and the name of the owner and the amount of the assessment for which application to bond has been duly filed; the date of entry in each particular case to be the same as the date of entry in the original lien docket. Such docket shall stand thereafter as a bond lien docket as for taxes assessed and levied in favor of the City and for the amount of such unpaid assessments therein docketed with interest on said unpaid assessments at the rate fixed in the bond but not exceeding six per cent per annum against each lot, part of lot or parcel of land or other property, until such assessments and interest are paid in the manner hereinafter provided. All unpaid assessments and interest shall be and remain a lien upon each lot, part of lot or parcel of land or other property respectively in favor of the City, and such lien shall have prority over all other liens and incumbrances whatsoever.

When such bond lien docket shall be made up as hereinbefore provided, as to the assessments for improvement of streets or laying of sewers, the Council shall by ordinance authorize the issue of bonds in convenient denominations, not exceeding one thousand dollars ($1,000) each and in all equal to the total amount of the unpaid assessments for such street improvements and sewers and for which applications to pay under the provisions of this act have been filed as shown by said bond lien docket, and such bonds shall by the terms thereof mature in ten years from the date thereof and be payable in gold coin of the United States and bear interest not to exceed six per cent per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bond or bonds, provided the right to take up and cancel such bond or bonds upon payment of the face value thereof, with the accrued interest to the date of payment, upon the first day of any month at or after the period of three years from the date of such bond or bonds, shall be and is hereby vested in the City and the bonds shall be redeemed consecutively by number, commencing with the lowest outstanding number. Notice that certain bonds are to be taken up and cancelled as aforesaid and that the interest thereon shall cease on the first day of the month next following the publication of such notice, shall be published in the City Official Newspaper not less than twice during the month preceding said date of payment and after said date of payment interest upon the bonds designated in such notice shall cease. Such bonds before issuance shall be signed by the Mayor, countersigned by the Auditor and authenticated by the seal of the City affixed thereto, and shall be registered consecutively by number and denomination of each in a book to be kept by the Auditor and accessible to the Treasurer, and known and designated as the Improvement Bond Register. Each of such bonds, whether issued for the improvement of streets or the laying of sewers, shall have distinctly and plainly inscribed or printed on the face thereof the registered number of said bond and the words "Improvement Bond" with the name of the City of Portland. Such bonds shall be advertised for sale and sold for the highest price obtainable, but not for less than par and accrued interest, except that the City may purchase such bonds under the provisions of Section 192 of the Charter, as codified and arranged by Ordinance No. 29350, passed by the Council August 19, 1914, and the proceeds thereof shall be paid by the purchaser to the Treasurer of the City, and the par value thereof

shall be credited to the respective street improvement and sewer funds for which said bonds are issued, and the accrued interest and premium accruing from the sale of said bonds shall be credited to the general fund of the City, the fund from which interest is paid on street and sewer warrants or the improvement bond sinking fund, as the Council shall direct.

Thereafter there shall be due and payable semi-annually for ten successive years to the Treasurer of the City by the owner of each lot, part of lot, parcel of land or other property assessed for the improvement of any street or streets or part or parts thereof or the laying of any sewer, whose application to pay the cost of such improvement or sewer by installments has been filed as herein provided, five per cent of the cost of such improvement or sewer assessed against the property of such owner as appears by the bond lien docket, together with the amount of six months' interest at the same rate per annum on unpaid assessments or installments as the interest rate expressed in the bond issued for such improvement or sewer. The first payment aforesaid shall be due and payable at the expiration of six months from the date of said assessment in the original lien docket and subsequent payments at the expiration of each six months thereafter. Should such owner or owners neglect or refuse to pay such sum or sums aforesaid as the same shall become due and payable for a period of twenty (20) days, then the whole amount of said installments remaining unpaid shall immediately become delinquent and shall be collected in the same manner and with the same penalties as delinquent street or sewer assessments are collected; provided, that at any time before the property is sold as herein provided, the owner or owners may pay a delinquent installment or intallments with interest thereon as herein provided, together with the cost of advertisement or advertisements, and a penalty of five per cent on the entire unpaid assessment from the date of the earliest delinquent assessment to the date of payment, whereupon the remaining installments under said assessment shall be payable as though no delinquency had occurred. It shall be the duty of the Auditor to make and deliver to the Treasurer of the City a copy of the bond lien docket, and the Treasurer shall thereupon make the proper extensions of installments and interest on said bond lien docket and notify the owner or owners of property that the installments aforesaid and /or interest are due and payable, but a failure of such owner or owners to receive such notice shall not be taken nor held to prevent the collection of installments and/or interest as herein provided.

The Treasurer shall issue a receipt for such installments and interest and shall file duplicates of said receipts with the Auditor daily and shall make proper entries of the same showing the amount of each payment and the date thereof; provided, however, that at any time after issuance of such bond or bonds any owner at the time of any such lot, part of lot, parcel of land of other property against which such assessment is made and docketed may pay into the City Treasury the whole amount of such assessment for which such lien is docketed, together with the full amount of interest and costs accrued thereon to the date of payment, and upon producing to the Auditor the receipt of the Treasurer (which receipt shall not only state the amount of such payment, but also a description of the lot, part of lot, parcel of land or other property upon which such payment is made), he shall enter in such lien docket opposite the entry of the lien therein the amount of such payment and the date thereof.

The Treasurer shall keep an account of funds paid upon bonded improvements separate and apart from other funds of the City and the amount of such funds paid on account of installments and interest upon unpaid installments shall be placed to the credit of funds to be known and designated as "Improvement Bond Sinking Fund" and "Improvement Bond Interest Fund," respectively, which funds shall be a continuation of the present funds of the same name and shall be applied respectively to the payment of improvement bonds heretofore issued and interest thereon, in accordance with the terms of such bonds, and thereafter to the payment of bonds and interest issued hereunder, and any moneys received under the law heretofore existing on account of installments and

interest due thereon shall be applied to the redemption of bonds under this act and the payment of interest thereon; provided, that whenever there is an excess in the Improvement Bond Interest Fund such excess may be transferred to the general fund to provide for the repayment of money previously advanced to said fund by the general fund. The amount placed to the credit of the improvement Bond Sinking Fund shall from time to time, under the direction of the Council, be deposited in a bank, subject to the provisions of Section 293 of the Charter of 1903, retained as an ordinance, or by investment in or used for the purchase of improvement bonds of the City at par. In the purchase of improvement bonds, accrued interest thereon shall be paid out of the Improvement Bond Interest Fund and all interest received by the Treasurer on account of coupons shall be placed to the credit of the Improvement Bond Interest Fund and interest due on improvement bonds shall be paid out of the Improvement Bond Interest Fund.

All bonds purchased by the City shall be held by the Treasurer as a sinking fund and shall be sold by direction of the Council when required for the redemption of bonds previously issued as they shall become due and payable.

Entries of payments of installments, interest and costs made under the provisions of this act shall operate as a discharge of such lien to the amount of such payment and from the date thereof.

No obligation incurred by the City by virtue of this section of the Charter shall be deemed or taken to be within or any part of the limitations by law as to indebtedness.

At any time after the bonds which may be issued hereunder shall become payable, if not sooner taken up and cancelled as hereinbefore provided, the City may redeem such bonds and to that end shall redeem the same consecutively by number, commencing with the lowest outstanding number of such bonds, and shall give notice of the readiness of the City to redeem by publication in the City Official Newspaper once each week for two successive weeks, giving therein the number of the bonds which will be redeemed and the time at which such redemption will be made, and after such time so fixed for redemption no interest shall accrue or become payable on such bonds so notified for redemption.

Section 3. That the method provided by Section 2 of this act for the issuance and sale of bonds for the improvement of streets and laying of sewers and the payment of the cost of such improvements and sewers by installments, shall be the only method employed by said City from and after the first day of July, 1915, and all laws and parts of laws in conflict with this act are hereby repealed; provided, however, that this act shall in no way affect the provisions of said Charter for the issuance and sale of bonds for the changing, laying out or establishing of streets as provided for by Sections 256 to 264, both inclusive, of the Charter as codified and arranged by Ordinance No. 29350 passed by the Council August 19, 1914.

[Amendment of June 7, 1915.]

§ 278½. REBONDING ASSESSMENTS: See Ord 63981

It shall be lawful, the Council of the City of Portland first approving by a four-fifths vote, for the owner of any property which has been assessed for a local improvement prior to July 1, 1915, in cases where such assessment has been bonded and entered in the Bond Lien Docket and the same has not been fully paid, to file with the Auditor on or before June 1, 1923, an application for rebonding in an amount not exceeding one-half (½) of the original assessment and the Auditor shall have authority to accept such application in cases where the amount to be rebonded is $10.00 or more upon each such lot, tract or parcel of land or other property; provided, the owner shall tender and pay with such application all amounts in excess of the amount hereby allowed to be rebonded, including accrued interest and penalties, and provided that the applicant shall produce evidence satisfactory to the Auditor showing that all general taxes have been paid. The amount of the assessment, to be rebonded shall constitute a new principal and shall be paid in five equal annual installments with interest thereon at the rate expressed in the

bonds issued on account of such assessments. All such applications shall be preserved by the Auditor as original bonding applications and shall be of the same form, and the Auditor shall enter such amounts for which such rebonding applications may have been made in the Bond Lien Docket. The Council shall have power and authority, from time to time, to issue and sell improvement bonds of the City of Portland on such applications in an amount not exceeding the total amount thereof. The proceeds from the sale of said bonds shall be applied as follows: (a) The amount herein provided to be rebonded shall be placed to the credit of the Improvement Bond Sinking Fund and (b) the balance of the proceeds of such sale shall be placed to the credit of the Improvement Bond Interest Fund.

The amounts of money herein provided to be paid in excess of the amount to be rebonded shall be paid in reduction of the original assessment and shall be placed to the credit of the Improvement Bond Sinking Fund and the penalties and interest thereof shall be placed to the credit of the Improvement Bond Interest Fund.

The bonds herein provided for shall not be counted as a part of the debt limit of the city. A penalty of one per cent. per month on the whole amount shall be charged in case of any delinquency of any installment to be paid by the property owner as herein provided; provided that such penalty shall not exceed six per cent.

Except as herein otherwise provided, Section 278 of the charter shall apply to such applications, to the form, issuance and sale of improvement bonds thereon, to the matter of paying the amount entered in such Bond Lien Docket and to the redemption of such improvement bonds. The Council shall have authority by ordinance to provide such regulations and rules as may be needed for accepting bonding applications, issuing bonds and otherwise carrying out the provisions of this section.

[Amendment of November 7, 1922.]

§ 279. DISTRIBUTION OF ASSESSMENTS BONDED:

In case a tract or parcel of land is bonded for any public improvement, the Council is authorized upon a written application when such tract is afterwards subdivided to apportion the lien of indebtedness standing against the whole tract, upon the different lots, and is authorized to release a lot or lots, upon the payment or rebonding, from all liens except the amount thus apportioned against such lot or lots.

[Am. May 3, 1913, §108.]

§ 280. GENERAL PARK ACT NOT TO APPLY:

The act of the Legislative Assembly of the State of Oregon entitled "An Act to Provide for Park Commissioners and the acquisition of land for parks and the management thereof, approved February 17, 1899," shall not nor shall any of its provisions apply to the City of Portland incorporated under this act.

[Ch. 1903, §424.]

§ 281. NO LIABILITY FOR DEFECTIVE CONDITION OF SIDEWALKS, ETC.:

No recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through

whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

[Ch. 1903, §8.]

§ 282. CLAIMS FOR DAMAGES:

Every claim for damages against the City must be presented to the Council and filed with the Auditor within six months from the taking effect of this Charter or within six months after the time when such claim for damages accrues; otherwise there shall be no recovery on any such claim. No ordinance shall be passed allowing any such claim, or any part thereof, or appropriating money or other property to pay or satisfy the same, or any part thereof, until such claim has been referred to the proper department, nor until such department has made its report to the Council thereon pursuant to such reference, unless judgment has been rendered on such claim. No action shall be maintained against the City for any claim for damages until the same has been presented to the Council and filed with the Auditor as above set out and sixty days have elapsed after such presentation.

[Ch. 1903, §9.]

§ 283. RETAINING CHARTER PROVISIONS AS ORDINANCES:

That so much of Sections 167 to 268 and 287 to 305, both inclusive, and of Sections 328 to 345, both inclusive (Charter of 1903), as is not inconsistent with the provisions of this Charter shall remain in effect as ordinances only subject to repeal or amendment by the Council in like manner and with like effect as other ordinances passed by the Council.

[Am. May 3, 1913, §96.]

§ 284. LOCAL IMPROVEMENT CODE:

That so much of Sections 346 and 347, 348, 349 and 350 as heretofore amended, and of Sections 362 to 421, both inclusive, of the Charter of 1903, as is not inconsistent with the provisions of this Charter shall remain in full force and effect as ordinances only subject to repeal and amendment and to the enactment of new legislation by the Council in the manner and subject to the restrictions in this Section provided upon the subject of improvements of whatever nature to be paid for by local assessment. Such Sections shall be known as the Local Improvement Code. No repeal of any portion thereof, amendment thereto nor new legislation upon the subject shall be made by the Council except by ordinance which shall be published in full and in its final form in the City Official Newspaper at least thirty days before its final passage. Notice shall be given in the City Official Newspaper and by publishing conspicious advertisements in one or more daily papers published in the City of Portland having a circulation of not less than 1500 not less than five times, the last of such notices to be published not less than ten days before the final adoption of any such amendment, repeal or new legislation. Upon the adoption of any amendment to or the repeal of any part of such Local Improvement Code or the adoption of any new legislation upon the subject, the whole Local Improvement Code shall be printed in pamphlet form and the Auditor shall be furnished with a sufficient number of copies thereof for distribution to all persons inquiring for the same. The Council, in the exercise of its general legislative powers, may provide in its discretion for the performance of any public work by or on behalf of the City and for the method of payment thereof, but said Local Improvement Code must provide for the giving of not less than ten days' notice by publication, or by mailing to persons interested, (a) of the intention to make any improvement, and (b) of any proposed assessment against property owners for the same, and the right shall be preserved to the owners of sixty per centum in extent of the property affected by any assessment for a local improvement except for street opening or sewers to defeat the same by remonstrance.

[Am. May 3, 1913.]

§ 284-a. COLLECTION OF DELINQUENT ASSESSMENTS: Amend See Page 120-1

For the purpose of providing an additional method for the collection of delinquent assessments, the Council is authorized from time to time to issue and dispose of bonds to be known as "Assessment Collection Bonds." The amount of such bonds shall not exceed one million five hundred thousand ($1,500,000) dollars. Such bonds shall be signed by the Mayor and Auditor of the City, shall have the City seal affixed thereto, shall be of such denominations as the purchaser may desire of not less than five hundred dollars ($500.00), shall be general obligations of the City, and shall have attached thereto interest coupons bearing a facsimile of the signatures of the Mayor and Auditor.

The Council, before selling such bonds, shall provide for advertising for not less than two weeks and selling the same to the best bidder, reserving the right to reject any or all bids. The rate of interest of such bonds shall not exceed six (6) per cent per annum and the life of such bonds shall not exceed twenty (20) years.

The money realized from the sale of such bonds, after paying thereout the cost of advertising and selling the same shall be deposited in a special fund to be known as the "Assessment Collection Fund," which shall be used under the direction of the Council for purchasing property by and in the name of the City at City Treasurer's sale to satisfy delinquent assessments and/or at sheriff's sale on foreclosure of delinquent taxes, and protecting the interest and rights of the City in and to such property. All moneys derived by sale of any such property so purchased shall be credited to the Assessment Collection Fund.

No certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings, provided that in some stage of the proceedings before such assessment was made notice shall have been given, and the description of the property in the certificate or deed be sufficient to reasonably identify the same, it being intended hereby to provide a curative provision as fully as it is within the power of the people to enact with respect to any and all matters in and way affecting the validity of such certificate or deed, and every such certificate of sale and deed shall be presumptive evidence of the regularity and sufficiency of all things pertaining to the validity thereof, and in any and all cases where this curative provision may be found insufficient, the money realized from the attempted sale shall not be deemed to have been applied in payment of the attempted assessment, or in any manner discharging the obligations of the owner or such property to bear his or its fair and just portion of the cost of the local improvement for which such attempted assessment was made, but the money realized upon such attempted sale shall be refunded to said "Assessment Collection Fund," and the Council may make a reassessment against such property.

The Council shall have power (a) to renew said Assessment Collection Fund from time to time by selling additional bonds, subject to the restrictions and conditions in this section provided, providing the outstanding bonds, together with those to be issued, shall not exceed one million five hundred thousand ($1,500,000) dollars; (b) to provide for the sale and assignment of such certificates of sale, and assignment or conveyance of the rights of the City in and to all such property, whether before or after receiving deed from City Treasurer, or from the Sheriff of Multnomah County; (c) to pay all necessary real estate commissions, court costs, legal and clerical services and all other necessary expenses in connection with the purchase, clearing the title to and the sale of all property acquired by the City at City Treasurer's and/or Sheriff's sale and to purchase or redeem any City Treasurer's Certificates of sale outstanding against any such property; (d) to transfer money from said Assessment Collection Fund to the General Fund, provided that adequate provision shall be made for the redeeming of all outstanding Assessment Collection Bonds; (e) to transfer money from the Improvement Bond Interest Fund to the General Fund to reimburse the General Fund for advances that have been or may be made to said Interest Fund, but no such transfers shall be made without leaving in said Interest Fund an amount sufficient to pay all interest maturing on Improve-

ment Bonds within the next two (2) months; (f) to provide for waiving the penalty in case redemption be made within the first six months after sale, and also to provide that in case of redemption be made thereafter and within the next six months, the penalty in excess of five (5) per cent be remitted, but no further remission shall be made; (g) to pay any bonded and/or open liens outstanding against any property acquired by the City under authority of this section or to cancel such assessments at the discretion of the Council; and (h) to enact such ordinances as may be needed to give full effect to this section.

[Amendment of November 4, 1924.]

§ 284-b. COST OF IMPROVEMENT—ITEMS THEREOF:

The contract price based upon the estimate of the City Engineer, the costs of rights of way and expenses of condemning land, and the sum of six per cent of the contract price as the cost of engineering and superintendence, which sum shall not be used for any other purpose, shall be deemed to be the cost of every sewer and street improvement; provided, that the City Treasurer shall apply the first money received on account of any street or sewer improvement toward the payment of the warrants held by the City drawn for the payment of said engineering and superintendence.

[Amendment of November 4, 1924.]

CHAPTER 12

Miscellaneous.

§ 285. REPEALING 1898 CHARTER.
§ 286. EMERGENCY CLAUSE 1903 CHARTER.
§ 287. REVISION OF CHARTER—CODIFICATION OF ORDINANCES.
§ 288. CHARTER EFFECTIVE JULY 1, 1913.
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§ 310. PENSION CERTIFICATES.
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§ 312. PENSIONS PRORATED WHEN FUNDS INSUFFICIENT.
§ 313. BOOKS AND ACCOUNTS OPEN FOR INSPECTION.
§ 314. DIVISION OF POLICE AND FIREMEN'S RELIEF FUND.
§ 315. PENSIONS EXEMPT FROM EXECUTION.
§ 316. DISCHARGE OF POLICEMEN.

Section 284-A. COLLECTION OF DELINQUENT ASSESSMENTS:

For the purpose of providing an additional method for the collection of delinquent assessments, the Council is authorized from time to time to issue and dispose of bonds to be known as "Assessment Collection Bonds." The amount of such bonds shall not exceed one million five hundred thousand ($1,500,000) dollars. Such bonds shall be signed by the Mayor and Auditor of the City, shall have the City seal affixed thereto, shall be of such denominations as the purchaser may desire of not less than five hundred ($500.00) dollars, shall be general obligations of the City, and shall have attached thereto interest coupons bearing a facsimile of the signatures of the Mayor and Auditor.

The Council, before selling such bonds, shall provide for advertising for not less than two weeks and selling the same to the best bidder, reserving the right to reject any or all bids. The rate of interest of such bonds shall not exceed six (6) per cent per annum and the life of such bonds shall not exceed twenty (20) years.

The money realized from the sale of such bonds, after paying thereout the cost of advertising and selling the same shall be deposited in a special fund to be known as the "Assessment Collection Fund," which shall be used under the direction of the Council for purchasing property by and in the name of the City at City Treasurer's sale to satisfy delinquent assessments and/or at Sheriff's sale on foreclosure of delinquent taxes, and protecting the interest and rights of the City in and to such property. All moneys derived by sale of any such property so purchased shall be credited to the Assessment Collection Fund.

No certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings, provided that in some stage of the proceedings before such assessment was made notice shall have been given, and the description of the property in the certificate or deed be sufficient to reasonably identify the same, it being intended hereby to provide a curative provision as fully as it is within the power of the people to enact with respect to any and all matters in any way affecting the validity of such certificate or deed, and every such certificate of sale and deed shall be presumptive evidence of the regularity and sufficiency of all things pertaining to the validity thereof, and in any and all cases where this curative provision may be found insufficient, the money realized from the attempted sale shall not be deemed to have been applied in payment of the attempted assessment, or in any manner discharging the obligations of the owner or such property to bear his or its fair and just portion of the cost of the local improvement for which such attempted assessment was made, but the money realized upon such attempted sale shall be refunded to said "Assessment Collection Fund," and the Council may make a re-assessment against such property.

The Council shall have power (a) to renew said Assessment Collection Fund from time to time by selling additional bonds, subject to the restrictions and conditions in this section provided, providing the outstanding bonds, together with those to be issued, shall not exceed one million five hundred thousand ($1,500,000) dollars; (b) to provide for the sale and assignment of such certificates of sale, and the assignment or conveyance of the rights of the City in and to all such property, either before or after receiving deed from the City Treasurer, or from the Sheriff of Multnomah County, and to provide for the sale of said property by the City under contracts, which contracts may be made for any period not exceeding ten years; (c) to pay all necessary real estate commissions, court costs, legal and clerical services and all other necessary expenses in connection with the purchase, clearing the title to and the sale of all property acquired by the City at City Treasurer's and/or Sheriff's sale and to purchase or redeem any City Treasurer's Certificates of sale outstanding against any such property; (d) to transfer money from said Assessment Collection Fund to the General Fund, provided that adequate provision shall be made for the redeeming of all outstanding Assessment Collection Bonds; (e) to transfer money from the Improvement Bond Interest Fund to the General Fund, to reimburse the General Fund for advances that have been or may be made to said Interest Fund, but no such transfers shall be made without leaving in said Interest Fund an amount sufficient to pay all interest maturing on Improvement Bonds within the next two (2) months; (f) to provide for waiving the penalty in case redemption be made within the first six months after sale, and also to provide that in case redemption be made thereafter and within the next six months, the penalty in excess of five (5) per cent be remitted, but no further remission shall be made; (g) to pay any bonded and/or open liens outstanding against any property acquired by the City under authority of this section or to cancel such assessments at the discretion of the Council; and (h) to enact such ordinances as may be needed to give full effect to this section.

Adopted Nov. 8, 1932.

§ 317. CITY ATTORNEY TO ADVISE BOARD.
§ 318. ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH REPEALED.
§ 319. DEFINITION.

§ 285. REPEALING 1898 CHARTER:

The act entitled "An Act to incorporate the City of Portland and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State October 17, 1898, and all acts and parts of acts in conflict with this Charter are hereby repealed.

[Ch. 1903, §426.]

§ 286. EMERGENCY CLAUSE 1903 CHARTER:

Whereas, there are several bridges upon important thoroughfares and car lines in the City of Portland, now old and in a dilapidated and ruinous condition, dangerous to life and property; and,

Whereas, there is an immediate necessity for the construction of new bridges in the place of said old ones in order to provide for the safety of the people of said City; and,

Whereas, there are no ways or means by which under the present Charter of said City new bridges can be constructed in place of the old ones; and,

Whereas, the foregoing Act provides ways and means available at once for the construction of new bridges; and,

Whereas, there is otherwise a necessity for the immediate adoption of the foregoing Act to insure the health, peace and safety of the people of Portland,

Therefore, this Act shall take effect and be in force from and after its approval by the Governor.

[Ch. 1903, §427.]

§ 287. REVISION OF CHARTER—CODIFICATION OF ORDINANCES:

The Auditor of the City of Portland is hereby authorized to renumber the foregoing Sections, providing for a commission form of government, and insert the same in proper place in the Charter of 1903, and thereafter have the same published in pamphlet form.

Immediately after this Charter goes into effect the Council shall revise, codify and arrange in appropriate chapters, articles and sections, the Charter and general ordinances of the City of Portland.

[Am. May 3, 1913.]

§ 288. CHARTER EFFECTIVE JULY 1, 1913:

This Charter shall go into effect on the first day of July, 1913, except that the provisions hereof for election shall be in effect immediately upon its adoption and an election shall be held pursuant to such provisions on the first Monday in June, 1913.

[Am. May 3, 1913.]

§ 289. CERTAIN NOMINATIONS VOID:

All nominations made under the Charter of 1903 shall become void and of no effect on the adoption of this Charter.

[Am. May 3, 1913.]

§ 290. CONTRACT WITH HUMANE SOCIETY:

The Council may, in its discretion, make and enter into a contract with any association or corporation which for at least ten years shall have been organized and engaged in the prevention of cruelty to animals, delegating thereto upon such terms

as may be fixed by the Council the duty and power of maintaining and operating a pound and enforcing in a humane way ordinances relative to the regulation, restraint and disposition of dogs and domestic animals; the Council may invest agents and employes of said organization with all necessary police authority for the enforcement of said ordinances.

[Amendment of June 7, 1915.]
[Note (291) Levy for Playgrounds and Parks Provided for in Section 190.]

§ 292. DOCK BONDS:

The Commission of Public Docks of the City of Portland, Oregon, is hereby authorized in the name and under the corporate seal of the City of Portland to issue and dispose of bonds of the City of Portland to an amount not exceeding three million ($3,000,000.00) dollars of such denomination as the Commission may determine and in such form as it may direct, with interest coupons attached thereto. Said bonds shall be signed by the Mayor and countersigned by the Auditor of said City and each of said coupons shall have the signatures of the Mayor and of the Auditor of said City engraved thereon whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds at maturity thereof the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at a rate to be determined upon by said Commission, but not to exceed five per cent per annum, which interest shall be payable half-yearly as provided in said coupons. The Commission may prescribe the length of time for which said bonds shall run, provided that the final date of payment of any bonds issued under the authority hereby granted shall not exceed thirty (30) years from the date of such bonds. A prescribed portion of said bonds shall be redeemed each year beginning with the third year from the date thereof; provided, that bonds, the par value of which shall not exceed the sum of one hundred fifty thousand ($150,000.00) dollars may be made payable in any one year. Said bonds may be issued in series as the necessity for the expenditure of money in the progress of the work herein authorized may arise. Said bonds shall be known as "Municipal Grain Elevator Bonds of the City of Portland." Said bonds shall be advertised and sold to the highest responsible bidder, but the Commission may reject any and all bids tendered for the same and proceed to readvertise when bids are not satisfactory.

The Treasurer of the City of Portland shall have the care and custody of all moneys received from the sale of said bonds and shall pay out the same on warrants of the Chairman of the Commission countersigned by its Secretary and not otherwise.

"The proceeds from the sale of said bonds may be expended by the Commission, (1) for the payment of the expenses of the issuance and sale of said bonds, (2) for the acquisition, if necessary, of land inside or outside of the city limits for the purposes herein set forth, either by the direct purchase thereof or in pursuance of condemnation proceedings as provided by law, (3) for the construction, equipment, maintenance and operation of all necessary buildings and structures, elevators, galleries, conveyors, machinery and equipment, warehouses, tracks, spur tracks, docks, wharves, piers, slips and all machinery and equipment necessary for handling and storing grain and other articles of commerce, (4) for the extension and addition of the facilities herein authorized, (5) for doing all dredging and filling that may be necessary for carrying out the purposes of this act, and (6) for the payment of interest on the bonds hereby authorized for such length of time as may be deemed advisable by the Commission of Public Docks. Said bonds may contain such provision for their redemption as the Commission may prescribe, subject to the provisions of this act. All money received by the Commission on account of said facilities shall be paid to the City Treasurer. Disbursements shall be made by him on warrants of the Chairman and Secretary of the Commission in pursuance of the authority of the Commission. For the purpose of carrying the provisions of this section into effect the Commission shall have power, (1) to employ all such persons, subject

to the civil service provisions of the Charter, as may be necessary to carry on the work, (2) to enter into all necessary contracts for such construction and other work, (3) to fix and regulate from time to time, and from time to time alter all charges for the use of the facilities hereby authorized, and (4) the powers heretofore conferred upon the Dock Commission for the construction of docks may be further exercised in carrying out the provisions of this section.

The Commission shall annually include in its financial estimate for the ensuing year an amount sufficient to provide for the interest on all bonds issued under the authority hereby granted and to provide a fund for the redemption of bonds maturing during such ensuing year. The Council of the City of Portland shall, in addition to all other taxes heretofore authorized and at the same time other levies of taxes are made, levy upon all the property in the City of Portland not exempt from taxation a tax sufficient to raise the amount named in said estimate, including an amount sufficient to cover interest charges and provide for the redemption of the bonds hereby authorized. In the event of the failure of the Council to make such levy, the amount of the estimate of the Commission of Public Docks may be certified by it to the county officials whose duty it is to levy taxes, and a tax sufficient to cover such estimate, including an amount sufficient to cover interest and provide for the redemption of bonds as herein provided shall be levied and collected in the same manner that other taxes are levied and collected.

[Amendment of June 4, 1917.]

§ 293. SINKING FUND:

Whenever improvement bonds which may have been issued upon bonded assessments may be redeemable and it appears to the Council to be of advantage to the City to redeem the same but the money available in the improvement bond sinking fund is insufficient, the Council may transfer money from any other sinking fund as a temporary loan to the improvement bond sinking fund to be returned from said improvement bond sinking fund with interest at the rate of six per cent per annum, and the Council may authorize and provide for the issuance and sale of new bonds upon such bonded assessments for the purpose of redeeming such old bonds. Such new bonds shall be limited in amount to the the amount of bonds to be taken up thereby and shall bear interest, be sold and be redeemable in the manner provided by Section 278 of the City Charter as amended June 7, 1915. In case of any temporary loan as above provided and a failure of property owners to pay into the improvement bond sinking fund a sufficient amount to return such temporary loan when needed, the Council shall make provision for the return thereof by the sale of bonds as above provided. The provisions of this section shall be in force and effect from and after July 1, 1918.

[Amendment of June 4, 1917.]

§ 294. FIRE STOPS:

The Council shall have power and authority to acquire by agreement or by condemnation such property, easements or rights as may be needed for the construction of fire stops; to perform the work of erecting fire stops either by the direct employment of labor or by awarding contracts therefor and to provide for the payment of the costs thereof by the levy and collection of local assessments for benefits. Before any such fire stops shall be constructed an estimate shall be made of the probable cost and of the probable saving in fire risks and insurance expenses. Where any such fire stop or fire stops are to be constructed at the expense of property benefited and to be assessed therefor, the Council shall take proceedings similar to those required for constructing sewers and the method of making assessments and collecting the same shall be the same as is or may be provided in the Local Improvement Code, relative to sewers. The cost of acquiring the necessary property, easements or rights shall be included in the cost of such fire stop or fire stops.

The term "fire stop" shall be deemed to include any fire proof wall or other device to prevent the spread of fire.
[Amendment of June 7, 1915.]

§ 295. PREFERENCE TO HOME MANUFACTURERS:

It shall be discretionary with the Council in letting contracts for street improvements, sewers and other public works and structures and in the purchase of materials or supplie for any public use to give any and all such contracts and employment to and purchase such material or supplies from persons and concerns who shall have been engaged in business in the State of Oregon, provided that the bid of such person, persons or concerns or the prices quoted by them shall not exceed by more than five per cent the lowest bid or prices quoted by persoss or concerns engaged in such business or manufacturing such materials and supplies elsewhere and when in their opinion the public good in any way will be served thereby, provided, however, that no goods or materials shall be entitled to the above preference in which the major portion of the work of manufacturing the same shall be done outside of the State of Oregon. This section shall be applicable whether payment is to be made by a local assessment or otherwise.
[Amendment of May 17, 1918.]

§ 296. CREATION OF FUND:

There is hereby created and established a Policemen's Relief and Pension Fund for the benefit of the regular members of the Bureau of Police of the City of Portland who have served twenty or more years; for the benefit of the widow, and children under the age of sixteen years, of any deceased policeman and for the benefit of disabled members of said Bureau of Police.

§ 297. SOURCE OF FUND:

Said fund shall consist of all moneys withheld from the salary of any member of the Bureau of Police as fines for any breach of discipline and for the violation of the rules and regulations of the Bureau of Police, all bequests, fines, gifts, or emoluments paid or given on account of any extraordinary service of any member of said bureau (except when specifically allowed to be retained by such member by the Council of the City of Portland), and a monthly fee which shall be paid into said fund by each member of said bureau who shall have passed the physical examination required by civil service regulations pertaining to police officers equal to 1½ per cent of the salary attached to the rank of patrolman Class "C" of the present classification, and the proceeds of the tax levy as herein provided and the interest of said portion of said fund. The benefits of this act shall not be extended to those who are not required by this act to contribute to said fund.
[Amendment of June 3, 1919.]

§ 298. CONTROLLED BY BOARD OF TRUSTEES:

The Policemen's Relief and Pension Fund shall be under the supervision and control of a Board of Trustees of the Policemen's Relief and Pension Fund, which Board shall be composed of the Mayor (who shall act as chairman), the City Treasurer (who shall act as treasurer thereof without compensation), the Chief of Police, the City Auditor (who shall act as secretary of said Board without compensation) and five members of the said Bureau of Police, three of whom shall be above the rank of patrolman and two of whom shall be of the rank of patrolman who shall be elected to membership on said Board by the regular members of the Bureau of Police every two years. The first election under this act shall be held on the second Monday in December, 1918, and biennially thereafter. Said Board shall keep a record of all its proceedings and shall hold regular meetings on the second Monday in each month. It shall annually make to the Council of the City of Portland a full report of its transactions for the current year, including an itemized

account of its receipts and disbursements and an estimate of its receipts and expenditures for the ensuing year, which said report shall be made on or before the first day of September of each year.

§ 299. POWERS OF BOARD:

The said board shall prescribe all necessary rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for relief for pensions under this act, and its decision on any such application shall be final and conclusive and not subject to revision or reversal, except by said board, and a record shall be kept of all meetings and the proceedings of said board. Said Board of Trustees is hereby authorized and empowered to administer oaths, subpoena and examine witnesses and to require the production and examination of papers and documents. It is hereby authorized and empowered in the name of the Board of Trustees of the Policemen's Relief and Pension Fund to invest any part of said fund in interest bearing bonds of the United States, the State of Oregon, the City of Portland, Multnomah County, School District No. 1 of Multnomah County or Port of Portland, preference, however, to be given in all instances to interest bearing bonds of the City of Portland. All such securities shall be deposited with the Treasurer of said Board.

§ 300. CITY TREASURER CUSTODIAN AND DISBURSING OFFICER:

Said Policemen's Relief and Pension Fund shall be in the care and custody of the City Treasurer and shall be paid out by him on warrants signed by the chairman and countersigned by the secretary of said board and not otherwise; provided, however, that no warrants shall be drawn upon said fund except by order of the board, which order shall be duly entered upon the record of the proceedings of said board.

[Note (301) Levy for Policemen's Relief and Pension Fund provided for in Section 190.]

§ 302. AMOUNT OF SALARY DEDUCTED FOR PURPOSE OF FUND:

After the taking effect of this act, it shall be the duty of the Auditor, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each regular member of the Bureau of Police a sum equal to 1½ per cent of the salary attached to the rank of patrolman Class "C" present classification, and a like amount from the salary of each temporary member of said Bureau of Police who shall have passed the physical examination required by the Civil Service Board for police officers. It shall be the duty of the Auditor to draw a warrant for the full amount so withheld payable to the Policemen's Relief and Pension Fund.

§ 303. PENSIONS PAYABLE MONTHLY:

All pensions and relief claims hereinafter provided for and allowed by said Board of Trustees shall be paid monthly out of the Policemen's Relief and Pension Fund by warrants as herein provided.

§ 304. BENEFITS ON RETIREMENT:

The Board of Trustees shall, upon the written application duly verified, of any member of the Bureau of Police who has served as an active member thereof for twenty-five years, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the amount of the salary attached at the date of his retirement to the rank of patrolman of Class "C" present classification, and said pension shall cease at his death except as otherwise hereinafter provided.

The Board of Trustees shall, upon the written application duly verified, of any member of the Bureau of Police who has reached the age of fifty years and has

served as an active member thereof for twenty years continuously preceding said date of application, retire and relieve said member from service, and said member shall receive a monthly pension equal to the amount hereinabove provided and said pension shall cease at his death, except as hereinabove provided.

The Board of Trustees shall retire and relieve from service any aged, disabled or infirmed member of the Bureau of Police who has reached the age of fifty-five years and who has served as an active member of said bureau for twenty years preceding such age. When upon examination of such member by two regularly licensed physicians appointed by the Board of Trustees for that purpose, he shall be ascertained to be by reason of such age, infirmity or disability, unfit for the performance of his duty and such member shall receive a monthly pension equal to the amount hereinabove provided and said pension shall cease at his death, except as otherwise hereinafter provided.

§ 305. BENEFITS OF TEMPORARY OR PERMANENT DISABILITY:

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In no case shall benefits be paid any member of the Bureau of Police who may become sick as the result, directly or indirectly, of improper or immoral conduct.

Any regular member of the Bureau of Police who becomes incapacitated from performing his duties on account of sickness shall be entitled to receive during his sickness (not to exceed three months in any twelve consecutive months) a sum equal to one-half the amount attached, at the time he contracted such sickness, to the rank of patrolman Class "C" of the present classification; provided, however, that no member shall be entitled to receive such relief unless he shall have been incapacitated for a full period of fourteen days, in which event said member shall be so paid from the time he became incapacitated.

Any regular member of the Bureau of Police who becomes incapacitated from performing his duties on account of sickness or injury contracted or received while in the performance of his duty shall be entitled to receive from the date of his incapacity and so long as such incapacity shall, in the judgment of a majority of the Board of Trustees, continue not to exceed one year from the date of such incapacity a sum equal to the salary attached at the time he contracted or received such sickness or injury to the rank of patrolman Class "C" of the present classification. If such incapacity shall continue to exist at the expiration of one year from the date of such incapacity such member may then be retired by the Board of Trustees and in case of such retirement such member shall be entitled to receive, so long as such incapacity shall in the judgment of a majority of the Board of Trustees continue, a pension equal to one-half of the salary attached at the time he contracted or received such sickness or injury to the rank of patrolman Class "C" of the present classification; provided, however, that if such member shall receive his salary or any portion thereof during his period of incapacity he shall not be entitled to receive benefits hereunder during the time his salary shall continue.

[Amendment of June 3, 1919.]

§ 306. BENEFITS TO WIDOWS AND CHILDREN OF DECEASED POLICEMEN:

If any regular member of the Bureau of Police shall, while in the performance of his duty, be killed or die from the effect of an injury thus received or of any disease thus contracted while a member of the Bureau of Police, or if any regular member of said bureau shall, after fifteen years' service therein or while retired subject to the provisions hereinafter stated, die from any cause, such member so killed or dying from said injury or disease or after said term of service or retirement, subject to the provisions as hereinafter stated, shall leave a widow, such widow while unmarried and a resident of the State of Oregon shall be entitled to receive a pension equal in amount to one-half the salary attached at the time of the death or the date of retirement of such member, to the rank of patrolman Class "C" present classification. In the event that such member should die, as aforesaid, leaving a child or children under the age of sixteen years, but no widow, or should

leave a widow and a child or children under the age of sixteen years and said widow should die or remarry, or cease to be a resident of the State of Oregon before such child or children arrive at the age of sixteen years, then said pension shall be paid to such child or children under the age of sixteen years equally. As each child attains the age of sixteen years, such child's right to such pension or any portion thereof, shall cease and determine; provided, however, that the provisions of this section or any part of this act so far as applicable to retired members shall apply only to the widow who was the wife at the date of the retirement of such member and not a widow who became the wife of such member after the date of his retirement. In case such deceased member has no wife or children but leaves a parent or parents wholly dependent upon him for support, such dependent parent or parents shall be entitled to receive a pension equal to one-half the salary attached at the time of such member's retirement or death, to the rank of patrolman Class "C" present classification, and such pension shall continue during such time as may be determined by a majority of the members of said Board of Trustees.

§ 307. PENSIONS TO TEMPORARY POLICEMEN:

Any temporary member of the Bureau of Police who is incapacitated for duty through being disabled by an injury received while in the performance of his duty shall receive, during the existence of such disability, a pension equal to one-half the amount attached at the time of receiving such injury, to the rank of patrolman Class "C" of the present classification, and in case any temporary member of said bureau shall, while in the performance of his duty, be killed or die from the effect of an injury thus received, said board shall grant a pension of the amount hereinabove provided to his widow or dependent child or children under the age of sixteen years in the same manner as such pension may be allowed to the widow and dependent children of regular members of the Bureau of Police. A temporary member of said bureau is defined to be a person employed to serve temporarily in the Bureau of Police who has passed the physical examination required by the civil service regulations pertaining to police officers.

§ 308. APPLICATION FOR PENSION:

All applications for relief shall be made within such time as may be fixed by the rules and regulations of the Board of Trustees.

§ 309. APPLICATION OF PROVISIONS OF ACT:

The provisions of this act shall apply to all persons who are now or who shall hereafter become members of the Bureau of Police of the City of Portland, except temporary members who have not passed the physical examination required by the Civil Service regulations for police officers, and all such persons shall be eligible to the benefits secured by this act, as herein provided.

§ 310. PENSION CERTIFICATES:

The Board of Trustees shall issue to each member of the Bureau of Police pensioned under the provisions of this act an engraved certificate showing the amount of pension allowed and the cause for which the same is issued.

§ 311. FORFEITURE OF PENSION:

Any person receiving a pension from the Policemen's Relief and Pension Fund who shall be convicted of a felony or who becomes dissipated or an habitual drunkard shall forfeit all right to such pension.

§ 312. PENSIONS PRO-RATED WHEN FUNDS INSUFFICIENT:

If at any time said Policemen's Relief and Pension Fund is insufficient to pay

in full the pensions and disability claims allowed by the Board of Trustees, then said Board shall pay said pensions and claims pro rata until such time as said funds shall be sufficient to pay the same in full; provided, however, that when said funds shall warrant, the Board of Trustees shall pay in full all back pensions and claims.

§ 313. BOOKS AND ACCOUNTS OPEN FOR INSPECTION:

The books and accounts of said Board of Trustees shall at all reasonable times be subject to the inspection of any person interested and shall upon the expiration of the term of office of the Treasurer, be surrendered and delivered to his successor, together with all record and documents, securities, moneys and property which may have come into the possession of said Treasurer.

§ 314. DIVISION OF POLICE AND FIREMEN'S RELIEF FUND:

The remaining one-half of the amount of funds credited to the Police Department Fund heretofore established by the former Police and Fire Department Relief Fund shall be credited to the Policemen's Relief and Pension Fund.

§ 315. PENSIONS EXEMPT FROM EXECUTION:

All pensions and disability claims hereby authorized and allowed by said Board of Trustees of the Policemen's Relief and Pension Fund shall be exempt from attachment, execution, garnishment or other process issued out of any court for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary thereof.

§ 316. DISCHARGE OF POLICEMEN: Repeal 11/6/34 - See ballot title 510-511

No member of the Bureau of Police who has served faithfully and efficiently for six years continuously shall be removed or discharged without first having a trial or hearing, and not then except for cause upon written charges, of which one copy shall have been served upon him and a duplicate filed with the Civil Service Board. Any policeman so removed may within ten days from his removal file with the Civil Service Board a written demand for investigation. The cause of dismissal shall forthwith be investigated by or before the Board or by or before some officer or board appointed by the Civil Service Board to conduct such investigation. The findings of the Civil Service Board or such officer or board when approved by the Civil Service Board shall be certified to the appointing officer and shall be forthwith enforced by such officer.

§ 317. CITY ATTORNEY TO ADVISE BOARD:

It shall be the duty of the City Atorney to give advice to the Board of Trustees of the Policemen's Relief and Pension Fund in all matters pertaining to their duties and the management of said fund, whenever requested in writing by said Board, and he shall represent and defend said Board as its attorney in all suits or actions at law or in equity that may be brought against it and institute all suits or actions in its behalf that may be required to be determined upon by said Board.

§ 318. ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH REPEALED:

That all acts or parts of acts in conflict herewith are hereby repealed, insofar as the same conflict herewith.

§ 319. DEFINITION:

Whenever the phrase "salary attached to the rank of Patrolman, Class 'C,' present classification" is used herein it shall be deemed to mean the highest salary

attached to the office of patrolman at the time deduction is made from the salary of a member of the Bureau of Police, and the highest salary attached to the office of patrolman at the date of the death or retirement of a member of said Bureau.

[Pension Act of November 5, 1918.]
[Section (320) Rehabilitation Hospital—Expired by Limitation.]

CHAPTER 13

Procedure For Laying Out, Extending or Widening Street.

§ 321. STREET DEFINED.
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§ 334. CURATIVE PROVISIONS.
§ 335. SLOPE EASEMENTS, ETC.

§ 321. STREET DEFINED:

As used herein or in any proceeding based hereon the term "street" shall be understood to mean any alley, street, way, court, avenue, boulevard and any place to be used for foot and vehicle traffic, or either thereof.

§ 322. REPORT FROM CITY ENGINEER—CONTENTS OF REPORT:

Whenever the Council shall deem it expedient to lay out, establish and open any new street or streets, or to change any existing street or streets by extending, widening or altering the same, it shall by resolution direct the City Engineer to make a survey and plat of such proposed street or streets, or change thereof and a written report. The City Engineer shall make such survey, plat and report and file such plat and report with the Auditor within sixty days from the date of such resolution, unless the Council shall grant an extension of time. Such report shall contain a full description of such proposed street or streets, or change of an existing street or streets, a description of each lot, tract or parcel of land, or portion thereof, to be appropriated, the amount of damages which, in his judgment, should be awarded for such appropriation, with the name of the owner or owners and other persons whom he may find to have any interest in or lien upon said property, a description of the boundaries of the district benefited and to be assessed for such improvement, and a description of each lot, tract, or parcel of land (other than land taken) in such district with a just assessment of benefits thereto. The City Engineer shall include in such report a summary showing the excess of benefits and excess of damages relative to lots, tracts or parcels of land a part of which is embraced within such proposed street or streets or change, which damages and benefits may be offset pro tante. The Engineer's report shall be deemed a proposed award of damages and assessment of benefits.

§323. NOTICE OF REPORT, HEARING THEREON, OBJECTIONS AND CLAIMS OF OWNERS:

Within thirty days after the filing of such report the Auditor shall cause a notice to be published for a period of ten successive publications in the city official newspaper stating that such report is on file in his office subject to examination, giving the date when the same was filed, the probable cost of such proposed street or streets or change, a statement of the district embracing the property proposed to be assessed therefor and notifying all persons interested to present in writing their objections to said report, if any they have, and that said objections, if any there be, **together** with said report, will be heard by the Council on a date specified in such notice, not less than ten (10) days after the date of the first publication of said notice. It shall also be the duty of the Auditor forthwith to send by mail postpaid to each of those designated in the Engineer's report a notice stating the probable total cost of such street or streets, or change, a brief description of the property in which such person is interested, a statement of the amount proposed to be assessed against such property, the time within which written objections may be filed against such proposed appropriation and assessment, and the date when the Council will hear such report and objections, and, if such person be named as owner or party interested in land to be taken, the amount of damages proposed to be awarded for such property. If the address of any such person be unknown to the Auditor and if such person have an agent whose name and address is known to the Auditor, he shall mail such notice to such agent; otherwise he shall mail it to the owner addressed at Portland, Oregon.

§ 324. POWER OF COUNCIL TO ACT UPON HEARING:

If the Council, after hearing the objections, if any there be, find such report to be reasonable and just, it may adopt the same by ordinance, embodying such report. If it appear to the Council that the damages allowed or benefits assessed are unreasonable, unjust or improper in any respect, it shall make what it may deem to be a reasonable, just and proper award of damages and assessments of benefits and for that purpose it may require a supplementary or further report from such City Engineer. When the Council, after such hearing, shall have ascertained what it deems to be a fair, just and proper award of damages and assessment of benefits, it may pass an ordinance specifying in detail such award and assessment, which ordinance may be passed at any time after the hearing hereinbefore specified. But if the Council deem it just and proper to reduce the amount of any award embraced in the Engineer's report or increase the amount of any proposed assessment against any parcel of land embraced in said Engineer's report, it shall fix a time for a further hearing and shall cause the Auditor to mail a notice to the owner of each parcel of land so affected, stating what is proposed in the way of an award of damages or an assessment with respect to the property in which such person is interested, the time within which objections may be filed in writing with the Auditor and the time when such objections will be heard by the Council. After holding such hearing the Council may pass an ordinance making an award of damages and assessment of benefits. No findings or conclusions need be entered relative to objections.

§ 325. RIGHT OF OWNERS TO APPEAL:

The owner or owners of any lot, tract or parcel of land, all or part of which is to be appropriated for a street, streets or change, the owner of the improvements thereon, any person having an interest in such land or improvements, and any person against whom an assessment of benefits is made by such ordinance, shall have a right of appeal, within the same time, in the same manner and with the same force and effect as is provided by Sections 401 and 402 of the 1903 charter of the City of Portland, which sections are contained on pages 163 and 164 of the special laws of Oregon for the year 1903.

§ 326. POWER OF COUNCIL TO DISCONTINUE OR PROCEED.

The Council, after the expiration of the time limited for an appeal to the Circuit Court, if no appeal be taken, or after the filing of a certified copy of a final judgment on appeal if an appeal be taken shall, if it deem it advisable to lay out, establish, open or change such street or streets, adopt a resolution directing the Auditor to enter in the docket of city liens a statement of the respective amounts of benefits assessed upon each particular lot or parcel of land and the names of the owners, in like manner as assessments for street improvements are entered in said lien docket. In cases where a part of a lot or tract of land is taken for such street, streets or change and an award made for the part taken and an assessment made against the residue, credit shall be made so that, if the award exceed the assessment, the assessment shall be cancelled and the balance of the award paid to the owner and, if the assessment exceed the award, the amount of the award shall be applied on the assessment and the balance of the assessment entered upon the lien docket. Upon such entry in the lien docket, the amounts so entered shall be a lien and charge upon the respective lots, tracts and parcels of land against which the same are placed. Such liens shall have the same force and effect as other liens entered in such docket. Notice of such entry shall be given and such liens enforced and collected in the same manner as is or may be provided for assessments for street improvements and sewers, except that if any property be not sold when offered for sale to collect such assessment the sale shall be continued from week to week or month to month, in the discretion of the treasurer, not exceeding six months until such sale be made or or assessment paid. The provisions which are or may be applicable to bonding assessments for sewer and street improvements shall be applicable to assessments for laying out and establishing or changing any street or streets. All moneys arising from such assessment of benefits shall be kept in a separate fund and be applicable to a satisfaction of the amount to be paid for damages including the amount due for advertising, court costs and other expenses.

§ 327. CONDEMNATION COMPLETED:

Whenever the full amount assessed as entered in the docket of city liens shall have been paid into the city treasury, the designated property shall be deemed to be appropriated for the purpose of such street or streets or change, and thereupon the Auditor shall notify the persons who are supposed to be entitled to or interested in any portion of such fund that such fund has been provided and is ready for distribution and that a warrant will, upon demand, be drawn in favor of each person entitled thereto. Before drawing any such warrant the Auditor shall inquire into the matter of city liens, and other liens, incumbrances and claims with reference to such property to the end that the title be cleared before or upon the payment of the award, and, in case he be in doubt or uncertain as to the right of any person, he shall lay the matter before the Council which shall inquire into and determine the same, subject to the right of appeal to the Circuit Court of the State of Oregon for Mutnomah County as from an appeal from a judgment in the District Court, and for the purpose or such inquiry, the Council may summon parties and subpoena witnesses and grant a hearing and the Council's determination shall be final if not reversed on appeal, or the Council may direct that a suit of interpleader or other proceeding be instituted.

§ 328. FAILURE OF PROCEEDINGS IF FUND FOR DAMAGES NOT COLLECTED:

If such fund for the payment of damages be not collected and ready for the drawing of warrants within nine (9) months from the termination of the time limited for appeal, if no appeal be taken, or within nine (9) months from the date of the rendition of final judgment on appeal, if an appeal be taken, all acts and proceedings for the laying out, establishing, opening or changing of such street or

streets shall be null and void. But in case of two or more appeals being taken the time shall start to run from the date of the final judgment which is last.

The amount of interest collected by the City from those assessed shall be apportioned and allowed to those to whom damages are paid.

§ 329. STREET TO BE DECLARED OPEN, WHEN:

When the property required for laying out, establishing or changing such street or streets, has been appropriated as above provided, the Council shall, by resolution, declare such street or streets to be opened, laid out, established, or changed, and within ninety (90) days after the adoption of such resolution the City Engineer shall file for record with the County Clerk of Multnomah County, a copy of said resolution and an accurate plat of such street or streets and of the property so appropriated for public use.

§ 330. DEFICIT ASSESSMENT:

If, upon the determination of an appeal, it be found that the amount assessed is insufficient to defray the damages awarded and the cost of advertising, court proceedings and other expenses and that the amount charged upon the property assessed therefor is less than the benefits accruing thereto, the Council may by resolution declare such deficit and direct the City Engineer to prepare a proposed deficit assessment. The Engineer shall thereupon prepare and file with the Auditor a proposed deficit assessment, and the Auditor shall give notice thereof and of the hearing of objections thereto as above prescribed with reference to the Engineer's report, except that the period of publication shall be five lays, and the Council upon such hearing shall make a just and equitable deficit assessment. Such deficit assessment shall be made before the entry of the assessment in the lien docket and shall be consolidated therewith.

§ 331. REFUNDING SURPLUS:

If upon the determination of any appeal, it be found that the assessment is more than sufficient to discharge the damages and cost of advertising, court proceedings and other expenses, the Council shall by resolution declare such surplus and make suitable provision for refunding the same.

§ 332. ADDITIONAL POWERS OF COUNCIL:

The Council, in its discretion, may provide in the preliminary resolution that two or more streets or proposed streets or disconnected portions of one street be embraced in one proceeding. In cases where it may be proposed to widen or extend street area which has previously been donated or dedicated and it appears just and proper that account be taken of such donation or dedication and suitable credit or allowance made in favor of the person making the same, or his successors, such credit or allowance may be made. In case any city lien or liens exist against property, a part of which is taken or to be taken for street purposes, the Council may provide for segregating the same so that the portion against the land taken may be paid.

§ 333. PROCEEDINGS MAY BE ABANDONED, WHEN:

The Council shall have full power and authority to abandon and rescind proceedings for establishing or changing streets at any time prior to the drawing of warrants for property taken or the final consummation of such proceedings.

§ 334. CURATIVE PROVISIONS:

No such assessment shall be held invalid by reason of a failure to give, in the

Engineer's report, in the proposed assessment and proposed award of damages, in the ordinance making the assessment and award, in the lien docket or elsewhere in the proceedings, the name of the owner of any lot, tract or parcel of land or the name of any person having a lien upon or interest therein, or by a mistake in the name of any such person or the entry of a name other than the name of such owner or other person having a lien upon or interest in such property, or by reason of any error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, in any of the proceedings or steps hereinbefore specified, unless it appear that reasonable notice has not been given of the hearing upon the proposed award of damages and assessment and that the award of damages or assessment as made, in so far as it affects the person complaining, is unfair and unjust, and the Council shall have power and authority to remedy and correct all such matters by suitable action and proceedings.

§ 335. SLOPE EASEMENTS, ETC.:

This amendment shall supersede all existing provisions relative to the matter contained herein except the provisions known as the Additional Method of opening streets, but the city council shall have power to proceed according to the general statutes of the state for condemning property for street purposes including the right to slope or fill on adjacent property or to use the same for other purposes connected with the streets or their improvement. The provisions of the foregoing sections may also be applied to the acquisition of rights to slope by trimming off banks or cuts, the right to fill by constructing sloping embankments, and other easements for street purposes upon adjacent property. Nothing contained herein shall affect or impair any proceeding which may now be pending for any street opening, extension or change, but all pending proceedings may be continued to completion in accordance with the law in effect at the time of the commencement thereof, to all intents and purposes the same as if this amendment had not been adopted.

[Amendment of June 3, 1919.]

CHAPTER 14.

PROGRESS PAYMENTS; LIGHTING STREETS; MISCELANEOUS BONDS.

§ 336. CONTRACTS FOR LIGHTS; TIME OF.
§ 337. PROGRESS PAYMENTS.
§ 338. LIGHTING DISTRICTS.
§ 339. BRIDGE ACCESS BONDS, SERIES NO. 2.
§ 340. FIRE BOAT AND STATION BONDS.
§ 341. POLICE AND TRAFFIC SIGNAL BONDS.

§ 336. CONTRACT FOR LIGHTS; TIME OF:

The Council of the City of Portland is hereby authorized, on behalf of said City, to enter into agreements with any corporation, firm, association or individual for a period not exceeding five years wherein and whereby such corporation, firm, association or individual shall agree to furnish lights for streets and public buildings of the City of Portland.

[Amendment of November 2, 1920.]

§ 337. PROGRESS PAYMENTS:

The Council shall have power and authority to make progress payments for all street and sewer construction work which may be performed by the issuance of interest bearing warrants against the special assessment fund to be created for such improvement, provided, that the interest on such warrants shall not exceed six per cent per annum and such warrants shall not exceed eighty per cent of the reason-

able value of the work and material theretofore performed upon such street improvement or sewer construction as shown by a certificate to be furnished by the City Engineer. The contract price based upon the estimate of the City Engineer, the cost of right of way and expense of condemning land and the interest accrued and accruing upon progress payment warrants from the date of the issuance thereof to a date not exceeding sixty days after the filing of the certificate of the accuracy of the original estimate or a corrected estimate, shall be deemed the cost of every sewer or street improvement to be considered in the making of a local assessment for benefits.

[Amendment of November 2, 1920.]

§ 338. LIGHTING DISTRICTS:

Whenever the owners of fifty per cent or more in area of the property within any district make and file with the Auditor a petition to establish a special lighting system within such district, the Council shall have the power and authority to install, operate and maintain a special street lighting system or systems on any street or streets, or any part or parts thereof within said district, and to furnish electrical current for the lighting threof, by awarding contracts therefor and to provide for the payment of the cost of original installation and the operation and maintenance and the furnishing of electrical current for the lighting thereof by the levy and collection of local assessments on property benefited thereby. Whenever any such system is to be installed, operated, maintained and/or lighted at the expense of property benefited and to be assessed therefor, the Council shall take proceedings similar to those required for constructing street improvements; and the method of making assessments and collecting the same as is or may be provided in the Local Improvement Code relative to street improvements, shall apply, including the right of remonstrance and the right and privilege of bonding the original cost of installation, the original and subsequent cost of operation and maintenance and/or furnishing electrical energy for the lighting thereof for such period of time as may be fixed by the Council, not exceeding five years.

At the expiration of any such or subsequent period, the Council shall have power and authority to continue the operation, maintenance and lighting of any such special street lighting system or systems and to award contracts for the furnishing of electrical current for the lighting thereof, and to pay the subsequent cost therefor in the same manner as is provided for original construction, operation, maintenance and/or lighting.

In the event the privilege of bonding is exercised, the property owner bonding shall pay all assessments in ten semi-annual installments with interest, and all bonds issued by the Council under the provisions of Section 278 of the charter for the foregoing purposes shall mature in five years from the date thereof.

The Council shall have power and authority to enact such ordinance or ordinances as may be needed to give full effect to this section.

[Amendment of November 4, 1924.]

§ 339. BRIDGE ACCESS BONDS, SERIES NO. 2:

The Council of the City of Portland is hereby authorized, in the name and under the corporate seal of said City, to issue and dispose of bonds of said City in an amount not exceeding $1,500,000.00 (except as hereinafter further authorized), and of such denomination and form as the Council may determine, with interest coupons attached. Such bonds shall be signed by the Mayor and countersigned by the Auditor. Each of such coupons shall have the signatures of the Mayor and the Auditor engraved thereon. The City of Portland by each of said bonds shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time specified therein, the sum named therein in gold coin of the United States of America, together with interest thereon in like gold coin at the rate mentioned in the bond, which interest shall be payable half-yearly. Said bonds shall be known as "Bridge Access Bonds, Series No. 2," and the same shall be numbered beginning

with No. 1 and running consecutively through the total issue authorized hereby. Said bonds may be issued serially. At the time of providing for the issuance of such bonds, the Council shall, subject to the provisions hereof, fix the rate of interest to be paid (which rate shall not exceed five per cent per annum), the dates for redemption of said bonds (which dates shall not be less than three years nor more than thirty years from the date of such bonds), and the portion of said bonds which shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one year shall not exceed ten per centum of all of the bonds authorized by this act based upon the par value thereof. Such bonds, before sale, shall be advertised for not less than two weeks, and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of such bonds, may provide that competition in bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder and the award shall be made upon the bid which is most to the advantage of the City. The Council shall have the right to reject any and all bids and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of such bonds shall be expended by the Council in paying the expense of advertising, issuing and selling the same and in paying seventy-five per cent of the cost of widening, opening, extending and/or altering of streets and/or the cost of lands, rights of way, easements and/or other rights necessary for the purpose of widening, opening, extending and/or altering the following streets:

Widening BROADWAY, from the east line of Crosby Street to the west line of Wheeler Street to 110 feet in width from Crosby to Ross Street, and 90 feet in width from Ross Street to Wheeler Street; widening Larrabee Street, from the north line of Broadway to the easterly line of Harding Street on the south, and the east line of Delay Street on the north to 90 feet in width; widening, opening and extending Williams Avenue, from the south line of Broadway to the north line of Holladay Avenue to 70 feet in width; widening Broadway, from the east line of East First Street to the west line of Union Avenue to 70 feet in width; opening and extending Weidler Street, from the west line of Wheeler Street to the intersection of the east line of Ross Street and the south line of Broadway to 60 feet in width; opening and widening Wheeler Street, from the north line of Broadway to the south line of Hancock Street to 55 feet in width; opening, widening and extending Hancock Street, from the west line of Flint Street to the easterly line of Ross Street to 60 feet in width; widening and extending Multnomah Street, from the east line of East First Street to the easterly line of Ross Street to 60 feet in width; opening and extending Benton Street, from Clackamas Street to the intersection of Hassalo and Adams Streets, 60 feet in width; widening and altering Cherry Street, from Wheeler Street to Weidler Street;

Widening EAST BURNSIDE STREET, from the east line of Grand Avenue to East 13th Street to 84 feet in width; opening, extending and widening Sandy Boulevard, from the west line of East 28th Street to the north line of East Burnside Street between East 12th and East 13th Streets to 80 feet in width; opening, extending and widening East Glisan Street, from the west line of East 32nd Street to the southerly line of Sandy Boulevard to 80 feet in width; altering and widening Union Avenue at the northeast corner of East Ankeny Street and Union Avenue and the southeast corner of East Couch Street and Union Avenue;

Extending and widening POWELL STREET, from the west line of Milwaukie Street to the east line of East Seventh Street to 90 feet in width; widening, extending and altering Powell Street, from the east line of Milwaukie Street to the west line of 50th Street Southeast to 80 feet in width; widening and altering Milwaukie Street, from the north line of Pershing Street to the southerly line of Gideon Street to 80 feet in width; opening and extending East 17th Street, from the north line of Pershing Street to the south line of Powell to 60 feet in width; opening and altering Woodward Avenue, from the east line of East 10th Street to the west line of Milwaukie Street;

Widening and extending CORBETT STREET, from the north line of Woods Street to the south line of Hooker Street, to a width of 90 feet, and opening and extending a new street 90 feet in width from the intersection of Hooker and Corbett Streets to the intersection of Arthur and Front Streets; widening Front Street, from the north line of Arthur Street to the south line of Sheridan Street to 80 feet in width; widening Arthur Street, from the west line of Front Street to the east line of Second Street to 80 feet in width, opening and extending Kelly Street, from the north line of Grover Street to the south line of Porter Street; widening and altering Grover Street, from the west line of Hood Street to the east line of Kelly Street; opening and extending a new street, from the south line of Grover Street to the intersection of Kelly Street and Gibbs Street; widening and altering Woods Street, from the west line of Corbett Street to the east line of First Street to 80 feet in width; and further authorizing the issuance of additional bonds to cover any deficit cost resulting from appeals and providing that said bonds shall not be counted in calculating the limited indebtedness fixed by the charter or the constitution.

Said widening, opening, extending and/or altering of said streets shall be done in the manner and as provided by the charter for widening, opening, extending and/or altering of streets. Seventy-five per cent of the cost of said widening, opening, extending and/or altering of the above named streets shall be paid from the proceeds of the sale of the bonds herein authorized, and twenty-five per cent of such cost shall be paid from the proceeds of special assessments for benefits in the manner and as provided by the charter for the widening, opening, extending and/or altering of streets. In calculating the cost, and as a part of the cost, of acquiring such property, easements and/or rights necessary for such widening, opening, extending or altering of said streets, an amount for engineering, surveying, appraisals, preparation of engineer's reports, advertising and all other necessary and incidental expenses in connection therewith in the proceedings of the City Engineer and the Council, equal to three per cent of the total damages as finally ascertained and determined by the Council shall be authorized to be paid from the proceeds of said bonds. Appeals shall be allowed to the Circuit Court of the State of Oregon for Multnomah County and/or to the Supreme Court of the State of Oregon, as provided by the charter and/or Chapter 294, General Laws of Oregon 1925, by any owner, lessee, mortgagee or other person having an interest in or lien upon the property intended to be appropriated or assessed for such purpose. If upon the determination of such appeals judgments are entered by the court against the City, increasing the cost of acquiring such property, rights of way, easements and/or other rights over the amount allowed by the City Engineer or Council, or decreasing the assessment of benefits against any property assessed for benefits in such proceedings as fixed by the City Engineer or the Council, then the Council is hereby granted further authority to issue and sell additional bonds in the manner and form as above provided up to but not exceeding an amount sufficient to cover such deficit cost as may result from such appeals, and such deficit shall include all costs and expenses taxed on appeals, including the City's expenses for witnesses and other expenses incurred in connection with said appeals. The amount of all of the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the charter or the constitution, but shall be excluded from said limitation.

[Amendment of May 21, 1926.]

§ 340. FIRE BOAT AND STATION BONDS:

The Council of the City of Portland is hereby authorized, in the name and under the corporate seal of the city, to issue and sell bonds of the City of Portland, Oregon, in an amount not exceeding Seven Hundred Thirty-five Thousand Dollars ($735,000.00) of such denomination as the Council may determine and in such form as the Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland and each of said coupons shall have the signature of the Mayor and of the

Auditor engraved thereon; and the City of Portland by each of said bonds shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be payable half-yearly. The bonds hereby authorized may be issued serially, and may all be issued by the Council at one time, or any portion thereof may be issued from time to time, as the Council may elect, and shall be numbered beginning with number one and running consecutively through the total issue authorized by this section. At the time of providing for the issuance of all or any portion of the bonds hereby authorized, the Council shall determine the rate of interest to be paid thereon, which shall not exceed five per centum per annum, and shall fix the dates of redemption of said bonds, which dates of redemption shall not be less than three years, nor more than ten years, from the date of such bonds. A prescribed portion of said bonds, to be designated by the Council, shall be redeemed each year beginning with the third year from the date thereof, but the bonds designated for redemption in any one year shall not exceed 20 per cent of all of the bonds authorized by this section, based upon the par value thereof. Said bonds shall be designated "Fire Boat and Fire Stations, and General Fire Bureau Equipment Bonds of the City of Portland, Oregon, authorized 1926," and shall be advertised for not less than two weeks and sold to the highest responsible bidder but not for less than par and accrued interest. The Council, before advertising the sale of bonds, may provide that competition in bidding shall be partially or wholly upon the rate of interest, and, in that case, the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which is most advantageous to the city.

The Council may reject any and all bids tendered for same and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of the bonds herein provided for shall be expended by the Council in the payment of the cost of constructing and equipping three fire boats and in providing a berth for the same; in the acquisition of land in the City of Portland for and the establishment thereon of a building for a central fire alarm station and the cost of the establishment and equipment of a new fire alarm system and the general extension of the present fire alarm system; the purchase and installation of five hundred fire alarm boxes; the acquisition of land in the City of Portland and the construction thereon of eight buildings for fire stations and the cost of equipping and furnishing of the said fire stations, and the purchase of additional fire equipment, and in the payment of expenses incurred in connection with the purchase, condemnation or development of such real property.

The Council is hereby authorized and empowered to acquire land for the purposes above enumerated, either by direct purchase or in pursuance of condemnation proceedings as provided by the charter of the City of Portland, and/or the statutes of the State of Oregon.

The amount of all of the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the charter or the constitution of the State of Oregon, but shall be excluded from said limitations.

[Amendment of November 2, 1926]

§ 341. POLICE AND TRAFFIC SIGNAL BONDS:

The Council of the City of Portland is hereby authorized, in the name of and under the corporate seal of the city, to issue and sell bonds of the City of Portland, Oregon, in an amount not exceeding One Hundred Thousand Dollars ($100,000.00) of such denomination as the Council may determine and in such form as the Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said bonds shall have the signature of the Mayor and of the Auditor engraved

thereon; and the City of Portland by each of said bonds shall be held and considered, in substance and effect, to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be payable half-yearly. The bonds hereby authorized may be issued serially, and all may be issued by the Council at one time, or any portion thereof may be issued from time to time, as the Council may elect, and shall be numbered beginning with number one and running consecutively through the total issue authorized by this section. At the time of providing for the issuance of all or any portion of the bonds hereby authorized, the Council shall determine the rate of interest to be paid thereon, which shall not exceed five per cent per annum, and shall fix the dates for redemption of said bonds, which dates of redemption shall be not less than three years, nor more than ten years, from the date of such bonds. A prescribed portion of said bonds, to be designated by the Council, shall be redeemed each year beginning with the third year from the date thereof. The bonds designated for redemption in any one year shall not exceed 20 per cent of all of the bonds authorized by this section, based upon the par value thereof. Said bonds shall be designated as "Police Traffic Signal and Police Communication System Bonds of the City of Portland, Oregon, authorized 1926," and shall be advertised for not less than two weeks and sold to the highest responsible bidder for not less than par and accrued interest. The Council, before advertising the sale of bonds, may provide that competition in bidding shall be partially or wholly upon the rate of interest, and, in that case, the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which is most advantageous to the city..

The Council may reject any and all bids tendered for same and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of the bonds herein provided for shall be expended by the Council in the purchase, equipment and installation of traffic signals in the streets of the City of Portland and in the purchase, equipment and installation of a general police communication system in the City of Portland, and in the payment of the cost of rights of way for underground work and other expenses incurred in connection with the purchase or condemnation of rights of way and all engineering expense and such other incidental expenditures as may be incurred in the equipment and installation of traffic signals and the communication system.

The Council is hereby authorized and empowered to acquire land for rights of way for the purposes above enumerated, either by direct purchase or in pursuance of condemnation proceedings as provided by the charter of the City of Portland, and/or the statutes of the State of Oregon.

The amount of all of the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the charter or the constitution of the State of Oregon, but shall be excluded from said limitations.

[Amendment of November 2, 1926]

Sec 342 Auth Crematory Bonds
343 " Street Improvement Bonds
343½ " Emerg Relief Bonds
344 " " "
345 " " "
346 " 4th street Bonds
347 " Sewage Disp Fd
348 " Acq Real Property
349 " U S Highway #99

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Section 242. CREMATORY BONDS.

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal, to issue and dispose of bonds of the City of Portland, Oregon, in an amount not exceeding Three Hundred Thousand Dollars ($300,000.00) in the denomination of $500.00 or $1,000.00 as the Council may determine and in such form as the Council shall select, with interest coupons attached thereto. Said bonds shall be issued serially and designated "New Crematory Bonds." Said bonds shall be signed by the Mayor and countersigned by the Auditor. Each of said bonds shall have the signatures of the Mayor and the Auditor engraved thereon, whereby the City of Portland, Oregon, shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of fifteen years from the date thereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin. At the time of providing for the issuance of such bonds, the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed five per cent per annum; the dates for redemption of such bonds, which dates shall not be less than three years nor more than fifteen years from the date of such bonds; and the portion of said bonds which shall be redeemed each year beginning with the third year from the date thereof. Such bonds, before sale, shall be advertised for not less than two weeks and shall be sold to the highest responsible bidder but not for less than par and accrued interest. The Council before advertising the sale of such bonds may provide that competition in bidding shall be partially or wholly upon the rate of interest and in that case the rate shall be fixed according to the bid of the successful bidder and the award shall be made upon the bid which is most advantageous to the City. The Council shall have the right to reject any and all bids and to proceed to readvertise when bids are not satisfactory.

From the proceeds of the sale of the bonds herein provided for the Council is hereby authorized to pay the expense of advertising and issuing said bonds and to acquire real property, either by direct purchase or by condemnation proceedings, and when so acquired, to construct thereon a new crematory or incinerating plant, with all of the necessary equipment therefor.

The authority of the Council to issue further bonds for such purposes under the provisions of Section 167 of the Charter, is hereby repealed.

The amount of all the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the Charter or the Constitution of the State of Oregon, but shall be excluded from said limitation.

Adopt Nov. 6, 1928

Section 343. **Street Widening Bonds.** The Council of the City of Portland is hereby authorized, in the name and under the corporate seal, to issue and dispose of bonds of the City of Portland, Oregon, in an amount not exceeding $3,170,000.00, except as hereinafter further authorized, and of such denominations and form as the Council may determine, with interest coupons attached. Said bonds shall be signed by the Mayor and countersigned by the Auditor. Each of said bonds shall have the signature of the Mayor and the Auditor engraved thereon. The City of Portland, Oregon, by each of said bonds, shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of the time specified therein, the sum named therein, in Gold Coin of the United States of America, together with interest thereon, in like Gold Coin, at the rate mentioned in said bond, which interest shall be payable half-yearly. Said bonds shall be known as "Street Widening Bonds" and the same shall be numbered beginning with number one and running consecutively throughout the total issue authorized hereby. Said bonds shall be issued serially. At the time of providing for the issuance of said bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed five per cent per annum. The date for redemption for said bonds shall not be less than three years nor more than thirty years from the date of such bonds, and a portion of said bonds shall be redeemed each year, beginning with the third year from the date thereof, but bonds designated for redemption in any one year shall not exceed ten per centum of all of the bonds authorized by this section, based upon the par value thereof. Such bonds, before sale, shall be advertised not less than two weeks, and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising a sale of said bonds, may provide that the competition in bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder and the award shall be made upon the bid which is most advantageous to the City. The Council shall have the right to reject any and all bids and proceed to readvertise when bids are not satisfactory. The proceeds from the sale of such bonds shall be expended by the Council in paying the expense of advertising, issuing and selling of said bonds, and in paying either 66 2/3 per cent, 60 per cent or 50 per cent, as the case may be, of the cost of all lands, rights of way, easements, improvements, and/or other rights necessary for the purpose of widening, extending, altering, improving and/or changing of the grade of the following named streets:—

Burnside street from the center line of Third street to the center line of Park street to a width not to exceed 110 feet; and to widen the intersecting streets south of Burnside street, as follows —Third street from the center line of Ash street to the center line of Burnside street to a width of 100 feet, and also a triangular parcel from the southwest corner of Third and Burnside streets to eliminate the jog; Fourth street and Fifth street from the center line of Ankeny street to the center line of Burnside street to a width of not less than 80 feet, by appropriating land on the east side of said streets; Sixth street from the center line of Ankeny street to the center line of Burnside street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Sixth street; Broadway from the center line of Ankeny street to the center line of Burnside street to a width of not less than 110 feet, by appropriating a triangular parcel on the east side of said Broadway;

Union avenue from the center line of Going street to the center line of Lincoln street to a width of 80 feet; and to open and extend a new street on the northerly side of the Southern Pacific Company's right-of-way from the center line of Union avenue to the center line of Division street to a width of 80 feet;

Jefferson street from a line 208.7 feet west of the west line of Stout street, to the center line of Chapman street, as laid out south of Jefferson street, to a width not to exceed 90 feet; and from the center line of Chapman street, as laid out south of Jefferson street, to the center line of 14th street, to a width of 80 feet;

Chapman street from the center line of Jefferson street to the south line of Taylor street to a width of 80 feet; and from a line 40 feet south of the south line of Taylor street to the south line of Alder street to a width not to exceed 90 feet; and to cut a triangular portion from the northwest corner of Jefferson and Chapman street, 50 feet on Jefferson street and 50 feet on Chapman street; and to make certain changes in the grades on parts of said Jefferson street and Chapman street;

East Morrison street from the center line of Grand avenue to the center line of East 12th street to a width of 84 feet;

Foster road from the center line of 72nd street Southeast to the center line of 82nd street Southeast to a width of 80 feet;

East 82nd street North from the center line of Sandy boulevard to the center line of Prescott street to a width not to exceed 100 feet;

East Broadway from the center line of Union avenue to the center line of Sandy boulevard to a width of 80 feet; including such additional widening as may be necessary between the center line of East 22nd street North and the center line of East 25th street North to eliminate the jogs at East 24th street North and East Broadway;

East Burnside street from the center line of East 13th street North to the center line of East 32nd street North to a width of 80 feet.

The Council is hereby granted the power to widen, alter and improve said streets in the manner provided by the charter and charter ordinances for widening, altering and/or improving streets. A change of grade may be made and/or a slope easement acquired in and as a part of the proceedings for widening and/or extending said streets or any part thereof.

In making an award of damages for acquiring the property needed under this section, provision may be made, in cases where buildings, trees, shrubbery, fixtures or other improvements are wholly or in part upon the property required by the City and it appears practicable to move such buildings, trees, shrubbery, fixtures or other improvements to the remaining or other property of the owner thereof, that the owner or his assigns shall retain such buildings, trees, shrubbery, fixtures or other improvements and remove the same within a specified time after the award of damages shall have been fixed and the money made ready for payment, provided that if such buildings, trees, shrubbery, fixtures or other improvements be not removed within the time so fixed, or such further time as the Council may allow, then the same shall

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be regarded as abandoned by the owner, and the City may proceed to make such disposition thereof as it may find suitable and proper.

The Council, in acquiring such property, may provide for the owner or his successors to retain a qualified possession and use of a portion thereof for such time as the Council may fix, such use and possession to be by arcading or such other provision as the Council may specify in the proceedings for acquiring such property.

Sixty-six and two-thirds per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, altering and improving of Burnside street, and said intersecting streets, viz., Third street, Fourth street, Fifth street, Sixth street and Broadway, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized, and 33 1/3 per cent of such cost shall be paid from a special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, extending, altering and improving of streets. Fifty per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, altering, extending and improving of Union avenue, Jefferson street, Chapman street, East Morrison street, Foster Road, East Broadway, and East Burnside street, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized and 50 per cent of such cost shall be paid from the special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, altering, extending and improving of streets, except as herein otherwise specified. Sixty per cent of the damages allowed and of the cost of carrying out the proceedings herein authorized for the widening, extending and improving of East 82nd street North, including the cost of the street improvement, shall be paid from the proceeds of the sale of said bonds herein authorized and 40 per cent of such cost shall be paid from the special assessment for benefits in the manner and as provided by the charter and charter ordinances for the widening, altering, extending and improving of streets, except as herein otherwise specified.

In calculating the cost and as a part of the cost of acquiring property, easements and/or rights necessary for such widening, altering, improving or changing of the grade of said streets, an amount for engineering, surveying, appraisals, preparation of engineer's reports, advertising and all other necessary incidental expenses in connection therewith in the proceedings of the City Engineer and the Council equal to six per cent of the total damages as finally ascertained and determined by the Council shall be authorized to be paid from the proceeds of said bonds, such payments to be made by a transfer from said fund to the Engineering Rotary Account. Appeals shall be allowed to the Circuit Court of the State of Oregon for Multnomah County and/or to the Supreme Court of the State of Oregon, as provided by the Charter and/or Chapter 294, General Laws of Oregon 1925, by any owner, lessee, mortgagee and/or other person having an interest in or lien upon the property intended to be appropriated, assessed or damaged. If upon the determination of such appeals judgments are rendered by the court increasing the cost of acquiring property, rights-of-way, easements, damages or change of grade and/or other rights over the amount allowed by the City Engineer or the Council, or decreasing the assessment of benefits against any property assessed for benefits in such proceeding as fixed by the City Engineer or the Council, the Council is hereby granted further authority to issue and sell additional bonds in the manner and form as above provided up to but not exceeding an amount sufficient to cover such increased cost or deficit as may result from such appeals, and such deficit shall include all costs and expenses taxed on appeals, including the City's expenses for witnesses and other expenses incurred in connection with the said appeals. The amount of all of the bonds authorized by this Act shall not be counted in calculating the limited indebtedness otherwise applicable to the City of Portland fixed by the Charter or the Constitution, but shall be excluded from said limitation.

Adopt Nov. 6, 1928

138-4

Section 343½. EMERGENCY RELIEF FUND BONDS: The Council is hereby authorized in the name of and under the corporate seal of the City of Portland to issue and dispose of bonds of the City of Portland in an amount not exceeding one million dollars ($1,000,000), in the denomination of five hundred dollars ($500.00), or one thousand dollars ($1,000.00), as the Council may determine, and in such form as the Council shall elect, with interest coupons attached thereto. Said bonds shall be issued serially and designated "EMERGENCY RELIEF FUND BONDS." The said bonds shall be signed by the Mayor and countersigned by the Auditor, and each interest coupon shall have the signature of the Mayor and the Auditor engraved thereon, and the City of Portland by each of said bonds shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be paid half yearly. At the time of providing for the issuance of such bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed five per cent (5%) per annum, the dates for the redemption of such bonds, which dates shall not be less than three (3) years nor more than fifteen (15) years from the date of such bonds and the portion of said bonds which shall be redeemed each year beginning with the third year from the date thereof. Such bonds, before sale, shall be advertised for not less than two (2) weeks and shall be sold to the highest reponible bidder, but not for less than par and accrued interest. The council, before advertising the sale of such bonds, may provide that competitive bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which is most advantageous to the city. The Council shall have the right to reject any and all bids and to proceed to readvertise when bids are not satisfactory. The proceeds from the sale of said bonds shall be expended in the payment of the cost of the expense of advertising, issuing and selling said bonds and in the payment of any expense incurred by the city for the holding of a special election whereby the issuance of said bonds was authorized. Such bonds shall only be sold by the Council in such amounts and at such times as shall be recommended by the Council's Public Relations Committee of the Civic Emergency Committee, composed of Aaron M. Frank, John A. Zehntbauer, Dan J. Malarkey, Amedee M. Smith, E. C. Sammons, Frank H. Ransom and T. H. Banfield. The proceeds from the sale of said bonds shall constitute and go into a special fund which shall be known as the "Emergency Relief Fund"; and from such fund, in addition to the foregoing authorized payment of expenses, disbursements are hereby authorized to be made for such public work and projects as shall, in the opinion of the said Council's Public Relations Committee of the Civic Emergency Committee as evidenced by its request or the Council for appropriations and in the Council's opinion as evidence by its making the requested appropriation, provide the maximum of hand labor for needy unemployed with due regard to the desirability of the work or project and to giving the city the best returns under the circumstances for the money expended. Such other disbursements may be made from said fund as shall, in the judgment of the Council and its Public Relations Committee of the Civic Emergency Committee be necessary to carry out a general program of relief to the unemployed in a practical and efficient manner; and the unemployed assigned to any such work or project shall be selected and employed under such rules and regulations and at such wages as shall be fixed and determined from time to time by the Council's Public Relations Committee of the Civic Emergency Committee. The provisions of Chapter 4 of the Charter shall not apply to such employment. The Council shall have power and authority to enact such ordinance or ordinances from time to time as may be needed to give full effect to the authority conferred by this section. The amount of all of the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the city fixed by the charter or the constitution, but shall be excluded from said limitations.

Adopt April 10, 1931

138-5

Section 344. BONDS FOR PUBLIC WORK: The Council is hereby authorized, in the name of and under the corporate seal of the City of Portland, to issue and dispose of bonds of the City of Portland in an amount not exceeding one million dollars ($1,000,000), in the denomination of one hundred dollars ($100.00), five hundred dollars ($500.00) or one thousand dollars ($1000.00), as the Council may determine, and in such form as the Council shall elect, with interest coupons attached thereto. The bonds shall be issued serially. The bonds shall be signed by the Mayor and countersigned by the Auditor, and each interest coupon shall have the signature of the Mayor and the Auditor engraved thereon, and the City of Portland, Oregon, by each of the bonds shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of the bonds, at the expiration of the time specified therein, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be paid half yearly. At the time of providing for the issuance of the bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed six per cent (6%) per annum, the dates for the redemption of the bonds, which dates shall not be less than six (6) nor more than twenty (20) years from the date of the bonds and the portion of the bonds which shall be redeemed each year beginning with the sixth year from the date thereof. The bonds, before sale, shall be advertised for not less than two (2) weeks and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of the bonds, may provide that competitive bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which in the opinion of the Council is most advantageous to the City. The Council shall have the right to reject all bids and to proceed to readvertise when bids are not satisfactory, or to sell the bonds, as hereinafter provided. If, after having advertised and received bids for the purchase of the bonds, the Council deems the price bid unsatisfactory, the Council then has the power to fix a sale price for the bonds, equivalent in the opinion of the Council to not less than the highest bid, and having fixed the price, any or all of the bonds may be sold by the City Treasurer without further advertisement, or the Council may again advertise any or all of the bonds for sale and sell them. In no event shall any of the bonds be sold for less than par and accrued interest. The proceeds from the sale of the bonds shall be expended in the payment of the cost of the expense of advertising, issuing and selling the bonds, and in the payment of any expense incurred by the city for the holding of a special election, whereby the issuance of the bonds was authorized. The bonds shall only be sold by the Council in such amounts and at such times as shall be recommended by the Council's Public Relations Committee of the Civic Emergency Committee, which is now composed of Aaron M. Frank, John A. Zehntbauer, Dan J. Malarkey, Amedee M. Smith, E. C. Sammons, Frank H. Ransom and T. H. Banfield. The proceeds from the sale of the bonds shall constitute and go into a special fund, and from such fund, in addition to the foregoing authorized payment of expenses, disbursements are hereby authorized to be made for such public work and projects as shall, in the opinion of the said Council's Public Relations Committee of the Civic Emergency Committee, as evidenced by its request on the Council for appropriations and in the Council's opinion as evidenced by its making the requested appropriation, provide the maximum of hand labor for needy unemployed, with due regard to the desirability of the work or project and to giving the city the best returns under the circumstances for the money expended. Such other disbursements may be made from said fund as shall, in the judgment of the Council and its Public Relations Committee of the Civic Emergency Committee be necessary to carry out a general program of relief to the unemployed in a practical and efficient manner; and the unemployed assigned to any such work or project shall be selected and employed under such rules and regulations and at such wages as shall be fixed and determined from time to time by the Council's Public Relations Committee of the Civic Emergency Committee. The provisions of Chapter 4 of the charter shall not apply to such employment. The Council shall have power and authority to enact such ordinance or ordinances from time to time as may be needed to give full effect to the authority conferred by this section. The amount of all of the bonds authorized by this act shall not be counted in calculating the limited indebtedess otherwise applicable to the city fixed by the charter or the constitution, but shall be excluded from said limitations.

Adopt May 20, 1932

138-6

Section 345. BONDS FOR RELIEF OF POOR AND INDIGENT. The Council is hereby authorized, in the name of and under the corporate seal of the City of Portland, to issue and dispose of bonds of the City of Portland in an amount not exceeding four hundred thousand dollars ($400,000.00), in the denomination of fifty dollars ($50.00), one hundred dollars ($100.00), five hundred dollars ($500.00) or one thousand dollars ($1000.00), as the Council may determine, and in such form as the Council shall elect, with interest coupons attached thereto. The bonds shall be issued serially. The bonds shall be signed by the Mayor and countersigned by the Auditor, and each interest coupon shall have the signature of the Mayor and the Auditor engraved thereon, and the City of Portland, Oregon, by each of the bonds shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of the bonds, at the expiration of the time specified therein, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate mentioned in the bond, which interest shall be paid half yearly. At the time of providing for the issuance of the bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed six per cent (6%) per annum, the dates for the redemption of the bonds, which dates shall not be less than six (6) nor more than twenty (20) years from the date of the bonds and the portion of the bonds which shall be redeemed each year beginning with the sixth year from the date thereof. The bonds, before sale, shall be advertised for not less than two (2) weeks and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of the bonds, may provide that competitive bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which in the opinion of the Council is most advantageous to the city. The Council shall have the right to reject all bids and to proceed to readvertise when bids are not satisfactory, or to sell the bonds, as hereinafter provided. If, after having advertised and received bids for the purchase of the bonds, the Council deems the price bid unsatisfactory, the Council then has the power to fix a sale price for the bonds, equivalent in the opinion of the Council to not less than the highest bid, and having fixed the price, any or all of the bonds may be sold by the City Treasurer without further advertisement, or the Council may again advertise any or all of the bonds for sale and sell them. In no event shall any of the bonds be sold for less than par and accrued interest. The bonds shall only be sold by the Council in such amounts and at such times as shall be receommended by the Council's Public Relations Relief Committee of the Civic Emergency Committee, which is now composed of Charles F. Berg, S. W. Lawrence, F. L. Shull, Estes Snedecor, H. B. Van Duzer, A. R. Watzek and R. B. Wilcox. The proceeds from the sale of the bonds shall constitute and go into a special relief fund. From the relief fund shall be paid the cost of the expense of advertising, issuing and sale of the bonds, and all necessary expenses and disbursements for administering the relief fund, and from the relief fund shall be paid moneys for relief to the poor and indigent inhabitants of the city in the amounts and for such length of time as shall in the opinion of the Council's Public Relations Relief Committee of the Civic Emergency Committee be necessary and proper under the circumstaces of each individual case as evidenced by its request on the Council for appropriations and in the Council's opinion as so necessary and proper as evidenced by its making the requested appropriations and with due regard to giving the city the best relief measures to the poor and indigent as the circumstances and facts in all cases warrant. Such other disbursements may be made from said fund as shall in the judgment of the Council and its Public Relations Relief Committee of the Civic Emergency Committee be necessary to carry out a general program of relief for the poor and indigent inhabitants of the city in a practical and efficient manner and under such rules and regulations and in such amounts as shall be fixed and determined from time to time by the Council's Public Relations Relief Committee of the Civic Emergency Committee. The Council shall have power and authority to enact such ordinance or ordinances from time to time as may be needed to give full effect to the authority conferred by this section. The amount of all the bonds authorized by this act shall not be counted in calculating the limited indebtedness otherwise applicable to the city fixed by the Charter or the Constitution but shall be excluded from said limitations.

Adopt May 20, 1932

Section 346. FOURTH STREET EXTENSION BONDS. To the end that additional work may be given to the unemployed at the earliest possible date and the agreement carried forward between the City of Portland, State Highway Commission, Multnomah County, and the Council's Public Relations Committee of the Civic Emergency Committee concerning the projected improvement of Fourth Street Extension as a main highway in the City of Portland, the Council is hereby authorized in the name and under the corporate seal of the City of Portland to issue and dispose of bonds of the City of Portland in an amount not exceeding one hundred ninety-five thousand dollars ($195,000.00) in such denominations and form as the Council shall determine, with interest coupons attached thereto. Said bonds shall be known as Fourth Street Arterial Highway Bonds. They may be issued serially. They shall be signed by the Mayor and countersigned by the Auditor, and each interest coupon shall have the signature of the Mayor and of the Auditor engraved thereon, and the City of Portland, Oregon, by each of said bonds shall be held and considered to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named therein in gold coin of the United States of America, together with interest thereon in like gold coin at the rate mentioned in the bond, which interest shall be paid half yearly. At the time of providing for the issuance of such bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed six per cent per annum, and the dates for the redemption of the bonds, which dates shall not be less than six nor more than twenty years from the date of the bond, and the portions of the bonds which shall be redeemed each year beginning with six years from the date thereof. Said bonds, before sale, shall be advertised for not less than two weeks and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of such bonds, shall provide that competitive bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which in the opinion of the Council is most advantageous to the city. The Council shall have the right to reject all bids and to proceed to readvertise when bids are not satisfactory, or to sell the bonds as hereinafter provided. If, after having advertised for bids, the Council receives no bids or bid or deems the price bid unsatisfactory the Council then shall have the power to fix a sale price for said bonds and authorize the City Treasurer to sell said bonds without further advertisement, or the Council may again advertise any or all of said bonds for sale and sell them. In no event shall any of said bonds be sold for less than par and accrued interest. The proceeds from the sale of said bonds shall be expended in the payment of the cost of advertising, issuing and selling the same and in paying the cost of obtaining such property, slope easements and other rights as may be needed for the projected Fourth Street extension as a main highway entering the City of Portland from the southwest, which highway is intended to be constructed under the four-party agreement above designated as such agreement may be amplified or modified. For the purpose of obtaining such property, rights and easements the Council is hereby authorized to proceed in the manner set out by Chapter 13 of the Charter as revised by the Council August 19, 1914, and containing the amendments subsequently adopted up to November 2, 1926, inclusive, or in any other manner authorized by law as the Council may determine. If the Council proceed under said Chapter 13 no assessment of benefits shall be made unless the funds hereby provided prove to be inadequate, in which event an assessment [illegible] be made

erty needed under this section provision may be made, in cases where buildings, trees, shrubbery, fixtures and/or other improvements are wholly or in part upon the property required by the city and it appears practicable to remove such buildings, trees, shrubbery, fixtures and/or other improvements to the remaining or any other property of the owner, that the owner, his heirs and assigns, shall retain such buildings, trees, shrubbery, fixtures and/or other improvements and remove the same within a specified time after the award of damages shall have been fixed and the money made ready for payment, provided that if such buildings, trees, shrubbery, fixtures and/or other improvements be not removed within the time so fixed or such further time as the Council may allow, then the same shall be regarded as abandoned by the owner, his heirs and assigns, and the Council may proceed to make such disposition thereof as it may find suitable and proper. The Council in acquiring such property may provide for the owner, his heirs and assigns, to retain possession and use of a portion of such property for such time as the Council may fix, provided that such possession and use shall not interfere with the immediate requirements of the city. Appeals shall be allowed to the Circuit Court of the State of Oregon for Multnomah County from the determination of the City Council as to the amount of damages to be paid, such appeals to be taken and prosecuted in the manner and with the effect provided by statute in such cases. If upon the determination of such appeals, if any, judgment or judgments be entered increasing the cost of acquiring such property, easements and rights over the amount allowed by the City Engineer or the Council, or decreasing any assessment of benefits as fixed by the City Engineer or the City Council, the Council is hereby granted further authority to issue and sell additional bonds in the manner and form as above provided up to but not exceeding an amount sufficient to cover such increased cost or deficit as may result from such appeals, and such cost shall include all costs and expenses taxed against the city on such appeals and the city's expenses for witnesses and other expenses incurred in connection with such appeals, but such additional bonds shall not amount to more than ten per cent increase in the amount of bonds first above authorized. The Council, if able to procure money from the Reconstruction Finance Corporation for said purposes, shall have authority to authorize the execution of such obligations or contracts as may be found suitable therefor. The money thus obtained shall reduce pro tanto the amount of bonds herein authorized to be issued and shall not exceed the total amount of bonds herein authorized. The cost of grade changes upon intersecting and adjacent streets rendered necessary by said Fourth Street extension and the cost of retaining walls may be included as a part of the cost of property for said project. In cases where a part of a tract of land is taken but the damage amounts to approximately the value of the entire tract the Council may obtain the fee simple title to the entire tract. The amount of the bonds authorized by this section shall not be counted in calculating the limit of indebtedness otherwise applicable to the City of Portland fixed by the charter, or otherwise, but shall be excluded from such limitation.

138-7

Section renumbered by Ord # 63318

Adopt Nov. 8, 1932

Section 347. DECLARATION OF PURPOSE: GRANT OF POWER: SEWAGE DISPOSAL OR SEWAGE PURIFICATION SYSTEM AUTHORIZED:

For the purpose of preventing, reducing and correcting the pollution of the waters of the Willamette River, the Columbia Slough, the Columbia River, and other waters in and adjacent to the City of Portland, the Council is granted power and authority:

1. To construct, equip, operate and maintain a sewage disposal or sewage purification system within and/or without the corporate limits, including intercepting sewer mains, diversions, pumping or ejector stations, treatment and/or disposal plant or plants with appurtenances for the treatment and/or disposal of sewage, and so designed that it will be possible to extend and amplify to any degree of treatment without unnecessary financial loss in revisions and additions.

2. To dispose of by-products of sewage reduction, purification or treatment, and the effluent from sewage disposal plants, either by sale of by-products, chlorination and removal of effluent, or in such other manner as the Council may from time to time determine.

3. To acquire by grant, purchase and/or condemnation, lands, rights of way, easements or privileges therefor, either within or without the corporate limits.

4. To construct a sewage disposal, sewage purification or sewage treatment system in units leading to an ultimate system.

5. To determine the class or kind of materials to be used in construction of a sewage disposal, sewage purification or sewage treatment system, including the intercepting sewers and all appurtenant devices and structures.

6. To require from the City Engineer plans and specifications and estimates of costs for a sewage disposal, sewage purification or sewage treatment system showing the location of facilities, type of construction, type of equipment, cost estimates, division of units, duration of construction, program of construction, sewer user service charges; but the declaration of engineering and construction policies shall be tentative only and the final determination shall be at the discretion of the Council.

7. To enter into contracts for the construction of the units of a sewage disposal, sewage purification or sewage treatment system.

8. To employ and compensate technical, consulting or scientific engineering services in connection with a sewage disposal, sewage purification or sewage treatment system.

9. To enact such ordinance or ordinances from time to time as may be needed to give full effect to the grant of power conferred by this section.

10. To finance the cost of the construction, equipment and maintenance of a sewage disposal, sewage purification or sewage treatment system from funds accruing from a sewer user service charge, or the sale of salvaged products, or both, or from funds acquired from grants from any Federal or other agency, or both.

11. To determine, fix and collect a sewer user service charge when and if necessary.

12. To provide the mode and manner of collecting the sewer user service charge, and if such sewer user service charges so established be not paid when due to provide for penalties, interest and cost.

13. To create a Board of Equalization and define its powers and authority, which Board shall be established for the purpose of adjusting the sewer user service charges.

14. To provide as authorized by Chapter 289 Oregon Laws 1933, that if the sewer user service charges established by the Council be not paid when due the amount or amounts thereof, together with such penalties and interest and costs as may be provided by ordinance, may be recovered in an action at law; or, may be certified to the assessor of Multnomah County, and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over.

15. To determine the time the sewer user service charge shall continue or cease for the purpose of providing funds with which to construct, equip, operate and maintain a sewage disposal, sewage purification or sewage treatment system.

16. To provide that the funds collected from the sewer user service charges shall be placed in a separate fund designated "Sewage Disposal Fund," disbursements therefrom to be made on warrants signed by the Auditor and Commissioner of Public Works, and to provide that all net profits from the sale of salvaged products shall be converted into the same fund, reducing to such extent any levy made as a user charge.

17. To receive and accept grants and/or loans from the Federal Government and/or its agencies for planning and carrying out the construction and installation of such sewage disposal.

18. It is ordained that the amount of the sewer user service charge shall not exceed 33 1/3 per cent of the current water charge as annually fixed by the Council for the Bureau of Water Works, except that the sewer user service charge for a dwelling during the months of June, July, August and September in any year shall be based upon not to exceed 33 1/3 per cent of the monthly average of the water charged for the previous four months, or if there has not been a four months' water charge prior to June, then not to exceed 33 1/3 per cent of the average water charge of the previous months less than the said four months shall be the basis of the sewer user service charge. Where there has been no water charge for one month prior to June in any year, the sewer user service charge shall be not to exceed 33 1/3 per cent of the minimum water charge for that particular residence. All sewer user service charges shall be collected by the Bureau of Water Works coincident with its collection of water charges.

19. It is ordained that for industries, industrial plants, utilities and other business or enterprises, where the use of water is such that a portion of the water delivered thereto does not flow into a city sewer or any sewer connecting with a city sewer, a sewer user service charge shall be made and paid upon the basis of water used or the sewer user service charge shall be computed on the basis of the flow of water metered at the place where the water enters the sewer. Where water from private wells is used and permitted to flow into a city serving sewer, a sewer user service charge shall be made and paid and based upon the flow of water metered at the place of discharge of the water.

20. It is ordained that where there is a sewer within one hundred (100) feet of any property put to a use which requires sewage facilities and not connected therewith, the sewer user service charge shall be assessed against such property the same as though connected.

21. It is ordained that the foregoing enumeration of particular powers granted to the Council by this section shall not be construed to impair any general grant of power elsewhere contained in this charter, nor to limit any such general grant of power of the same class or classes as those so enumerated.

22. It is ordained that as an aid to the purification of the waters of the Willamette River, the Council is granted power and authority to enact legislation prohibiting industries, industrial plants or utilities or other enterprises, ships, vessels, or other river craft from placing or draining deleterious matter into the waters of the Willamette River within the confines of the City, and to require all such to connect their properties with the sewage disposal system when physically possible; if physically impossible, then to compel all such to construct a sewage or waste disposal system as may be prescribed and required by ordinance.

23. Nothing herein contained shall be construed to repeal, modify or abrogate the power of the Council under the charter, or charter-ordinances, relating to the construction of sewers, the cost of which is paid by special assessment upon properties benefited thereby, nor prohibit in such cases, property owners bonding the cost of said sewers and the issuance of bonds by the City incident thereto, nor to repeal, modify or abrogate any power and authority now vested in the Council to issue bonds or other evidences of indebtedness for the purpose of constructing, equipping, or maintaining sewage disposal systems.

24. It is ordained in order that funds may be secured to carry out the purposes of this act, the Council is granted the power and authority to establish and put into effect and collect as of December 1st, 1938, a schedule of sewer user service charges and all persons or property using the present constructed sewage system of the city shall be required to pay the sewer user service charge notwithstanding the fact that the present serving sewers were constructed and paid for by such persons or property under the special assessment provisions of the charter or in case of sale of salvaged products, the Council is granted authority to fix the terms and conditions for the sale of such salvaged products and to provide for the placing of the net profits therefrom in the special fund above mentioned.

25. It is ordained that in the event new sewers are constructed under the special assessment provisions of the charter, and connected with and served by a sewage disposal, sewage purification or sewage treatment system or any unit thereof, a sewer user service charge, notwithstanding such special assessment, shall be paid, and so paid until such time as the sewer user service charge is discontinued.

26. It is ordained that the Bureau of Water Works shall be compensated for services rendered in collecting the sewer user service charges in such amount as shall be determined by the Council.

27. Costs of operation and maintenance of any unit of the sewage disposal system shall be paid from the sewage disposal fund.

28. It is ordained that at any time during the planning or construction of a sewage disposal, sewage purification or sewage treatment system if sufficient funds are not in the Sewage Disposal Fund, the Council is granted authority to borrow funds from the General Fund not in excess of $25,000.00 for a period not exceeding one year, and the General Fund shall be reimbursed, with interest not exceeding six per cent, as funds are received by the Sewage Disposal Fund; provided, that at no time shall the amount herein authorized to be loaned from the General Fund to the Sewage Disposal Fund exceed the sum of $25,000.00.

29. It is ordained that in the event property is hereafter annexed to the corporate limits, the Council has power and authority to require sewers in such territory to be connected with the sewage disposal system, or a unit thereof, and to exact and collect a sewer user service charge.

30. It is ordained that all property adjacent to the City of Portland now or in the future deemed to be polluting the waters of the Willamette River, Columbia Slough or Columbia River shall be granted the right to use the sewage disposal facilities provided by the City of Portland upon such terms and under such conditions as may be determined by the Council; provided, however, that no such service shall be extended to property without the corporate limits of the City of Portland at a rate lower than that established for service to property within the said corporate limits.

Adopt Nov. 8, 1938

138-10

Section 348. LEASING OF REAL PROPERTY FOR INDUSTRIAL PURPOSES.

The City Council is hereby authorized and empowered to provide for leasing for a period of not more than thirty (30) years city-owned property, whether now owned or hereafter acquired, and whether within or without the boundaries of the city, when the use of such property is not presently needed for municipal purposes. Each and all of such leases shall be upon such terms, restrictions and provisions as the Council may deem suitable and proper, provided that each and all of such leases which are for a period longer than otherwise provided in the charter shall be for the use of a person, firm or corporation in establishing a new industry.

To the end that property now or hereafter owned by the city and not presently needed for municipal use may be applied as herein provided, the Council is hereby authorized to exchange such property (when not suitable for leasing as herein provided) for property which is suitable for leasing, and thereupon lease such property received in exchange, as herein provided, but the Council before making any such exchange shall have an appraisal made of both properties and shall not make an exchange except where the city receives a value equal to or in excess of the value of the property to be given in exchange, and the Council may provide for paying or receiving a cash difference for the purpose of making any such exchange.

In cases where such property to be given in exchange is held by the city upon any trust (including property held as security for bond issues) the property received in exchange shall be similarly held and the rent and income therefrom shall be applied to such trust.

Adopt May 17, 1940

138-11

Section 349. U. S. HIGHWAY W-99 EXTENSION BONDS.

To the end that advantage may be taken of an offer of the State Highway Commission to invest $2,000,000 in highway construction and to invest approximately $800,000 in additional funds in the acquisition of right of way and clearance thereof and advantage taken of the proposed agreement between the City of Portland and the State Highway Commission concerning the projected extension of U. S. Highway W-99 connecting Southwest Barbur Boulevard and North Interstate Avenue by way of the waterfront as a main highway in the City of Portland, the Council is hereby authorized in the name and under the corporate seal of the City of Portland to issue and dispose of bonds of the City of Portland in an amount not exceeding one million two hundred and fifty **thousand** dollars ($1,250,000), in such denominations and form as the Council shall determine, with interest coupons attached thereto. Said bonds shall be known as U. S. Highway W-99 Extension Bonds. They may be issued serially. They shall be signed by the Mayor and countersigned by the Auditor, and each interest coupon shall have the signature of the Mayor and of the Auditor engraved thereon, and the City of Portland, Oregon, by each of said bonds shall be held and considered to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of the time specified therein the sum named in said bond in lawful currency of the United States of America, together with interest thereon in like lawful currency at the rate mentioned in the bond, which interest shall be paid half yearly. At the time of providing for the issuance of such bonds the Council shall, subject to the provisions hereof, fix the rate of interest to be paid, which rate shall not exceed four per cent per annum, and the dates for the redemption of the bonds, which dates shall not be less than three years nor more than ten years from the date of the bond, and the portions of the bonds which shall be redeemed each year beginning with three years from the date thereof. Said bonds, before sale, shall be advertised for not less than two weeks and shall be sold to the highest responsible bidder, but not for less than par and accrued interest. The Council, before advertising the sale of such bonds, shall provide that competitive bidding shall be partially or wholly upon the rate of interest, and in that case the rate shall be fixed according to the bid of the successful bidder, and the award shall be made upon the bid which in the opinion of the Council is most advantageous to the City. The Council shall have the right to reject all bids and to proceed to readvertise when bids are not satisfactory, or to sell the bonds as hereinafter provided. If, after having advertised for bids, the Council receives no bids or bid or deems the price bid unsatisfactory, the Council shall then have the power to fix a sale price for said bonds and authorize the City Treasurer to sell said bonds without further advertisement, or the Council may again advertise any or all of said bonds for sale and sell them, and the Council shall have authority for said purpose to provide for borrowing from the Federal Government or any agency thereof, a part or all of the funds herein mentioned, and for executing and delivering such documents as may be needed therefor, provided that the Council finds such borrowing to be to the best interest of the City, but in no event shall the amount thus borrowed, together with any and all amounts of bonds issued hereunder, exceed the total amount herein authorized. In no event shall any of said bonds be sold for less than par and accrued interest. The proceeds from the sale of said bonds or loan shall be expended in the payment of the cost of advertising, issuing and selling the same and in paying the cost of obtaining such property, slope easements and other rights, including clearance, demolition and razing of buildings, engineering, title reports, expert witnesses, appraisals, publication, reporter fees, and other trial expense as may be needed for the projected U. S. Highway W-99 Extension Project as a main highway extending from the vicinity of the intersection of Southwest Front Avenue and Southwest Barbur Boulevard to Northwest Front Avenue and Northwest Glisan Street on the west bank of the Willamette River, thence east across the said Willamette River via the Railroad (Steel) Bridge, and thence north along the east bank of said Willamette River to the vicinity of North Russell Street and North Interstate Avenue, which highway is intended to be constructed under the proposed agreement above designated, as it may be amplified or modified. For the purpose of obtaining such property, rights and easements, including demolition and clearance and razing of buildings, the Council is hereby authorized to proceed in the manner set out by Chapter 13 of the Charter, as revised by the Council August 19, 1914, and containing the amendment subsequently adopted up to November 2, 1938, inclusive, or in any other manner authorized by law, as the Council may determine. If the Council proceed under said Chapter 13, an assessment of benefit may or may not be made, as the Council shall determine, but if the Council finds that the funds herein may be inadequate, an assessment of benefits may be made, together with or separate from the proceeding for condemnation, in order to provide the necessary funds. Changes of grade and the acquisition of slope easements and other rights may be included in the proceedings for acquiring the necessary property for said project. In making an award of damages for acquiring the property needed under this section, provision may be made, in cases where buildings, trees, shrubbery, fixtures and/or other improvements are wholly or in part upon the property required by the City and it appears practicable to remove such buildings, trees, shrubbery, fixtures and/or other improvements to the remaining or any other property of the owner, that the owner, his heirs and assigns, shall retain such buildings, trees, shrubbery, fixtures and/or other improvements and remove the same within a specified time after the award of damages shall have been fixed and the money made ready for payment, provided that if such buildings, trees, shrubbery, fixtures and/or other improvements be not removed within the time so fixed, or such further time as the Council may allow, then the same shall be regarded as abandoned by the owner, his heirs and assigns, and the Council may proceed to make such disposition thereof as it may find suitable and proper. The Council in acquiring such property may provide for the owner, his heirs and assigns, to retain possession and use of a portion of such property for such time as the Council may fix, provided that such possession and use shall not

interfere with the immediate requirements of the City. Appeals shall be allowed to the Circuit Court of the State of Oregon for Multnomah County from the determination of the City Council as to the amount of damages to be paid, such appeals to be taken and prosecuted in the manner and with the effect provided by statute in such cases. If upon the determination of such appeals, if any, judgment or judgments be entered increasing the cost of acquiring such property, easements and rights over the amount allowed by the City Engineer or the Council, or decreasing any assessment of benefits as fixed by the City Engineer or the City Council, the Council is hereby granted further authority to issue and sell additional bonds in the manner and form as above provided, up to, but not exceeding an amount sufficient to cover such increased cost or deficit as may result from such appeals, and such cost shall include all costs and expenses taxed against the City on such appeals and the City's expenses for witnesses and other expenses incurred in connection with such appeals, but such additional bonds shall not amount to more than ten per cent increase in the amount of bonds first above authorized.

The Council is hereby authorized to enter into contracts or agreements with the Federal Government, or any agency thereof, in connection with any project or projects for work relief, or otherwise, in connection with the said project. The cost of grade changes upon intersecting and adjacent streets rendered necessary by the said U. S. Highway W-99 Extension Project and the cost of retaining walls may be included as a part of the cost of property for said project. In cases where a part of a tract of land is taken, but the damage amounts to approximately the value of the entire tract, the Council may obtain the fee simple title to the entire tract. The amount of the indebtedness authorized by this section shall not be counted in calculating the limit of indebtedness otherwise applicable to the City of Portland, fixed by the charter, or otherwise, but shall be excluded from such limitation.

Adopt May 17, 1940

The Charter Ordinances of the City of Portland, Oregon

THE CHARTER ORDINANCES OF THE CITY OF PORTLAND, OREGON

Section 283 of the charter provides that so much of Sections 167 to 268, and 287 to 305, both inclusive, and Sections 328 to 345, both inclusive, of the 1903 charter, shall, where not inconsistent with the charter, remain in effect as ordinances, subject to repeal or amendment by the Council.

Section 284 of the charter provides that Sections 346 to 350 as amended, both inclusive, and Sections 362 to 421, both inclusive, of the 1903 charter, shall also reman in full force and effect as ordinances.

The Supreme Court of Oregon in Portland v. Blue, 77 Oregon 131; Portland v. State Bank, 107 Oregon 267; Spencer v. Portland, 114 Oregon 381; In re Shaw, 88 Oregon 174; In re Boalt, 123 Oregon; and Portland v. Postill, 124 Oregon, has fully sustained the constitutionality of said charter ordinances.

By authority of section 287 of the charter as adopted May 3, 1913, the Council has revised and arranged in sections said charter ordinances in such a manner that the provisions thereof are consistent with the present charter.

The present charter of the City of Portland, Oregon, was originally enacted by the legislative assembly of the State of Oregon (Laws of Oregon 1903, p. 3).

The charter as enacted by the legislative assembly provided for a councilmanic form of government. On May 3, 1913, said legislative charter was amended by the voters of the City of Portland changing from councilmanic form of government to commission form of government.

By authority of Section 287, adopted May 3, 1913, and Ordinance No. 29350, passed August 19, 1914, as amended June 6, 1928, the Council has revised, arranged and renumbered the sections of said charter ordinances.

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THE CHARTER ORDINANCES OF THE CITY OF PORTLAND, OREGON

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§ 6. CITY ATTORNEY REQUIRED TO INSTITUTE SUITS, ETC.
§ 7. SHALL DELIVER RECORDS TO HIS SUCCESSOR.

§ 1. CITY ATTORNEY; HIS QUALIFICATIONS:

The City Attorney shall be an attorney of the Supreme Court of the State of Oregon and shall be an elector of the City and of the State of Oregon at the time of his appointment, and must have been such for at least five years preceding such time. He shall be appointed by the Council in accordance with the provisions of the Charter and shall serve during the pleasure of the Council.

[§340, 1903 Charter; see §81, Charter, Adopted May 3, 1913.]

Section 1 Amended by Ordinance No. 77612

§ 2. DUTIES OF CITY ATTORNEY; SALARY OF; GENERALLY:

The City Attorney must attend to, and shall, subject to the direction of the Council, have control of all actions, suits or proceedings in which the City is legally interested, and must attend to the prosecution of every person charged with the violation of a City ordinance, or of any regulations adopted under authority of the Charter, or with the commission of a misdemeanor as declared by the Charter or by virtue of its authority. In any prosecution for violation of any regulation adopted by any board created by the Charter, the City Attorney shall act under the directions of such board, subject to such paramount control as is given to the Council by the Charter.

He shall prepare for execution all contracts, bonds or other instruments to which the City is a party; he shall give his advice and opinion in writing concerning any matter in which the City is interested when required by the Mayor, any board or body, Council or any committee of the Council; he may have one or more deputies, to be appointed by him in writing and to continue during his pleasure, the number and compensation of such deputies to be fixed by the Council. The salary of the City Attorney shall be fixed by the Council payable in monthly installments out of the City Treasury.

[§341, 1903 Charter.]

Section 2 Amended by Ordinance No. 77612

§ 3. SAME—IN MUNICIPAL COURT:

It shall be the duty of the City Attorney in person or by deputy to prosecute without charge, other than the salary paid him as City Attorney or deputy, all causes brought before the Municipal Court for any violation of the ordinances of the City, or of regulations adopted under the authority of the Charter, or for the commission of any misdemeanor as declared by the Charter or by virtue of its authority.

[§342, 1903 Charter.]

Section 3 Amended by Ordinance No. 77612

§ 4. COUNCIL TO PROVIDE OFFICE FOR CITY ATTORNEY:

The City Attorney shall have his office and headquarters in such rooms in the City Hall as the Council may designate, to be provided and furnished at the expense of the City, which shall be open on all business days during such hours as the Council shall fix.

[§342, 1903 Charter.]

§ 5. CITY ATTORNEY'S RECORDS:

The City Attorney shall have charge and custody of said office and of all legal papers pertaining thereto, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall keep in said office a complete docket and duplicate pleadings of all suits, actions or proceedings in which the City or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall also keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by him to the City, or to any department or official thereof, and also of all certificates of titles furnished to the City,

or any department or official thereof by him, and all abstracts of titles which shall hereafter be furnished to or obtained by the City. He shall also procure, as far as possible, all legal opinions and abstracts of title which have heretofore been furnished to the City, or any department or official thereof, and shall file and arrange such opinions and abstracts in such manner and order as to be at all times readily accessible, and shall make and preserve an index thereof. He shall also procure all law books heretofore purchased by the City and in the possession of any law officer or ex-law officer of the City or other person, and mark them and arrange them in a proper bookcase.

[§343, 1903 Charter.]

§ 6. CITY ATTORNEY REQUIRED TO INSTITUTE SUITS, ETC.:

The City Attorney shall have authority, upon the written direction of the Council, to institute upon behalf of the City, or any board or commission of the City, any suit, action or proceeding, in any court or tribunal, local, State of Federal. All appeals on behalf of the City to the Circuit Court of the State of Oregon, in Municipal cases, shall be taken by the City Attorney when by him deemed advisable. All other appeals on behalf of the City shall be taken by the City Attorney only upon the written direction of the Council.

[§344, 1903 Charter.]

§ 7. SHALL DELIVER RECORDS TO HIS SUCCESSOR:

He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession, belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

[§345, 1903 Charter.]

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§ 21. CITY OFFICERS OR AGENTS TO PAY MONEY OF THE CITY TO TREASURER; PENALTY FOR FAILURE.

§ 8. TREASURER—QUALIFICATIONS:

There shall be a Treasurer of the City of Portland, who shall have been a duly qualified voter of said city for at least five years next preceding his appointment. He shall be appointed by the Council in accordance with the provisions of the Charter and shall serve during the pleasure of the Council.

[§288, 1903 Charter; see §81, Charter Adopted May 3, 1913.]

§ 9. SALARY OF TREASURER—HIS BOND:

He shall receive an anual salary to be fixed by the Council payable monthly out of the General Fund in the same manner as other salaries are paid. He shall give a bond of some surety company or companies to be approved by the Mayor in the sum of one hundred thousand dollars to secure the faithful performance of his duties.

[§289, 1903 Charter.]

Section 9 Amended by Ordinance No. 77612

§ 10. TREASURER'S DEPUTY; CIVIL SERVICE RULES; COUNCIL TO FIX SALARIES OF DEPUTY AND CLERKS:

The appointing authority may appoint one deputy Treasurer to continue in office during his pleasure and, subject to the Civil Service Rules, such clerks as may be necessary. The salary of said deputy and the number and compensation of said clerks shall be fixed by the Council.

[§290, 1903 Charter.]

§ 11. DUTIES OF TREASURER:

The Treasurer is receiver of taxes, and shall receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same as now or as may hereafter be provided by ordinance. He 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 shall be paid out of such fund only. The Treasurer shall make a semi-annual statement to the Council, showing the receipts and disbursements and the state of each particular fund at the close of business on the 31st day of May of each year, and shall also prepare and transmit to the Council on or before the 15th day of December of each year a report of the receipts and disbursements of the city for the fiscal year ending on the 30th day of November next preceding and the state of each fund at the close of business on said 30th day of November, and shall file the same with the Auditor. Such report must be published by the Auditor in such manner as may be prescribed by ordinance.

[§291, 1903 Charter, as Amended by Ordinance 46927.]

Section 11 Amended by Ordinance No. 77612

§ 12. TREASURER NOT TO LEND CITY MONEY:

Except as hereinafter provided, the Treasurer shall not lend, use or deposit any of the moneys received by him as such Treasurer or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay out any part of such moneys nor allow the same to pass out of his personal custody, except as authorized by law or the Charter. If the Treasurer shall violate any of the provisions of this section he shall be deemed guilty of misconduct in office and be liable to removal therefrom and be proceeded against accordingly.

[§292, 1903 Charter.]

§ 13. BANKS MAY APPLY FOR DEPOSITS:

Any bank in the City of Portland with a paid-up capital of twenty-five thousand dollars, which desires to receive on deposit a portion of the city funds, shall file with the City Treasurer an application for such deposits. Such application shall state:

First—The amount and character of security the bank has to offer; and

Second—The rates of interest the bank will pay on open account and on time certificates of deposit.

The Treasurer shall present such application, together with his recommendation, to the Council. The Council shall thereupon determine what bank or banks shall receive the city funds and be designated as depositaries of the city. The bank or banks receiving such deposits from the city will be required to deposit with the Treasurer either: United States Government Bonds; United States Certificates of Indebtedness; bonds of the City of Portland, City of Portland Certificates of In-

Sec. 13 amended. Ord. No 68040 70311 70963 76693

debtednesss; bonds of the Port of Portland, School District No. 1 of Multnomah County, in the State of Oregon, Bridge Bonds of the County of Multnomah, the face value of which must be at all times equal to the amount of money on deposit by the city with said bank or banks; or bonds of any other city, county, municipality or school district within the State of Oregon, or well recognized railroad or street railway bonds, the interest upon which has not been in default for a period of six years prior to the offering of such bonds as security, and the market value of which is such that the net returns from the bond is no greater than five per cent. per annum.

Where state, county, municipal or school bonds, railroad or street railway bonds, except United States Government bonds, United States Certificates of Indebtedness, bonds of the City of Portland, City of Portland Certificates of Indebtedness, bonds of the Port of Portland, School District No. 1, of Multnomah County in the State of Oregon, or Bridge Bonds of Multnomah County, are offered as security, the market value of the same at all times shall be kept not less than one and one-quarter times the amount of the city deposit in said bank or banks.

The Council shall determine the relative value of all securities offered, and when the same rate of interest is bid, the Council shall give preference to the bank or banks offering bonds or certificates of indebtedness of the United States Government, bonds of the City of Portland, City of Portland Certificates of indebtedness, bonds of the Port of Portland, School District No. 1, of Multnomah County in the State of Oregon, or Bridge Bonds of Multnomah County, Oregon, as security. The Council may at its option reject any securities offered.

[§293, 1903 Charter as Amended by Ordinances Nos. 29738, 30668, 32896, 45146, 39555.]

§ 14. TREASURER TO DEPOSIT IN BANKS DESIGNATED BY COUNCIL:

After the Council designates what bank or banks are city depositaries all the funds then in the hands of the City Treasurer, or thereafter received by him, shall be deposited in the banks so designated, in the name of the City of Portland, and subject to the order of the City Treasurer. All interest upon city funds shall be paid to the city.

[§294, 1903 Charter.]

§ 15. TREASURER TO MAKE MONTHLY STATEMENTS OF DEPOSIT:

The Treasurer shall make monthly statements of the amount of moneys deposited, as hereinbefore provided, giving separately the amounts deposited on open account and in interest-bearing certificates in each bank, and shall file such statements with the Auditor, who shall present the same to the Council at its next regular meeting thereafter. The Treasurer shall furnish a copy of such report, together with a statement of the amount and kind of security pledged for such deposits, to any newspaper applying therefor.

[§295, 1903 Charter.]

§ 16. LIABILITY OF TREASURER FOR DEPOSITED FUNDS:

When the funds in the hands of the Treasurer shall be deposited, as hereinbefore provided, such Treasurer shall be exempt from all liability therefor by reason of the loss of any such deposited funds, from the failure, bankruptcy or any other acts of any such banks or bankers, to the extent and amount of such funds in the hands of such bank or bankers at the time of such failure or bankruptcy, but for no cause shall he be discharged from his liability to the City for the care and custody of the securities deposited with him by the banks or bankers acting as depositaries of the City funds.

[§296, 1903 Charter.]

§ 17. WHEN TREASURER SHALL KEEP POSSESSION OF FUNDS:

If no bank or banks will agree to take the money of the City on deposit on terms satisfactory to the Council, as provided by law, the Treasurer shall keep the same in cash in his own possession.

[§297, 1903 Charter.]

Section 17 Amended by Ordinance No. 77612

§ 18. COUNCIL MAY REQUIRE ADDITIONAL SECURITY FROM BANKS:

Whenever from any cause the Council shall deem the securities pledged by any bank insufficient and inadequate security for the funds of the City deposited with such bank, the Council shall require other or additional securities to be given by such bank to be approved by the Council; and if such bank shall fail promptly to furnish such securities the Treasurer at once shall withdraw all deposits from such bank and such bank shall cease to be a depositary of the City funds until it shall be reinstated as such by vote of the Council after it has deposited securities satisfactory to the Council.

[§298, 1903 Charter.]

§ 19. TREASURER TO BE IN PERSONAL ATTENDANCE AT OFFICE; FEES:

The Treasurer shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same from whatsoever source received or derived shall be paid by him into the treasury.

[§299, 1903 Charter.]

Section 19 Amended by Ordinance No. 77612

§ 20. RECEIPTS—HOW ISSUED BY TREASURER:

The Treasurer, on receiving any money into the Treasury, shall make out and sign two receipts for the money, such receipts shall be alike, except that upon the face of one of them shall appear the word "Original" and upon the face of the other shall appear the word "Duplicate." Such receipts shall be numbered and dated, and shall specify the amount, on what account and from what person or officer received, and into what fund or on what account paid. The Treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof, and deliver the receipt marked "Original" to the person or officer paying such money into the Treasury, and forthwith deliver the receipt marked "Duplicate" to the Auditor, who shall write upon its face the date of its delivery to him, and charge the Treasurer with the amount specified therein, and file the receipt in his office.

[§300, 1903 Charter.]

Section 20 Amended by Ordinance No. 77612

§ 21. CITY OFFICERS OR AGENTS TO PAY MONEY OF THE CITY TO TREASURER; PENALTY FOR FAILURE:

Any office or agent of this City or other person who shall receive or have in his hands any money belonging to the City, shall immediately pay the same to the Treasurer and a receipt thereof in duplicate shall be issued and one of the receipts shall be delivered to the Auditor by the Treasurer. If any such officer, agent or other person shall fail to pay to the Treasurer any money so received, for more than forty-eight hours after the money shall have been received by him, such officer, agent or other person shall forfeit to the City double the amount of money so received, to be recovered by civil action brought by the City against him in a court of competent jurisdiction.

[§301, 1903 Charter.]

Section 21 Amended by Ordinance No. 77612

ARTICLE 3. CITY ENGINEER.

§ 22. CITY ENGINEER; HOW APPOINTED; QUALIFICATIONS OF.
§ 23. CITY ENGINEER; SALARY; DEPUTIES; FEES.
§ 24. DUTIES OF CITY ENGINEER; FILING OF PLATS.
§ 25. CITY ENGINEER TO ACT FOR ALL BOARDS OR COMMISSIONS.

§ 22. CITY ENGINEER; HOW APPOINTED; QUALIFICATIONS OF:

There shall be a City Engineer of the City of Portland, who shall have been a duly qualified voter of said City; he shall be appointed and may be removed by the Council in accordance with the provisions of the charter. He must have been in the practice of his profession for not less than ten years, and have had responsible charge of work for at least five years.

[§302, 1903 Charter; See §81, Charter Adopted May 3, 1913.]

§ 23. CITY ENGINEER; SALARY; DEPUTIES; FEES.

The appointing authority shall appoint one or more deputies for the City Engineer and such other employes as may be necessary, subject to the civil service rules of the charter. The salary of the City Engineer shall be fixed by the Council, and the number and salaries of the deputies and employes of the department shall be determined by the Council. The City Engineer shall serve the City exclusively, and shall not be engaged in other business while he is in its service. He shall receive no compensation other than his salary. The Council, by resolution, shall establish fees and charges for the services to be performed by the City Engineer for persons, companies, counties and corporations, and may from time to time change and adjust the same. The City Engineer shall require such fees or charges to be paid in advance for any act or service demanded of him, and such money thus paid shall be paid to the Treasurer and credited by him to the general fund.

[§303, 1903 Charter.]

§ 24. DUTIES OF CITY ENGINEER; FILING OF PLATS:

The City Engineer shall keep himself informed of the condition of all public streets, squares, parks, grounds, highways, bridges, sewers and street lights, and all plans and specifications for the construction, improvement or repair thereof shall be made by him or under his supervision; and he shall have supervision of all surveys of streets, squares and parks, and all construction, improvements and repairs herein specified, whether such work be done by contract or otherwise. Before any ordinance is passed for the improvement of any street, highway or elevated roadway, he shall certify in writing to the Council as to the suitability of such proposed improvement, to the needs and requirements of the City; he shall see that the provisions of all contracts, ordinances and regulations relating to the construction, improvement and repair of streets and property, herein designated are strictly complied with, and no claim for work as herein specified shall be allowed or paid out of the City Treasury without the certificate of the City Engineer that said work has been done to his satisfaction; but any contractor or property owner feeling himself aggrieved by the determination of the City Engineer may appeal to the Council, and if upon such appeal it be determined that such work was done well and faithfully according to contract, the Council may accept said work and direct that the same be paid for.

The City Engineer shall keep proper records of all matters relating to the business of his office, and report to the boards, commissions or the Council from time to time such suggestions and recommendations as to matters connected with his bureau as he may deem expedient. It shall be the duty of the City Engineer to make all surveys, plans, specifications, maps and estimates for all the public works in the City or on property belonging to the City, and to perform such other duties as may be required of him by the Council or ordinances of said City.

No new plat of lands within the City nor of any addition to the same, shall be filed for record, nor shall any street, alley or other way be dedicated, until the plat or dedication shall have been submitted to the City Engineer, together with proof that all taxes and special assessments on the property included have been paid, or application to pay the same under the provisions of the bonding act has been accepted, and until he shall have endorsed thereon his certificate that the taxes and street assessments appear to have been paid, or payment provided for under the bonding act, and that the plan of such lands, addition, street or way is of a suitable and convenient character. Any person aggrieved by the failure or refusal of the City Engineer to certify a plat or dedication may appeal to the Council, which shall hear and determine the matter with all convenient speed, and if it reverse his decision a certified copy of the resolution declaring such action shall be attached to the plat or dedication in lieu of the certificate.

And when the Council shall determine, upon the certificate of the City Engineer or otherwise, that the plan of any addition or of any plat or dedication is improper or unsuitable it may, by resolution, require the filing of a new plat subject to the conditions hereinbefore set forth, as a condition to the establishment of any grade, or the improvement of any street in such addition.

[§304, 1903 Charter.]

§ 25. CITY ENGINEER TO ACT FOR ALL BOARDS OR COMMISSIONS:

The City Engineer shall be the consulting engineer of all boards and commissions authorized by the Charter or created hereafter in pursuance thereof, but he shall receive no compensation or salary therefor other than his salary as City Engineer.

[§305, 1903 Charter.]

ARTICLE 4. JUDICIARY—MUNICIPAL COURT.

§ 26. MUNICIPAL COURT CREATED.
§ 27. MUNICIPAL COURT DEPARTMENTS, PRESIDING JUDGE.
§ 28. RULES OF COURT.
§ 29. JURISDICTION OF MUNICIPAL COURT.
§ 30. MUNICIPAL JUDGES—QUALIFICATIONS.
§ 31. CLERK OF MUNICIPAL COURT; APPOINTMENTS; HIS DUTIES; RECORDS.
§ 32. PROCEEDINGS IN MUNICIPAL COURT; JURY TRIALS.
§ 33. FINES, COSTS, FEES AND EXPENSES RECOVERED TO BE PAID TO TREASURER.
§ 34. FEES WHEN ACTING AS JUSTICE OF THE PEACE.
§ 35. COUNCIL TO APPOINT TEMPORARY JUDGE IN ABSENCE OF MUNICIPAL JUDGE.
§ 36. APPEALS FROM MUNICIPAL COURT.
§ 37. PENDING PROCEEDINGS IN MUNICIPAL COURT.
§ 38. REMOVAL OF MUNICIPAL JUDGE; HIS SUCCESSOR.

§ 26. MUNICIPAL COURT CREATED:

There is hereby created a Municipal Court for the City of Portland, which shall be known and described as the "Municipal Court for the City of Portland," which shall be a court of record, having a seal.

[§328, 1903 Charter.]

§ 27. MUNICIPAL COURT DEPARTMENTS—PRESIDING JUDGE:

Judge pro tem in Dept #2 Ord # 75414

There shall be two departments in the Municipal Court designated as Department No. 1 and Department No. 2, each presided over by a judge of said Municipal Court. The municipal judge older in time of service shall be presiding judge and shall have power to assign or reassign to the two departments of the court all matters before the Court.

[§328-1, 1903 Charter as Amended by Ordinance No. 46396.]

Ord # 76046

Judge for vacation week # 77568

§ 28. RULES OF COURT: Section 27 Amended by Ordinance No. 77612

The Municipal Judges shall have power to make and promulgate rules of court.

[§328-2, 1903 Charter as Amended by Ordinance No. 46396.]

§ 29. JURISDICTION OF MUNICIPAL COURT.

Said Municipal Court shall have jurisdiction of all crimes defined by ordinances of the City of Portland and of all actions brought to enforce or recover any forfeiture or penalty declared or given by any such ordinance; and shall likewise have within the City of Portland the jurisdiction and authority of a justice of the peace and committing magistrate, and shall be subject to all of the general laws of the State prescribing the duties of a justice of the peace and the mode of performing them, except as herein otherwise provided. The powers, duties and jurisdiction herein conferred upon such Municipal Court may be exercised by the judge thereof, his successor or a person appointed by the Mayor to preside as such judge as hereinafter provided.

[§329, 1903 Charter.] Section 29 Amended by Ordinance No. 77612

§ 30. MUNICIPAL JUDGES—QUALIFICATIONS:

Ord # 72082 for Dept #2 Court

Each judge of the Municipal Court shall be an attorney of the Supreme Court of the State of Oregon and must have been an elector of the city and state for at least five years preceding his appointment. The Council shall appoint the municipal judges and fix their salaries and each judge receive the same salary.

[§330, 1903 Charter as Amended by Ordinance No. 46396; see §81, Charter Adopted May 3, 1913.]

Section 30 Amended by Ordinance No. 77612

§ 31. CLERK OF MUNICIPAL COURT; APPOINTMENT; HIS DUTIES; RECORDS:

The proper appointing authority is authorized and empowered to appoint a clerk of said Court who shall perform the duties as clerk of said court and of the Police Department. He shall record all the proceedings of said Court in convenient books or records kept by him for that purpose. The records so kept shall be public records, subject to examination and inspection as other public records. Said clerk shall be subject to the civil service rules. The clerk of the Municipal Court shall receive a salary to be fixed by the Council, payable out of the general fund, in the same manner as other salaries are paid out of said fund. He shall have power, and it shall be his duty to take oaths and affidavits; to file, keep, and preserve the records and files of the Court to receive for and in behalf of the Court or the judges thereof, and subject to the direction of the presiding judge, money deposited for bail, all fines and costs imposed by the Court or judges thereof; to keep the seal of the Court and affix it to any process, transcript, certificate, or paper, as required by law, and to perform other duties required of him by the presiding Judge. He shall execute a bond in such sum as the Council may order, to be approved by the Mayor, conditioned for the faithful performance of his duties, which shall run to the City of Portland and to whomsoever it may concern, and such bond shall be filed with the Mayor.

[§331, 1903 Charter as Amended June 5, 1905.]

Section 31 Amended by Ordinance No. 77612

§ 32. PROCEEDINGS IN MUNICIPAL COURT; JURY TRIALS:

All proceedings before the Court or judges thereof, including all proceedings for the violation of any city ordinance, are governed and regulated by the general laws of the state applicable to the justice of the peace or justices' courts in like or similar cases, except as in the charter otherwise provided; but in a proceeding for the violation of a city ordinance, the defendant shall appear in person for trial, unless a satisfactory showing is made to the Court that defendant is unable to appear for reasons beyond his control, in which event the Court may in its discretion permit defendant to appear by attorney only; provided, however, that judgment may be given in the absence of defendant with the same force and effect as if he were present. The trial shall be before the judge and without a jury unless the defendant, on demanding a jury, shall deposit in court a sum sufficient to pay the per diem of such a jury for one day. The jurors summoned or serving in said Court shall be paid the same per diem and mileage as is required to be paid jurors serving in justices' courts, the same to be paid out of the City Treasury, the Judge of said Municipal Court to issue certificates of the amount due for said service, the same to be presented to the Auditor and warrants therefor drawn upon the Treasurer in the manner provided by the Council.

[§332, 1903 Charter as Amended by Ordinance No. 4472] Section 32 Amended by Ordinance No. 77612

Sec 32-1 Cash bond or bail - Ord # 70458

§ 33. FINES, COSTS, FEES AND EXPENSES RECOVERED TO BE PAID TO TREASURER:

All fines, costs, fees and expenses taxed against or received from any defendant in a criminal proceeding before the Court or Judges thereof, either for the violation of a city ordinance or law of the State, shall, when received or collected, be paid by said judges to the Treasurer, who shall give him duplicate receipts therefor, one of which shall be filed with the Auditor; and all fines imposed by the Court or judges and penalties recovered before either for a violation of a city ordinance or a law of the State, shall, when received or collected, be disposed of by him in like manner, and said judges shall not be entitled to have or receive any fee or compensation for any act by him done or performed, or by virtue of the Charter, other than the salary herein provided.

[§333, 1903 Charter.] Section 33 Amended by Ordinance No. 77612

§ 34. FEES WHEN ACTING AS JUSTICE OF THE PEACE:

When any service authorized by law to be performed by a justice of the peace shall be performed by the Municipal Court or Judges thereof, there must be taxed and collected therefor the fees or compensation prescribed by law to be charged by a justice of the peace for such services, and all such fees and compensation shall be paid over to the Treasurer as is elsewhere provided.

[§334, 1903 Charter.]. Section 34 Amended by Ordinance No. 77612

§ 35. COUNCIL TO APPOINT TEMPORARY JUDGE IN ABSENCE OF MUNICIPAL JUDGE: Sec ord # 70750

In case of illness or temporary absence of a Municipal Judge, the Council may designate any person having the qualifications of such Judge to act as Municipal Judge; he shall forthwith take the oath of office and perform the duties of such Judge during such temporary absence or disability. Such substitute shall be paid by the city at the same rate as a municipal judge during the time of such temporary service, which amount shall be deducted from the salary of the judge for whom he is a substitute.

[§335, 1903 Charter as Amended by Ordinance No. 46396.]

Sec. 35 [illegible] No. 35 Repealed by Ord. No. 77612

§ 36. APPEALS FROM MUNICIPAL COURT:

Amended by Ord 70458

Except as hereinafter stated, appeals may be taken and shall be allowed from final judgments rendered in the Municipal Court in all actions, both civil and criminal, under the same circumstances, on the same conditions, in the same manner, and with like effect, that, under the laws existing at the time of the rendition of any such judgment, appeals may be taken and shall be allowed from final judgments rendered in similar actions in justices' courts. Any defendant who is convicted of any crime defined or created by the charter, or of a violation of any ordinance, rule or regulation of the City of Portland, and is sentenced to any imprisonment or to pay a fine exceeding twenty dollars, may, within five days from the date of such conviction and judgment, appeal to the Circuit Court of Multnomah County by serving upon the City Attorney and filing in said Municipal Court a written notice of appeal and an undertaking on appeal, signed by the defendant as principal and with one or more sureties, to be approved by the Municipal Judge imposing such sentence, which undertaking shall be to the effect that such defendant and appellant shall pay all costs awarded against him on the appeal and render himself in execution of any judgment rendered against him on the appeal. Before said notice of appeal and undertaking shall be filed by the Clerk of the Municipal Court, the defendant shall pay to the Clerk a fee of $1.00 for preparing and certifying the transcript; provided, however, that on satisfactory showing that defendant is financially unable to pay such fee, the Judge of the Municipal Court imposing such sentence may order such transcript to be prepared at the expense of the city. The transcript shall contain the original or a certified copy of the bond furnished by defendant to insure his appearance in the Circuit Court and if such bond be a cash bond the amount thereof shall be deposited with the Clerk of the Circuit Court before the transcript is filed. From the filing of the transcript with the Clerk of the Circuit Court, the appeal is perfected, and the cause is to be deemed pending therein and for trial upon the issue tried in the Municipal Court.

The City may appeal to said Circuit Court from any final judgment in any such criminal action by serving upon the defendant or his attorney and filing in said Municipal Court a written notice of appeal, within five (5) days from the date of the rendition of such final judgment.

[§336, 1903 Charter as Amended by Ordinance No. 46188.]

Section 36 Amended by Ordinance No. 77612

§ 37. PENDING PROCEEDINGS IN MUNICIPAL COURT:

All actions and proceedings pending in the Municipal Court when this ordinance takes effect shall thereafter be proceeded with in accordance with the provisions of this ordinance or any city ordinance applicable thereto and continued in force by the Charter.

[§337, 1903 Charter as Amended by Ordinance No. 46396.]

Section 37 Amended by Ordinance No. 77612

§ 38. REMOVAL OF MUNICIPAL JUDGE; HIS SUCCESSOR:

The Council may at any time, for cause, by a majority vote of all its members, remove a Municipal Judge from office. Upon any such removal the Council shall appoint a successor to said Municipal Judge, who shall possess the qualificatons required of a Municipal Judge by the Charter, and who shall qualify in like manner.

[§338, 1903 Charter; see §81, Charter Adopted May 3, 1913.]

ARTICLE 5. BUREAU OF POLICE.

§ 39. BUREAU OF POLICE; HOW ORGANIZED; COUNCIL TO MAKE RULES AND REGULATIONS.

§ 40. BUREAU OF POLICE TO CONSIST OF CHIEF, CAPTAINS, ETC.; OATHS OF OFFICE.

§ 41. BOND OF CHIEF OF POLICE.

§ 42. BONDS FOR OTHER OFFICERS.

§ 43. DUTIES OF CHIEF OF POLICE; COUNCIL MAY SUSPEND MEMBERS.
§ 44. FEES TO BE PAID OVER TO TREASURER; RECORD OF ARRESTS.
§ 45. FEES, REWARDS; EMPLOYMENT OF ATTORNEYS BY MEMBERS OF POLICE FORCE; PENALTY FOR VIOLATION OF PROVISIONS.
§ 46. SPECIAL PATROLMEN OR POLICEMEN.
§ 47. EXAMINATION OF PREMISES OF PAWNBROKER, JUNK SHOP OR SECOND-HAND DEALER.
§ 48. POSSESSION OF BURGLAR'S TOOLS A MISDEMEANOR.
§ 49. DUTIES OF POLICE FORCE.
§ 50. COMMISSIONER IN CHARGE TO EXAMINE AND PASS ON PAYROLL.
§ 51. COUNCIL IN EMERGENCY TO APPOINT TEMPORARY EMPLOYES.
§ 52. COMMISSIONER IN CHARGE TO APPOINT ELIGIBLES FROM CIVIL SERVICE LIST TO FILL VACANCIES.
§ 53. GAMING AND LOTTERY HOUSES, OBSCENE PUBLIC AMUSEMENTS —MAYOR AND COUNCIL TO SUPPRESS.
§ 54. SAME—CHIEF OF POLICE TO CAUSE PARTIES INTERESTED IN TO BE ARRESTED.

§ 39. BUREAU OF POLICE; HOW ORGANIZED; COUNCIL TO MAKE RULES AND REGULATIONS:

The Bureau of Police of the City of Portland shall be organized by the Council and the members appointed as provided by the charter, subject to the civil service rules of the charter, except as hereinafter provided. To that end the Council may make all necessary or convenient rules and regulations for the organization and conduct of the police force, for the care and management of the city prison, for receiving and hearing complaints against any member of said force, for the removal or suspension of any member of said force, and for the forfeiture of all or any portion of the wages that may be due any member of such force on account of misconduct or negligence in the discharge of his duties; all the powers of said city connected with and incident to the appointment, discipline and government of its police shall be vested in the Council of the city, except as herein otherwise provided.
[§179, 1903 Charter.]

§ 40. BUREAU OF POLICE TO CONSIST OF CHIEF, CAPTAINS, ETC.; OATHS OF OFFICE:

The Bureau of Police shall consist of a chief of police, and all necessary captains of police, detectives, patrolmen, clerks, and a women's auxiliary. Every officer and member of the police force, including private, special, temporary and substitute policemen, before entering upon the discharge of his duties, shall take an oath before the Auditor, similar in tenor and effect to that required of city officers, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the Auditor.
[§180, 1903 Charter.]

amended by ord. 68924.

Law No. 40 Repealed by Ord. No. 77612

§ 41. (BOND OF CHIEF OF POLICE:) (Authority of Chief See) Amended by Ord 65899

The Chief of Police before entering upon the duties of his office shall file a bond in such sum as the Council may require, not less than ten thousand dollars ($10,000) nor more than fifty thousand dollars ($50,000), with surety or sureties to be approved by the Mayor, that he will faithfully perform the duties of his office. The Chief of Police after having taken the oath of office and filed his bond, shall thereafter, under the direction of the Council have command and control of the police force of said city. The Chief of Police and his sureties shall be responsible to the city or any person aggrieved, the same as sheriffs and their sureties now are.
[§181, 1903 Charter.]

§ 42. (duties of Chief) See amended by Ord 65889 BONDS FOR OTHER OFFICERS:

Every captain of said police force shall give a bond in the sum of Five Thousand Dollars ($5,000.00); and every sergeant, patrolman, special patrolman, detective and clerk in the sum of One Thousand Dollars ($1,000.00), with sureties to the satisfaction of the Mayor, for the faithful 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. But the Council may be resolution, when it shall appear for the public interest, authorize the acceptance of personal sureties on such bonds. The Chief of Police is a peace officer, and must execute all process issued by the Municipal Judges or directed to him by any magistrate of this state in criminal matters; he may make arrests for breach of peace or commission of crime within the limits of the city, with or without a warrant, as peace officers do under the laws of this state; he must exercise a vigilant control over the peace and quiet of the city; he shall keep a watchful care to prevent fires, and exercise like care over all property of the city and report to the proper authorities all waste of water, stoppage of sewers, and all damage to any city property; he is the keeper of the city prison or house of correction; he must attend regularly upon the sittings of the municipal court and the meetings of the Council; he shall exercise such additional powers as may be conferred upon him by the ordinances of said city to enable him to carry out the objects and purposes of the charter.

[§182, 1903 Charter as Amended June 3, 1907.]

Section 42 Amended by Ordinance No. 77612

§ 43. DUTIES OF CHIEF OF POLICE; COUNCIL MAY SUSPEND MEMBERS:

The captains of police detectives and policemen shall possess like power and authority except as herein provided. The Chief of Police shall have control over captains, detectives, clerks and all policemen when they are upon duty, and shall see that the city ordinances, and the rules, orders and regulations for the government of the police force are observed and enforced, and he shall have power to suspend any subordinate officer, member or employe for a violation of the same, as prescribed by the civil service rules, and shall forthwith report such violation in writing, with his reasons for suspension, to the Council. Upon consideration of the matter, the Council may approve the action of the Chief of Police or may disapprove the same and reinstate such officer at once. The Council, nevertheless, shall have power to suspend or remove any subordinate officer, member or employe of the Bureau of Police in like manner as other appointing authorities under the civil service rules.

[§183, 1903 Charter.]

§ 44. FEES TO BE PAID OVER TO TREASURER; RECORD OF ARRESTS:

The Chief of Police, or any officer of the police force, when acting under or enforcing any law or statute other than a city ordinance, is entitled to collect and receive the same fees and compensation as are allowed to a constable for like services, and he shall pay the same over to the City Treasurer, as provided in the case of fees received by the Police Judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or Police Judge. The Chief of Police shall keep in his office a book of arrests, in which shall be entered by him, or under his direction, the name of every person arrested, the cause of such arrest, by whom the arrest was made and the date thereof.

[§184, 1903 Charter.]

Section 44 Amended by Ordinance No. 77612

§ 45. FEES, REWARDS; EMPLOYMENT OF ATTORNEYS BY MEMBERS OF POLICE FORCE; PENALTY FOR VIOLATION OF PROVISIONS:

No member of the police force shall for his own benefit, under any pretense whatever, receive or share in any present, fee, gift, or emolument for public service, other than the regular salary and pay, except by the consent of the Council and

Chief of Police, publicly given, nor shall any member share in or receive any gift, fee or reward from any person who may become bail for any arrested, accused or convicted person, or who may become surety for any such, on appeal from or review of the judgment or decision of any court or magistrate, or any fee, gift or reward in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense in Multnomah County; nor shall any member, directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused; for any violation of either of the foregoing provisions the person so offending shall be immediately removed from the police force.

Upon the complaint of any person alleging a violation of this Section the Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence and if it find that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment.

[§185, 1903 Charter.]

§ 46. SPECIAL PATROLMEN OR POLICEMEN:

The Council is hereby authorized to appoint persons of suitable character special patrolmen or policemen, but such special policemen shall not be paid by the City for their services as policemen.

[§186, 1903 Charter.] Section 46 Amended by Ordinance No. 77612

§ 47. EXAMINATION OF PREMISES OF PAWNBROKER, JUNK SHOP OR SECOND-HAND DEALER.

The Chief of Police may in writing empower any member of the police force, whenever such member is in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker, or his business premises, or the business of any junk-shop, keeper or dealer in second-hand merchandise or intellgience office keeper, and such member of the force thereunto authorized in writing as aforesaid shall be allowed to examine any property purporting to be pawned, pledged or deposited in the possession of whomever such property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

[§187, 1903 Charter.]

§ 48. POSSESSION OF BURGLAR'S TOOLS A MISDEMEANOR:

Any person found in said City of Portland or within four miles of the corporate limits thereof, having in his possession any burglar's tools or implements of any kind commonly used by burglars in breaking into or entering houses, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the police court, or other court of said City having competent jurisdiction thereof, shall be fined in a sum not less than Twenty-five nor more than One Hundred Dollars, or be imprisoned in the city jail for a period not less than ninety days nor more than twelve months, or both.

[§188, 1903 Charter.]

§ 49. DUTIES OF POLICE FORCE:

The police force of the City of Portland shall at all times of the day and night within the boundaries of said City preserve the public peace, prevent crme, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in streets, roads, public places and highways, report all leaks or other defects in water pipes and sewers, and street lights not burning to the proper authorities, provide a proper force at every fire in order that

thereby the firemen and property may be protected, protect strangers and travelers at the steamboat and ship landings and railroad stations, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

[§189, 1903 Charter.]

§ 50. COMMISSIONER IN CHARGE TO EXAMINE AND PASS ON PAYROLL:

The Commissioner in charge of the Bureau of Police shall examine and endorse his approval on all payrolls and demands of the Bureau of Police, and after being so approved, the Auditor shall examine and audit them, and if correct and within the appropriation and authorized expenditure, they shall be paid as other accounts are paid out of the City treasury.

[§190, 1903 Charter.]

Ord. No. 50 Repealed by Ord. No. 77612

§ 51. COUNCIL IN EMERGENCY TO APPOINT TEMPORARY EMPLOYES:

The Council in case of any mob, riot, pestilence, or on days of public demonstration may appoint such temporary policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. Civil service rules shall not apjly to such temporary policemen, nor shall they be required to furnish the bonds required of regular policemen. Such appointments shall not continue beyond the emergency.

[§192, 1903 Charter.]

§ 52. COMMISSIONER IN CHARGE TO APPOINT ELIGIBLES FROM CIVIL SERVICE LIST TO FILL VACANCIES:

The Commissioner in charge of the Bureau of Police may appoint a sufficient number of substitutes from the eligible list certified by the Civil Service board and under its rules, to fill all vacancies occasioned by the absence of any member of the force, who shall receive compensation only for the time they serve, and the amount of such compensation shall be deducted from the pay of the absent member.

[§193, 1903 Charter.]

§ 53. GAMING AND LOTTERY HOUSES, OBSCENE PUBLIC AMUSEMENTS—MAYOR AND COUNCIL TO SUPPRESS:

Whenever the Mayor or the Council ascertains or receives satisfactory information that any house, room or premises within the City or within four miles of the corporate limits thereof is being kept or used as a common gaming house or common gaming premises for playing therein for wager of money at a game of chance, or if the same is kept or used for any lewd or obscene public amusement or the deposit or sale of lottery tickets or policies, it shall be lawful for the Mayor or the Council to authorize and direct the Chief of Police or any officer of the force to enter such house, room or premises and forthwith arrest all persons therein found offending against any law and to seize all instruments of gaming, lottery tickets and lottery policies, and bring the said articles into court.

[§194, 1903 Charter.]

§ 54. SAME—CHIEF OF POLICE TO CAUSE PARTIES INTERESTED IN TO BE ARRESTED:

The Chief of Police shall cause such arrested persons to be vigorously prosecuted and such seized articles to be destroyed, and the Council shall cause the owner of such house, room or premises, his agent or representative to be notified in writing that such house, room or premises is being used for unlawful purposes, and it shall be the duty of the owner, agent, attorney or representative to cause the use of the premises for such unlawful purposes to cease.

[§195, 1903 Charter.]

ARTICLE 6. BUREAU OF FIRE.

§ 55. BUREAU OF FIRE; HOW ORGANIZED; SUBJECT TO CIVIL SERVICE RULES; AUTHORITY VESTED IN COUNCIL.
§ 56. COUNCIL TO ORGANIZE BUREAU OF FIRE; APPOINTMENT OF ENGINEER AND EMPLOYES; POWER TO MAKE RULES AND REGULATIONS; CIVIL SERVICE RULES TO APPLY TO EVERY OFFICER AND MEMBER OF THE BUREAU.
§ 57. COUNCIL TO CARE FOR PROPERTY OF BUREAU OF FIRE.
§ 58. OATH OF MEMBERS OF BUREAU OF FIRE.
§ 59. CHIEF ENGINEER; HIS DUTIES.
§ 60. MAY DESTROY BUILDINGS TO CHECK FIRE.
§ 61. COMMISSIONER IN CHARGE OF THE BUREAU OF FIRE TO EXAMINE AND PASS ON PAYROLL.
§ 62. COUNCIL IN EMERGENCY TO APPOINT TEMPORARY EMPLOYES.
§ 63. ASSIGNMENTS OF DISABLED MEMBERS.
] 64. LEAVE OF ABSENCE.

§ 55. BUREAU OF FIRE; HOW ORGANIZED; SUBJECT TO CIVIL SERVICE RULES; AUTHORITY VESTED IN COUNCIL:

The Bureau of Fire of the City of Portland shall be organized by the Council and the members appointed as provided by the charter, subject to the Civil Service rules of the charter, and thereafter, subject to the restrictions contained in the charter, all the powers of said City connected with and incident to the appointment, discipline and government of its Bureau of Fire shall be vested in the Counel of said City.

[§167, 1903 Charter.]

§ 56. COUNCIL TO ORGANIZE BUREAU OF FIRE; APPOINTMENT OF ENGINEER AND EMPLOYES; POWER TO MAKE RULES AND REGULATIONS; CIVIL SERVICE RULES TO APPLY TO EVERY OFFICER AND MEMBER OF THE BUREAU:

The Council shall have the power and it is hereby made its duty to organize, govern and conduct a Bureau of Fire for effective service within the City of Portland, and to that end may authorize the appointment of a Chief Engineer and as many other officers and employes as in its opinion are necessary. It shall have the power to make all necessary or convenient rules and regulations for the organization and conduct of said bureau, and for receiving and hearing complaints against any members and for the removal or suspension of any member of said Bureau. The civil service rules prescribed in the Charter shall apply to every officer and member of the bureau and shall govern the actions of the Council in its organization and government of said bureau.

[§168, 1903 Charter.]

§ 57. COUNCIL TO CARE FOR PROPERTY OF BUREAU OF FIRE:

The Council shall have the custody and management of all the public property, including the fire alarm telegraph, pertaining to the Bureau of Fire. It shall have power and authority, subject to the limitations and appropriations made, and expenditures authorized by the Council, to purchase and acquire all necessary apparatus, including fireboats, engines, hose, hose carriages, horses and all other personal property which the exigencies of an efficient fire bureau may require. It shall have power and authority to sell and dispose at public sale under the provisions of the Charter relating to sales of public property of any portion of said personal property whenever the same is not required, or when it may be considered by the

said Council unfit for service in said bureau. The proceeds of any such sale shall be paid by the purchaser to the Treasurer of the City, who shall issue a proper receipt therefor, and all such moneys shall be credited to the General Fund of said City.

[§169, 1903 Charter.]

§ 58. OATH OF MEMBERS OF BUREAU OF FIRE:

All officers and members of the Bureau of Fire serving on full time and devoting their labor exclusively to the interests of the City, before entering upon their duties, shall take an oath before the Auditor, similar in tenor and effect to that required of City officers, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of said Auditor.

[§170, 1903 Charter.]

Sec Ord. No. 58 Repealed by Ord. No. 77612

§ 59. CHIEF ENGINEER; HIS DUTIES:

The Chief Engineer shall be the executive officer of the said Bureau of Fire. He shall devote his time and attention exclusively to its interests and shall engage in no other business. It is his duty and that of the assistant engineers to see that the rules and regulations and ordinances of the Council are carried out, and also to attend to such duties as fire wardens as may be required of them, and to see that all laws, orders and regulations established to secure protection against fire are enforced. It shall also be the duty of the Chief Engineer to enforce the rules and regulations made from time to time to secure discipline in said Bureau of Fire, and he shall have power to suspend any subordinate officer, member or employe for a violation of the same, as prescribed by the civil service rules, and shall forthwith report such violation in writing, with hs reasons for suspension, to the Commissioner in charge. Upon consideration of the matter, the commissioner in charge may approve the action of the Chief Engineer or may disapprove the same and reinstate such officer at once. The commissoner in charge, nevertheless, shall have power to suspend or remove any subordinate member or employe of the Bureau of Fire in like manner as other appointing authorities under the civil service rules. The Chief Engineer shall diligently observe the condition of the apparatus and the workings of the department and report in writing thereon at least once a month to the commissioner in charge and make such recommendations and suggestions respecting the same as he may deem proper.

[§171, 1903 Charter.]

§ 60. MAY DESTROY BUILDINGS TO CHECK FIRE:

The Chief Engineer, or, in his absence, any Assistant Chief Engineer, may, during a conflagration, cause to be cut down, or otherwise removed, any buildings or structures for the purpose of checking the prograss of such conflagration.

[§172, 1903 Charter.]

§ 61. COMMISSIONER IN CHARGE OF THE BUREAU OF FIRE TO EXAMINE AND PASS ON PAYROLL:

The Commissioner in charge of the Bureau of Fire shall examine and endorse his approval on all payrolls and demands of the Bureau of Fire, and after being so approved, the Auditor shall examine and audit them, and if correct and within the appropriation and authorized expenditure, they shall be paid as other accounts are paid out of the City treasury.

[§174, 1903 Charter.]

Sec Ord. No. 61 Repealed by Ord. No. 77612

§ 62. COUNCIL IN EMERGENCY TO APPOINT TEMPORARY EMPLOYES:

The Council in case of any general conflagration or great emergency, may appoint such temporary employes as it may deem necessary and to whom civil service rules shall not apply.

[§175, 1903 Charter.]

§ 63. ASSIGNMENTS OF DISABLED MEMBERS:

Members and officers of a higher grade who have done faithful service and have been disabled so as to unfit them for serving in the position occupied when so disabled may be assigned to other duties suitable to their physical abilities and shall always have preference in such assignments.

[§177, 1903 Charter.]

§ 64. LEAVE OF ABSENCE:

The Council shall grant annually to every permanent member of the Bureau of Fire leave of absence of not less than one week, and not more than two weeks, and no reduction of pay shall be made therefor; and to every extra man in the department there shall be granted annually one week's leave of absence without reduction of pay.

[§178, 1903 Charter.]

Ord. No. 64 Repealed by Ord. No. 77612

ARTICLE 7. BUREAU OF WATER WORKS.

§ 65. COUNCIL TO HAVE CHARGE OF WATER PLANT.
§ 66. CITY AUTHORIZED TO CONSTRUCT AND OPERATE WATER WORKS.
§ 67. ADDITIONAL POWERS CONFERRRED.
§ 68. COUNCIL MAY IMPROVE AND EXTEND WATER WORKS.
§ 69. MAYOR TO EXECUTE CONTRACTS AND SIGN ORDERS FOR MONEY.
§ 70. MONEYS; HOW PAID OUT.
§ 71. MONEYS; HOW HANDLED.
§ 72. COUNCIL; ITS POWER AND AUTHORITY; EMPLOYES; CIVIL SERVICE RULES.
§ 73. STATEMENT OF RECEIPTS AND DISBURSEMENTS TO BE PUBLISHED.

§ 65. COUNCIL TO HAVE CHARGE OF WATER PLANT:

The Council shall have charge of the waterworks and water plant of the City.

[§225, 1903 Charter.] Repeal by Ord #77011

§ 66. CITY AUTHORIZED TO CONSTRUCT AND OPERATE WATER WORKS:

The City is authorized and empowered to construct or purchase, keep, conduct and maintain water works and all necessary plants and facilities of a character and capacity sufficient to furnish the City and nhabitants thereof, as well as the places and people along or in the vicinity of the lines of pipes, conduits, or aqueducts constructed or used for such purpose with an abundance of good, pure, wholesome water for all uses and purposes necessary for the comfort, 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 Council may be deemed necessary and convenient.

[§226, 1903 Charter.] Amend by Ord #77011

§ 67. ADDITIONAL POWERS CONFERRED:

The Council of the City of Portland shall have power and authority to enter into the necessary contracts to purchase all necessary materials and supplies and to employ and discharge agents, workmen, laborers, and servants as it may deem necessary or convenient in the conduct, extension, operation and management of the water works, subject to the civil service rules (except that the Superintendent and Engineer of the Bureau of Water Works shall not be subject to the civil service rules), and to do any other act in the construction, operation and maintenance of the water works of the City of Portland that may be deemed necessary or advantageous to said City.

All water mains, including laterals, distributing mains and mains for reinforcement hereafter laid or constructed shall be paid for out of the water fund, and not otherwise. There may be paid out of said water fund and refunded to all persons who have paid the City Treasurer assessments for the laying of water mains in front of or adjacent to their property, in accordance with the provisions of Section 227 of the Charter of the City of Portland, as amended by the act adopted by the electors of said City on the 3rd day of June, 1907, as aforesaid, the moneys, exclusive of interest, so paid or that may be paid by them to the City Treasurer for the laying of water mains in front of or adjacent to their property; provided, however, that no moneys shall be so refunded on account of the construction of a main or mains until such time as the annual income therefrom shall be equal to six per cent of the original cost of said main or mains. Such refund shall be made by warrants drawn by the Mayor and attested by the Auditor when authorized by a vote of the Council of the City of Portland.

See Ord. #32612 73949

The Council shall not cause to be laid any water mains unless, in its judgment, the revenue that will be derived from water rates, within a reasonable period after the laying of such water mains, in the district in which the same shall be laid, shall produce a revenue equal to six (6) per centum per annum upon the cost of laying such water mains: Provided, however, that when the owner of property to be served by a water main, the income from which will not equal six (6) per centum of the cost of construction thereof, desires to construct such main, such owner may, when first authorized by the Bureau of Water Works, construct said main, at his own cost and expense, provided the same is constructed in accordance with plans and specifications approved by the Engineer of the Bureau of Water Works, and under the supervision of an inspector to be appointed by the Bureau of Water Works, the cost of such inspection to be paid by the said owner; and at any time thereafter, when the annual income from such main shall equal six (6) per centum of the original cost thereof, the City of Portland may take over such main at a price not exceeding the original cost, less two and one-half (2½) per centum for depreciation.

The Council of the City of Portland shall have power and authority to acquire any water works or water plant, or part thereof, either by the direct purchase of the same, or in pursuance of condemnation proceedings, in the manner prescribed by law for the appropriation of private property for corporate purposes or public use, and the cost of the same shall be paid out of the Water Fund.

[§227, 1903 Charter.] Amend by Ord #77011

§ 68. COUNCIL MAY IMPROVE AND EXTEND WATER WORKS:

The Council shall manage, conduct and maintain the City water works and in so doing it may improve and extend such works from time to time, and may, pursuant to ordinance, purchase and acquire on behalf of the City of Portland other water works and property, when the receipts from the water works are sufficient to defray the cost thereof and as the growth of the City and the wants and convenience of the inhabitants thereof may require. Amend by Ord #77011

[§228, 1903 Charter.]

§ 69. MAYOR TO EXECUTE CONTRACTS AND SIGN ORDERS FOR MONEY:

The Mayor and Commissioner in charge shall execute all written contracts and the Mayor and Auditor shall sign all orders for the payment of money authorized thereby.

[§230, 1903 Charter.] Repeal by Ord #77011

§ 70. MONEYS; HOW PAID OUT:

The Treasurer shall pay out money from the "water fund" on the order of the Mayor, countersigned by the Auditor, and not otherwise.

[§232, 1903 Charter.] Repeal by Ord #77011

§ 71. MONEYS HOW HANDLED:

All moneys collected or received by the Bureau of Water Works for the use and consumption of water or otherwise shall be deposited with the Treasurer of the City, who shall give such bonds, in addition to the bonds hereinbefore provided, as the Council may require. The Treasurer shall keep the same separate and apart from the other funds of the City, in a fund to be known as the "Water Fund," and pay it out only on the order of the Mayor, countersigned by the Auditor, and to the holder of any overdue interest coupon of the bonds payable out of the Water Fund and not otherwise. Repeal by Ord #77011

[§233, 1903 Charter.]

§ 72. COUNCIL—ITS POWER AND AUTHORITY; EMPLOYES; CIVIL SERVICE RULES:

The Council has power and authority:

1. To authorize the employment, hire and discharge from time to time, subject to the civil service rules of the Charter (excepting that the Engineer and Superintendent shall not be subject to civil service rules), of all such agents, workmen, laborers and servants as it may deem necessary or convenient in the conduct, operation, and management of said waterworks and property.

2. Subject to ordinance to make all needful rules and regulations for the conduct and management of the same by the City and the inhabitants thereof.

3. To establish rates as in the Charter provided for the use and consumption of the water by the City and inhabitants thereof, including the people living along the line or in the vicinity of the works outside the City.

4. To provide for the payment of water rates monthly in advance and to shut off the water from any house, tenant or place for which the water rate is not duly paid or when any rule or regulation is disregarded or disobeyed.

5. To do any other act or make any other regulations necessary and convenient for the conduct of its business and the due execution of the power and authority given it by the Charter and not contrary to law. Amended by Ord # [redacted] 77011

[§234, 1903 Charter.]

§73. STATEMENT OF RECEIPTS AND DISBURSEMENTS TO BE PUBLISHED:

The Bureau of Water Works shall cause a quarterly statement in detail of its receipts and disbursements to be made and signed by its Superintendent and filed with the Auditor, who shall preserve the same among the files of his office and shall cause the same to be published in the City Official Newspaper; and the Bureau of Water Works shall cause to be made, filed and published as a part of its last quarterly report in each year an inventory or statement of the property, implements and material in its possession or control pertaining to the water works, together with the condition and approximate value thereof. Repeal by Ord #77011

[§237, 1903 Charter.]

ARTICLE 8.—BUREAU OF HEALTH.

§ 74. COUNCIL TO APPOINT CITY PHYSICIAN AND HEALTH OFFICER.
§ 75. COUNCIL TO FIX SALARIES.
§ 76. POWERS OF THE COUNCIL; RULES AND REGULATIONS.
§ 77. DUTIES OF BUREAU OF HEALTH.
§ 78. COMMISSIONER IN CHARGE OF BUREAU OF HEALTH TO APPOINT OFFICERS AND NURSES; TO CONTROL SPREAD OF DISEASES.

§ 74. COUNCIL TO APPOINT CITY PHYSICIAN AND HEALTH OFFICER.

The Council shall appoint and remove at pleasure a City Physician who shall be a regularly licensed physician and whose duties shall be prescribed by the Council.

The Council shall appoint a Health Officer who shall be the executive officer of the Bureau of Health and see that the ordinances relating to the sanitary affairs of the city and the rules and regulations of the Council are enforced. The proper appointing authority shall appoint such other officers, agents and employes as may be necessary. amended by ord. 69158-# 77012

[§241, 1903 Charter.]

§ 75. COUNCIL TO FIX SALARIES:

The Council shall fix the salaries of all officers, agents and emplyoyes of the Bureau of Health. Such compensation shall not exceed the salaries paid for similar services in private institutions of like character in the city.

[§242, 1903 Charter.]

See Ord. No. 76 Repealed by Ord. No. 77612

§ 76. POWERS OF THE COUNCIL; RULES AND RREGULATIONS:

The Council shall have the management and control of the City Hospitals, Ambulance Service, Receiving Hospitals, and supervision of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the city. It may adopt rules and regulations, not inconsistent with the Charter or city ordinances, for determining the character of nuisances, and providing for their abatement, and the discharge of its functions in general. Such rules shall be kept on file in the Auditor's office.

It shall have the sanitary supervision of all institutions of the city, including jails, school houses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

It shall have exclusive control and disposition of all expenditures necessary in the institutions under its immediate control.

[§243, 1903 Charter.]

§ 77. DUTIES OF BUREAU OF HEALTH:

The Bureau of Health shall enforce all ordinances, rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition in the city; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; and for securing the proper registration of births, deaths and other statistical information. It shall from time to time submt to the Council a draft of such ordinances, rules and regulations as it may deem necessary to promote the objects mentioned in this section.

[§244, 1903 Charter.]

§ 78. COMMISSIONER IN CHARGE OF BUREAU OF HEALTH TO APPOINT OFFICERS AND NURSES; TO CONTROL SPREAD OF DISEASES:

The Commissioner in charge of the Bureau of Health may appoint and remove at pleasure such officers and nurses and all assistants as may be necessary to maintain the efficiency of the hospitals and pest houses established by the Council and may cause to be removed thereto and kept therein any person affected with a contagious or infectious disease whenever necessary for the preservation of the public health.

The ratio of employes to the inmates of any institution under the care of the Bureau of Health shall not exceed that maintained by private institutions of like character in the city.

[§245, 1903 Charter.]

ARTICLE 9. BUREAU OF PARKS.

§ 79. POWERS OF COUNCIL.
§ 80. RULES AND REGULATIONS.
§ 81. RESTRICTION ON EXHIBITIONS OF WORKS OF ART.
§ 82. EMPLOYES TO GIVE BONDS.
§ 83. COUNCIL TO HIRE EMPLOYES; CIVIL SERVICE RULES.

§ 79. POWERS OF COUNCIL.

The Council, except as herein otherwise provided, shall have the general management and supervision of all parks, squares, openings and public grounds surrounding public buildings now owned or hereafter acquired by the city, and also shall have power to regulate and control the planting, trimming, growing, use, preservation and maintenance of all shade or ornamental trees, shrubs, plants or flowers in, upon or over any street, boulevard, path or sidewalk of the city.
[§261, 1903 Charter.]

§ 80. RULES AND REGULATIONS:

The said Council may adopt such rules and regulations for the use, management and supervision of the parks, squares, openings, public grounds, and grounds surrounding public buildings, bath houses or other places of recreation, now belonging to the city or hereafter acquired by it, as to the Council may seem reasonable and necessary; such rules and regulations not to be inconsistent with the provisions of the charter or the city ordinances.
[§262, 1903 Charter.]

§ 81. RESTRICTION ON EXHIBITIONS OF WORKS OF ART:

No work of art shall be placed in any park, or in any other public ground which is subject to the supervision of the Council without its permission.
[§263, 1903 Charter.]

§ 82. EMPLOYES TO GIVE BONDS:

All employes acting in any fiduciary capacity in connection with the parks or pleasure grounds shall be placed under proper bonds.
[§265, 1903 Charter.]

Lee
[redacted] No. 82 Repealed by Ord. No. 77612

§ 83. COUNCIL TO HIRE EMPLOYES; CIVIL SERVICE RULES:

The Council has power and authority to employ, hire and discharge from time to time, subject to the Civil Service rules of the charter, all such workmen and laborers as it may deem necessary to the proper conduct and management of the public places under its control.
[§266, 1903 Charter.]

Lee
[redacted] No. 83 Repealed by Ord. No. 77612

ARTICLE 10. BUREAU OF STREET CLEANING:

§ 84. BUREAU OF STREET CLEANING—HOW ORGANIZED—COUNCIL TO HAVE CHARGE OF PROPERTY.
§ 85. THE COMMISSIONER IN CHARGE TO EXAMINE AND PASS ON PAYROLL.

§ 84. BUREAU OF STREET CLEANING—HOW ORGANIZED—COUNCIL TO HAVE CHARGE OF PROPERTY:

The Bureau of Street Cleaning shall be organized by the Council. The Commissioner in charge shall appoint a superintendent and all other laborers and employes, subject to the civil service rules of the charter. The Council shall have the

custody and management of all property belonging to said Bureau and, subject to the limitations of the appropriations made and expenditures authorized by the Council, shall have power and authority to purchose and acquire all necessary equipment for an efficient Bureau. It shall have power to sell and dispose of by public auction all personal property whenever the same is not required, or when it may be considered by the said Council as unfit for service. The proceeds of any such sale shall be paid by the purchaser to the Treasurer of the city, who shall ssue a proper receipt therefor, and all such moneys shall be credited to the General Fund of the city.

[§ 199, 1903 charter.]

§ 85. THE COMMISSIONER IN CHARGE TO EXAMINE AND PASS ON PAYROLL:

The Commissioner in charge shall examine and endorse his approval on all payrolls and demands of the said Bureau, and after being so approved, the Auditor shall examine and audit them, and if correct and within the appropriation and authorized expenditure, they shall be paid as other demands are paid out of the City Treasury.

[§ 201, 1903 charter.]

ARTICLE 11—HARBOR.

§ 86. COUNCIL TO HAVE CHARGE OF WATER FRONT; HARBOR MASTER.
§ 87. RULES AND REGULATIONS FOR WATER FRONT; DUTIES OF HARBOR MASTER.
§ 88. DUTIES OF HARBOR MASTER.
§ 89. BOND OF HARBOR MASTER.

§ 86. COUNCIL TO HAVE CHARGE OF WATER FRONT; HARBOR MASTER:

Repeal by Ord 58039

All the wharves, water front and harbor within the City of Portland shall be under the management and control of the Council subject to the provisions of the charter.

The Council shall appoint, subject to civil service rules, a Harbor Master whose salary shall be fixed by The Commission of Public Docks. The Council may appoint, subject to civil service rules, such deputies for the Harbor Master as the requirements of the city may demand, the number and compensation of whom shall be determined by the Council.

[§ 216, 1903 charter.]

§ 87. RULES AND REGULATIONS FOR WATER FRONT; DUTIES OF HARBOR MASTER:

Repeal by Ord 58039

The Council may, subject to the provisions of the charter, establish such rules and regulations, not inconsistent with the charter and the ordinances of the City, as it may deem right and proper for the control of the wharves and water front, and of the harbor and of the ships and vessels therein, and persons violating any of said rules and regulations shall be guilty of a misdemeanor and upon conviction thereof in the Municipal Court, or, in case of an appeal therefrom, in the Circuit Court of the State of Oregon for Multnomah County, shall be punished by a fine not exceeding $250.00, or by imprisonment for a period not exceeding ninety days, or by both such fine and imprisonment in the discretion of the Court. It shall be the duty of the Harbor Master and that of his deputies to see that the rules and regulations and the ordinances of the Council are obeyed, and he shall report in writing each month to the Council the condition of the harbor and all matters of interest pertaining thereto, together with any recommendations looking to the better care and improvement of the same.

[§ 217, 1903 charter.]

§ 88. DUTIES OF HARBOR MASTER:

Said Harbor Master and his deputies shall be ex-officio members of the police

force of the City and shall have the same power to make arrests for violation of ordinances of the City or of the laws of the State of Oregon as is possessed by other police officers of the City, and said Harbor Master and said deputies are especially charged with the duty of enforcing the laws of the State of Oregon relative to merchant seamen, and particularly the act of the Legislative Assembly of the State of Oregon filed in the office of the Secretary of State February 25th, 1889, entitled "An act for the prevention of and punishment for enticing or harboring seamen from ships and other vessels on the waters of the Columbia and Willamette rivers, or for arresting officers or seamen on such vessels, and to amend sections 1952 and 1953 of Hill's Annotated Laws of Oregon." In addition to the duties of the Harbor Master now or hereafter required by law, he shall perform such duties as may be required of him by The Commission of Public Docks and he shall report to and be under the jurisdiction of The Commission of Public Docks.

[§ 218, 1903 charter.]

Sec. 88 repealed by Ord. No. 58039

§ 89. BOND OF HARBOR MASTER:

The Harbor Master shall give a bond in the sum of $5,000.00 and each deputy in the sum of $1,000.00.

Said bonds shall contain the same terms as bonds required herein of captains of police and patrolmen and the provisions of this ordinance covering bonds of captains of police and patrolmen shall apply also to bonds of the Harbor Master and his deputies.

[§ 219, 1903 charter.]

Sec. 89 repealed by Ord. No. 58039

ARTICLE 12—STREET LIGHTING.

§ 90. DEFINITION OF STREET.
§ 91. CITY MAY CONTRACT FOR LIGHTING FOR FIVE (5) YEARS; MAY PROVIDE ITS OWN PLANT.
§ 92. CITY MAY ISSUE BONDS TO PROVIDE PLANT.
§ 93. PROCEEDINGS ON CONTRACT FOR LIGHTING.
§ 94. PROCEDURE TO ACQUIRE PLANT.
§ 95. SPECIAL ELECTION TO DECIDE.
§ 96. CITY ELECTRICIAN AND EMPLOYES.
§ 97. COUNCIL TO HAVE CHARGE OF CITY LIGHTING.
§ 98. LIMIT OF EXPENSES FOR LIGHTING.
§ 99. COUNCIL TO HAVE SUPERVISION OF WIRES, ETC.
§ 100. INJURING OR DESTROYING LIGHTING PROPERTY AN OFFENSE; PENALTY.

§ 90. DEFINITION OF "STREET":

The term "street," as used in this article, shall be construed to include any street, avenue, boulevard, alley, lane, brdge, bicycle path, road or public thoroughfare, and any land over which any right of way has been obtained, or granted, for any purpose of public travel.

[§ 205, 1903 charter.]

§ 91. CITY MAY CONTRACT FOR LIGHTING FOR FIVE (5))YEARS; MAY PROVIDE ITS OWN PLANT:

The City of Portland may contract for the lighting of public buildings, streets, avenues, parks, public grounds and places for any period not exceeding five (5) years. It shall have the power and authority to procure lands, either within or without the city, and purchase or construct the necessary buildings, engines, dynamos and other machinery, tools, lamps, lines, conduits, poles, towers and other apparatus and appliances constituting a plant for lighting the City by electricity or by any other means or system, and if the Council deem it advisable, it may purchase towers, poles, wires, lamps and other appliances, and cause lines of wire to be constructed,

the use of which it may let to any persons or corporation contracting to light the City. It shall also have power to lay pipes and conduits in the highways, alleys and public places for gas or electric light wires, and to erect in the highways, alleys and public places poles, towers or posts for wires or lamps, and to place, construct and maintain the necessary lines of wires either below or above ground in the highways, alleys or public places.

[§ 206, 1903 charter.]

§ 92. CITY MAY ISSUE BONDS TO PROVIDE PLANT:

The Council for the purpose of providing for the construction of the public lighting plant as herein provided, may raise money by tax or issue bonds of the City as hereinafter provided, or may raise said funds by both tax and bonds, as to the Council of the City may seem meet and to the best interests of the City; but any money raised by taxes for such purposes shall be subject to the limitations in the Charter as to the amount to be raised in any one year for lighting purposes. It shall also have power to issue bonds in like manner or raise moneys by tax for the purchase or construction of conduits, wires, posts, poles, towers, lamps and other apparatus and appliances for use by any party or parties contracting for the public lighting as herein provided. For the purposes aforesaid, the City is authorized to issue and dispose of bonds to the amount of $300,000, of the denomination of from $100 to $1,000, as purchasers may desire, with interest coupons attached thereto, signed by the Mayor and countersigned by the Auditor, whereby the City shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay the bearer of each of the said bonds at the expiration of twenty-five (25) years from the date threof, the sum named therein in gold coin of the United States, together with interest thereon, in like coin, at the rate of four per centum per annum, payable half yearly, as provided in said coupons.

[§ 207, 1903 charter.]

§ 93. PROCEEDINGS ON CONTRACT FOR LIGHTING:

Whenever the Council shall determine to contract for lighting the streets and public buildings and places in the City of Portland in pursuance of the provisions of the charter, as amended, authorizing such contract and shall direct advertisement for proposals for such lighting, such advertisement shall be published for a period of fifteen days in the city official newspaper.

[§ 208, 1903 charter as amended by Ordinance No. 38422.]

§ 94. PROCEDURE TO ACQUIRE PLANT:

If the Council shall determine that it is advisable to establish a plant for public lighting, to be owned by the City, it may by ordinance direct the purchase of the necessary lands, machinery, wires, poles, lamps, towers and other apparatus and appliances above mentioned, the cost of which shall not exceed $300,000.00. It shall thereupon be the duty of the Council, to carry into effect the authority thereby conferred and to make the necessary purchase of lands, machinery, engines, tools, lamps, apparatus and appliances and construct the buildings required, and cause to be constructed or laid all necessary conduits and lines of wire below ground, and to erect and construct all necessary poles, towers, posts, lines of wire above ground and other apparatus and appliances, which shall be necessary or requisite according to such system or systems as it may deem best for lighting the City.

[§ 209, 1903 charter.]

§ 95. SPECIAL ELECTION TO DECIDE:

Before the Council shall direct the establishment of a plant as herein provided, it shall by resolution submit to the electors of the City, to be voted upon by said electors at a special election to be called for that purpose, the question as to whether the authority hereby conferred shall be exercised. The proposition shall be stated

upon the ballots in the following form: "For a city lighting plant—Yes," "For a city lighting plant—No"; and any elector may vote for or against said proposition by marking a cross opposite said words "Yes" or "No," respectively. The votes upon said proposition and for and against the same, respectively, shall be certified, returned and canvassed in the manner now provided by the Charter for certifying, returning and canvassing votes cast for City officers. If a majority of the electors votng thereon in said City shall vote in favor of a City lighting plant, then the authority hereby conferred may be exercised; otherwise the same shall not be exercised. Notice shall be given by the Auditor by publication in the City Official Newspaper of the election to vote upon said proposition at least thirty days before the election.

[§ 210, 1903 charter.]

§ 96. CITY ELECTRICIAN AND EMPLOYES:

The Council may, subject to the civil service rules of the Charter, employ an electrical engineer, who shall be known as the City Electrician, and also such other superintendents, engineers, clerks, agents and subordinates under them as may be necessary to carry into effect the provisions of the Charter, and may regulate and define their duties and prescribe their compensation.

[§ 211, 1903 charter.]

§ 97. COUNCIL TO HAVE CHARGE OF CITY LIGHTING:

The Council shall have general supervision and management of all public lighting, and of any plant established by the City, as herein provided for that purpose, and all employes engaged in or about the construction or operation thereof, and shall make the necessary purchase of fuel, tools, supplies, materials, apparatus and appliances required in the operation and management of said plant, without further approval or confirmation of their contracts by the Council. The expenditures for the operation and management of said plant shall not exceed in any one year the tax levied for that purpose.

[§ 212, 1903 charter.]

§ 98. LIMIT OF EXPENSES FOR LIGHTING:

No contract shall be let, nor any purchase be made of any lands or property requiring the payment of any money, nor shall any moneys be paid for public lighting, in excess of the tax authorized to be levied by the Charter for that purpose and of moneys raised by issuing bonds as herein provided.

[§ 213, 1903 charter.]

§ 99. COUNCIL TO HAVE SUPERVISION OF WIRES, ETC.:

The Council, subject to ordinance, shall have the supervision of the construction of all the electric lighting lines of the wires in the City, whether owned by the City or by other parties, and of all connections made with any building or buildings, and no such wire or lines of wire shall be placed, laid, erected or constructed, nor shall any pole or post or conduit be laid, placed or constructed for such lines, nor any connection made with any building or buildings, except under such general regulations as it from time to time may adopt.

[§ 214, 1903 charter.]

§ 100. INJURING OR DESTROYING LIGHTING PROPERTY AN OFFENSE; PENALTY:

Any person who shall cut, break, injure or destroy any building, engine, dynamo or other machinery, or appliances, poles, posts, towers, lamps, wires or conduits erected, constructed or used for the public lighting of the City, whether owned by the corporation or by any party or parties contracting for the lighting of the City, shall be deemed guilty of an offense, and shall be punished therefor by a fine of not less

[§ 215, 1903 charter.]

than twenty-five dollars nor more than five hundred dollars or by imprisonment not exceeding six months or by both fine and imprisonment in the discretion of the court.

ARTICLE 13—POUND.

§ 101. POUND MASTER.
§.102. RULES AND REGULATIONS; DUTY OF POUND MASTER.

§ 101. POUND MASTER:

The Council shall, subject to the provisions of the Charter, appoint a Pound Master.

[220, 1903 charter. See §290 charter adopted June 7, 1915.]

§ 102. RULES AND REGULATIONS; DUTY OF POUND MASTER:

The Council shall establish such rules and regulations, not inconsistent with the Charter and ordinances of the City, as it may deem right and proper for the control of the pound.

It shall be the duty of the Pound Master and of that of his deputies and assistants to see that the rules and regulations of the Council and the City ordinances relating to the pound are enforced and he shall report in writing each month to the Council all matters of interest to the pound together with any recommendations he may have to make for the efficient administration of the same.

[§ 221, 1903 charter.]

ARTICLE 14—OTHER OFFICERS.

§ 103. BOARDS AND COMMISSIONS TO SERVE WITHOUT PAY.

§ 103. BOARDS AND COMMISSIONS TO SERVE WITHOUT PAY:

No member of any board or commission shall receive any salary or other compensation for his services as such.

[§ 268, 1903 charter.]

Local Improvement Code

ARTICLE 1—STREETS.

§ 104. THE TERM "STREET" DEFINED.

§ 104. THE TERM "STREET" DEFINED:

The term "street," as used in the Local Improvement Code, shall be construed to mean any street, avenue, boulevard, alley or lane which is now, or may hereafter be opened or dedicated to public use.

[§ 372, 1903 charter.]

ARTICLE 2—COUNCIL INVESTED WITH JURISDICTION OVER STREETS, ETC.

§ 105. POWER OVER STREETS.

§ 105. POWER OVER STREETS:

All streets, avenues, boulevards, lanes, alleys and bicycle paths within the corporate limits of the City of Portland, now open or dedicated to public use, or which may hereafter be opened or dedicated to public use, or which have or may become such by prescription or user, shall be deemed and held to be open public streets, avenues, boulevards, lanes, alleys and bicycle paths for the purposes of this ordinance, and the Council is hereby empowered to fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in this or-

dinance, in accordance with the directions and proceedings provided in the Charter.
[§ 365, 1903 charter.]

ARTICLE 3—EXTENSION OF STREETS.

§ 106. POWER OF COUNCIL EXTENDED TO BOULEVARDS, LANES, ALLEYS, ETC.
§ 107. ADDITIONAL METHOD OF OPENING STREET.
§ 108. REMONSTRANCE GRANTED TO PROPERTY OWNERS.

§ 106. POWER OF COUNCIL EXTENDED TO BOULEVARDS, LANES, ALLEYS, ETC.:

The same power and authority granted by the Charter to the Council to open, lay out, establish, widen, alter, extend, vacate and close streets, and to establish and change the grade of streets within the limits of the City of Portland, and to appropriate and condemn private property therefor, are hereby granted to said Council to open, lay out, establish, widen, alter, extend, vacate and close within the same limits, boulevards, avenues, lanes, alleys, bridges, bicycle paths, squares, parks, plats and public places, and to appropriate and condemn private property therefor and to establish and change the grade of each. And like acts and proceedings as those authorized by the Charter to be done and had by said Council, the officers of the City, their agents and employes and others, in the matter of opening, laying out, establishing, altering, widening, extending, vacating and closing streets, and in establishing and changing the grades thereof, are hereby authorized to be done and had by said Council and officers and their agents and employes and others in the same manner and with the same effect and limitations in the matter of opening, laying out, establishing, widening, altering, extending, vacating or closing of boulevards, avenues, lanes, alleys, bridges, bicycle paths, squares, plats, parks and public places within said limits and in establishing and changing the grades thereof, as by the Charter provided for in the case of streets.
[§ 371, 1903 charter.]

§ 107. ADDITIONAL METHOD OF OPENING STREET:

Where the public necessity shall require it, the Council may, by ordinance, direct the City Attorney to institute an action for condemnation of any property needed for a street or for other public use. By the same ordinance the Council shall direct the City Engineer within ten days from the beginning of such action to view such property and make report to the Council of the value of the property and of the rights and interest of the several persons having interests therein as reported by the City Attorney on examination of the title.

The Council shall thereupon provide a fund and draw a warrant thereon in favor of such persons for the sum or sums found by the City Engineer, or such greater sum as they may deem proper security for the owners.

Such fund may be provided by appropriation from the general fund, by levy of assessments for benefits, as in other cases or in any other lawful manner. Within five days from the deposit of the warrant in the registry of the court where the action is pending, the City may take possession of the property unless applicaton shall sooner be made to the court for a ruling increasing the amount of the security. If such application shall be made within the time limited, the court shall hear same forthwith in a summary way, and fix such security as it shall deem necessary as security for the taking.

If the amount is not increased, the City may take possession immediately. If the amount be increased, the City shall take possession as soon as the Council shall provide a fund and draw a warrant thereon for the amount so fixed, and deposit the same in the registry of the court. The action shall then proceed to trial and judgment as other like actions.

No person shall be disqualified to act as a juror therein by reason of his being

a resident and property owner within the City. If the verdict be given for a greater amount than the appropriation, judgment shall be against the City for the excess to be payable immediately, and if the court shall so direct, as a condition of the further use of the property of the City; if for a less sum, a new warrant shall be given for the amount of the judgment, and that deposited shall be returned.

This section shall not be construed as precluding the owner from any remedies otherwise given by law to determine whether the property is subject to appropriation.

[§ 351, 1903 charter.]

§ 108. REMONSTRANCE GRANTED TO PROPERTY OWNERS:

Within thirty days from the date of the first publication of the notice of any public improvement the owners of three-fifths or more in area of the property within the assessment district may make and file with the Auditor a written objection to or remonstrance against said proposed improvement, and said objection or remonstrance shall be a bar to any further proceedings in the making of such improvement for a period of six months unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor; provided that if any such objection, remonstrance or petition shall be signed by the agent or attorney of any property owner, there shall be filed with the Auditor within the time provided for such remonstrance or petition the written authority for such agent or attorney to sign any such remonstrance or petition, otherwise the signature shall be disregarded.

[§ 352, 1903 charter.]

ARTICLE 4—VACATION OF STREETS.

§ 109. NOTICE AND PETITION FOR VACATING STREET.
§ 110. TITLE TO STREET VACATED.
§ 111. VACATION OF STREET TO BE BY ORDINANCE; RECORD OF SAME.

§ 109. NOTICE AND PETITION FOR VACATING STREET:

Whenever any person or corporation interested therein shall desire the vacation of any street, or part thereof, within the City of Portland, the person or corporation so desiring said vacation shall give notice, by advertisement thereof, for four consecutive weeks, in the City Official Newspaper that at a regular meeting of the Council of the said City, to be had at the time stated in such notice of publication, a petition will be presented to the Council praying for the vacation of such street, or portion thereof, particularly describing the same. The petition, so to be presented to the Council shall set forth a description of the part of the street proposed or sought to be vacated, and the purpose for which the ground is proposed to be used, and the reason for such vacation, and there shall be appended to such petition, as a part thereof, and as the basis for such vacation, and as a basis for the granting of the prayer of such petition, the consent of the owners in fee simple, of at least two-thirds of the real estate fronting on both sides of said street which or part of which is proposed to be vacated, estimated upon the frontage of the street, such frontage to commence at a line drawn equidistant from the termini of the street, or portion thereof, proposed to be vacated, and extending along such proposed vacation the entire length thereof and two hundred feet in each direction from the termini thereof, unless such street shall not be continuous in either direction, in which case the consent of the owners above provided for shall only be required for the distance that it is continuous; provided, that in the vacation of a plat it shall require the consent of the owners of two-thirds of all the real estate fronting on the streets designated on such plat. The consent of the owners of the requisite number of front feet hereinbefore required to be attached to the petition for the vacation of a street shall be given in writing and duly acknowledged before an officer authorized to take acknowledgments, and such consent shall be attached to the petition for such vacation, and

such petition and consent shall be filed with the Auditor. The Council shall, upon the presentation of such petition, and the filing of the proof of the due publication of the notice herein prescribed with the Auditor, fix a time for hearing said petition and objection thereto, if any be filed. At the time fixed by the Council for hearing said petition, and the objections filed thereto, if any, the Council shall ascertain and determine whether the consent of the owners of the requisite number of front feet has been obtained as aforesaid, and such finding shall be made a matter of record, and shall be conclusive of the facts as found in all collateral proceedings, and shall be prima facie evidence of the facts in all direct proceedings. If upon such hearing the Council shall find that the public interest would not be prejudiced by the vacation of such street, or part thereof, applied for, and that the consent of the owners of the requisite number of front feet has been obtained, as hereinbefore provided, the Council may grant the prayer of the petitioner in whole or in part, and may vacate the street sought to be vacated by such petition, and cause such vacation to be made a matter of record.

[§ 362, 1903 charter.]

§ 110. TITLE TO STREET VACATED:

If upon the hearing of the petition for the vacation of such street, or part thereof, as in the preceding section provided for, the Council shall determine that such street should be vacated, and shall by ordinance vacate the same, such street shall be attached to the lots or ground bordering on such street, and all right and title thereto shall vest in the owners of the property on each side thereof in equal proportions. In every case where a street shall have been originally dedicated wholly by the owner or owners of the property abutting upon one side only of such street, then in the event of the vacation of such street all right and title thereto shall vest in the then owner or owners of the property abutting upon the side of the said street last aforesaid.

[§ 363, 1903 charter.]

§ 111. VACATION OF STREET TO BE BY ORDINANCE; RECORD OF SAME:

The vacation of any street by the Council shall only be made by ordinance, and a certified copy of such ordinance shall be filed for record, and duly recorded, in the office of the County Clerk of Multnomah County, and said County Clerk shall record the same in the records of deeds for said county and place an appropriate reference upon the margin of the original plat or plats of said street, or part thereof vacated, to indicate the book and page where such vacation is recorded.

No street shall be vacated upon the petition of any person or corporation where, by such petition, it is proposed to replat or rededicate any stret or streets in lieu of the original plat or streets, unless such petition shall be accompanied by a plat showing the proposed manner of replatting of the streets, alleys or highways to be dedicated in lieu of the street or streets asked to be vacated, and attached to which proposed plat or dedication there shall be the sworn affidavit of the person proposing to make such new plat or dedicate such street for highways, that such proposed plat or dedication of streets will be made immediately upon the vacation prayed for in the petition in consideration thereof.

[§ 364, 1903 charter as amended June 7, 1909.]

ARTICLE 5—SIDEWALKS.

§ 112. OWNERS TO REPAIR SIDEWALKS; NOTICE THEREOF.
§ 113. PERMIT FOR SIDEWALK REPAIRS.
§ 114. COUNCIL AUTHORITY OVER SIDEWALKS; ASSESSMENT FOR SIDEWALK REPAIRS.
§115. ADVANCES FROM GENERAL FUND.
§ 116. DAMAGES FOR NEGLIGENCE.

§ 112. OWNERS TO REPAIR SIDEWALKS; NOTICE THEREOF:

It is hereby made the duty of all owners of land adjoining any street in the City of Portland to construct, reconstruct and maintain in good repair the sidewalks in front of said lands. The Council shall have power and authority to determine the grade and width of all sidewalks, the material to be used and the specifications for the construction thereof upon any street or part thereof or within any district in said City. If the owner of any lot or part thereof, or parcel of land, shall suffer any sidewalk along the same to become out of repair, it shall be the duty of the City Engineer to post a notice on the adjacent property, headed "Notice to Repair Sidewalk," in letters not less than one inch in length, and said notice shall in legible characters direct the owner, agent or occupant of said property immediately to repair the same in a good and substantial manner, and the City Engineer shall file with the Auditor an affidavit of the posting of such notice, stating the date when and the place where the same was posted. The Auditor shall upon receiving the affidavits of the City Engineer send by mail a notice to repair said sidewalk to the owner (if known) of such property, or to the agent (if known) of the owner, and directed to the postoffice address of such owner or agent, where such postoffice address is known to the Auditor, and if such postoffice address be unknown to the Auditor, such notice shall be directed to such owner or agent at Portland, Oregon. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of such property shall not render void said notice, but in such case the posted notice shall be sufficient.

[§ 384,1903 charter.]

§ 113. PERMIT FOR SIDEWALK REPAIRS:

The owner, agent or occupant before making said repairs shall obtain from the City Engineer a permit so to do, which shall prescribe the kind of repair to be made, the material to be used and specifications therefor, and the owner, agent or occupant shall make said repairs within twenty days from the date of posting said notice. If the owner, agent or occupant of any such lot or part thereof or parcel of land shall fail, neglect or refuse to make the sidewalk repairs within the time designated, the City Engineer shall make the same, and keep an accurate account of the cost of the labor and materials in making the repairs in front of each lot or parcel of land, and shall report monthly to the Council the cost of such repairs, and a description of the lot or part thereof or parcel of land fronting on the sidewalk upon which such repairs are made.

[§385, 1903 Charter.]

§ 114. COUNCIL AUTHORITY OVER SIDEWALKS; ASSESSMENT FOR SIDEWALK REPAIRS:

The Council shall exercise the same general authority and supervision over sidewalk repairs that it shall have in the matter of street improvements; it shall inspect the reports of sidewalk repairs and the cost thereof made by the City Engineer, and if it deems the same to be reasonable it shall approve the same. The Council shall at least once each year by ordinance assess upon each of the lots or parts thereof or parcels of land fronting upon sidewalks which have been so repaired the cost of making such repairs as approved by the Council and ten per cent additional to defray the cost of notice, engineering and advertising. In each case all such assessments may be combined in one assessment roll and the same shall be entered on the Docket of City Liens and collected in the same manner as is provided for special assessments for street improvements.

[§386, 1903 Charter.]

§ 115. ADVANCES FROM GENERAL FUND:

Moneys to repair sidewalks when the repair shall be made by the City Engineer under the charter may, at the discretion of the Council, be advanced from the Gen-

eral Fund to be reimbursed by the special assessment when collected.
[§387, 1903 Charter.]

§ 116. DAMAGES FOR NEGLIGENCE:

It is not only the duty of all owners of land within the City to keep in repairs all sidewalks, constructed or existing in front of, along or abutting upon their respective lots or parts thereof and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or negligence in failing to put any such sidewalk in repair, after the owner or agent thereof has been notified as provided in the charter so to do; and no action shall be maintained against the City of Portland by any person injured through or by means of any defect in any sidewalk.
[§388, 1903 Charter.]

ARTICLE 6.—SEWERS AND DRAINS.

§ 117. COUNCIL MAY ORDER CONSTRUCTION OF SEWERS.
§ 118. CITY ENGINEER TO MAKE PLANS AND SPECIFICATIONS; DISTRICTS; ASSESSMENTS.
§ 119. PUBLICATION OF RESOLUTION; NOTICES.
§ 120. REMONSTRANCES.
§ 121. COUNCIL TO MAKE CONTRACTS.

§ 117. COUNCIL MAY ORDER CONSTRUCTION OF SEWERS:

The Council is hereby authorized and empowered whenever it may deem that the public health, interest or convenience may require, to order to be constructed and laid all sewers and drains, with all necessary manholes, lamp-holes, catch basins and branches, and to repair or relay the same, and to levy and collect an assessment upon all lots and parcels of land specially benefited by such sewers and drains, to defray the whole or any portion of the cost and expense thereof, and to determine what lands are specially benefited by such sewer and the amounts to which each lot or parcel of land is benefited.
[§389, 1903 Charter.]

§ 118. CITY ENGINEER TO MAKE PLANS AND SPECIFICATIONS; DISTRICTS; ASSESSMENTS:

Whenever the Council shall deem it expedient or necessary to construct or relay any sewer or drain, it shall require from the City Engineer plans and specifications for an appropriate sewer or drain with all necessary catch basins, manholes, lamp-holes and branches; and pursuant thereto, the City Engineer shall prepare two or more sets of plans and specifications for an appropriate sewer or drain, each set of which shall specify a separate and distinct class or kind of sewer pipe, and estimates of the work to be done and the probable total cost of each style of construction and the City Engineer shall file such plans, specifications and estimates in the office of the Auditor; provided, however, that if there shall be specified in any portion of said sewer or drain a type of construction other than sewer pipe, the City Engineer may prepare only one or more sets of plans and specification and estimates of separate and distinct styles of construction for such portion of said sewer or drain. If the Council shall find said sets of specifications, plans and estimates to be satisfactory, it shall approve the same and shall determine the boundaries of the district benefited and to be assessed for such sewer or drain and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall, by resolution, declare its purpose to construct said sewer or drain, describe the location thereof and include therein the City Engineer's estimate of the probable cost thereof according to each of said plans and specifications, and define the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in declaring its intention to construct or relay a sewer

or drain, directing the publication thereof, approving and adopting the sets of plans, specifications and estimates of the City Engineer and determining the district benefited thereby and to be assessed therefor, may be done in one and the same resolution.

Within twenty (20) days from the date of the first publication of the notice of the Council declaring its intention to construct said sewer or drain, the owner or owners of any property within the assessment district may file with the Auditor a written remonstrance against said proposed sewer or against the adoption of any particular sets of plans or specifications, and the Council, upon hearing said remonstrance may, in its discretion, discontinue proceedings in said matter, but the Council may overrule any and all remonstrances and shall have the power and authority to order the construction of said sewer or drain or for the repair or relaying of the same, and within three months from the date of the final publication of this previous resolution may, by ordinance, provide for the same, which shall substantially conform to the sets of plans and specifications previously adopted. Upon the passage of said ordinance, the Council without delay, shall give notice by publication of not less than five successive days in the City Official Newspaper, inviting proposals for the construction, repair or relaying of said sewer in accordance with the City Engineer's sets of specifications, plans and estimates. The Council shall have power and authority to specify the kind or class of sewer to be constructed and shall exercise the same power, authority and supervision in the advertising for bids, awarding of contracts, and the supervision and accepting of the work as is delegated to said Council in the matter of street improvements so far as consistent with the provisions of this article.

The provisions of this article shall not apply to proceedings for the laying of any sewer commenced prior to the adoption of this amendment, and all such proceedings shall be completed in accordance with the provisions of the Charter in force at the time of their commencement, and for such purpose all provisions of the Charter of the City of Portland repealed by this article shall be in force and effect.

All sections or parts of sections in conflict with the provisions of this article are hereby repealed in so far as they conflict therewith.

[§390, 1903 Charter.]

§ 119. PUBLICATION OF RESOLUTION; NOTICES:

The resolution of the Council declaring its purpose to construct or relay such sewer or drain shall be kept of record in the office of the Auditor and shall be published for ten consecutive publications, excluding Sundays, in the City Official Newspaper. The City Engineer within five days from the first publication of said resolution shall cause to be posted conspicuously on the street or streets along the line of the contemplated sewer or drain, at least two notices headed "Notice of Sewer Work," in letters not less than one inch in length, and said notices shall contain in legible characters a copy of the resolution of the Council and the date of its passage, and the City Engineer shall file with the Auditor an affidavit of the posting of such notices, stating therein the date when, and places where, the same have been posted.

[§391, 1903 Charter.]

§ 120. REMONSTRANCES:

Within twenty days from the date of the first publication of the notice required to be published in the preceding section, the owner or owners of any property within the assessment district may file with the Auditor a written remonstrance against said proposed sewer, and the Council upon hearing said remonstrance, may, at its discretion, discontinue proceedings in said matter, but the Council may overrule any and all remonstrances, and shall have power and authority to order the construction of said sewer or drain, or the repair or relaying of the same, and within three months from the date of the final publication of its previous resolution, may

by ordinance provide for the same, which shall substantially conform to the plans and specifications previously adopted.
[§392, 1903 Charter.]

§121. COUNCIL TO MAKE CONTRACTS:

Upon the passage of said ordinance the Council shall exercise the same power, authority and supervision in the advertisement for bids, awarding contracts, the requiring of bonds, supervising and accepting the work as is granted in the matter of street improvements.
[§393, 1903 Charter.]

ARTICLE 7.—IMPROVEMENT OF STREETS.

§ 122. DEFINITION OF TERMS "IMPROVE" AND "IMPROVEMENT."
§ 123. PROCEDURE FOR IMPROVEMENTS.
§ 124. CITY ENGINEER TO MAKE PLANS AND SPECIFICATIONS; DISTRICTS; ASSESSMENT.
§ 125. PUBLICATION OF RESOLUTION; NOTICES.
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§ 122. DEFINITION OF TERMS "IMPROVE" AND "IMPROVEMENT."

The terms "improve" and "improvement" as used in the Local Improvement Code in reference to streets shall be construed to include all grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling or regraveling, and all manner of bridge work and roadway improvement or repair and all manner of constructing sidewalks, crosswalks, gutters and curbs within any of the streets in the City of Portland, or any part of any such street.
[§373, 1903 Charter.]

§ 123. PROCEDURE FOR IMPROVEMENTS:

The Council, whenever it may deem it expedient is hereby authorized and empowered to order the whole or any part of the streets of the City to be improved, to determine the character, kind and extent of such improvement, to levy and collect an assessment upon all lots and parcels of land specially benefited by such improvements, to defray the whole or any portion of the cost and expense thereof and to determine what lands are specially benefited by such improvement and the amount to which each parcel or tract of land is benefited.

In the improvement of a street or streets with gravel or macadam, suitable tiling shall be laid for drainage and the said gravel or macadam shall be laid in such a manner that the surface of the street shall be not to exceed three (3) inches below the established grade so as to admit of a hard surface covering.

The Council, in improving any street or streets or any part or parts thereof, within a district that includes paving, shall require from the City Engineer plans, specifications and estimates for two or more kinds of appropriate improvements, at least one of which must be of a non-patentable kind, and the probable total cost of each class of improvement, and the City Engineer shall file such plans, specifications and estimates in the office of the Auditor of the City of Portland. If the Council shall find such plans, specifications and estimates to be satisfactory, it shall approve the same and shall determine the boundaries of the district benefited and to be assessed for such improvement and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall by reso-

lution declare its purpose of making said improvement, describing the same and also defining the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in declaring its intention to improve any street or streets or any part or parts thereof, approving and adopting the plans, specifications and estimates of the City Engineer, and determining the district benefited and to be assessed thereby, may all be done at one and the same meeting of the Council.

Upon the passage of said resolution by the Council, the Auditor shall without delay give notice by publication for not less than five successive days in the City Official Newspaper, inviting bids for making said improvement; each bid submitted must be accompanied by a certified check equal in amount to ten per cent (10%) of the amount of the bid. When such bids are received and the amount of the lowest responsibile bid for each kind or class of improvement has been ascertained, the Council shall, by resolution, determine the character of the improvement to be laid and the lowest responsible bid, and direct the Auditor to publish a notice declaring its intention of making such improvement, describing the same, defining the boundaries of the district to be benefited and assessed therefor and the amount of the lowest rsponsible bid submitted for such improvement. Upon the passage of said resolution, the Auditor of the City of Portland is hereby authorized to return to the respective bidders the checks submitted with their bids, except the check accompanying the bid submitted for the improvement selected, which shall be held until such time as a remonstrance is filed, sufficient to defeat said improvement, a contract and bond executed, as provided by law, or ordered returned by the Council.

Within twenty days from the date of the last publication of the notice of the determination of the Council of the character of the improvement and the lowest responsible bidder, the owners of three-fifths or more in area of the property within such assessment district may make and file with the Auditor a written objection to or remonstrance against said proposed improvement, and said objection or remonstrance shall be a bar to any further proceedings in the making of such improvement for a period of six months unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor: Provided, that if any such objection, remonstrance or petition ~~the written authority for such agent or attorney to sign any owner~~ SHALL BE SIGNED BY THE AGENT OR ATTORNEY OF ANY PROPERTY OWNER, there shall be filed with the Auditor within the time provided for such remonstrance or petition the written authority for such agent or attorney to sign any such remonstrance, or petition, otherwise the signature shall be disregarded.

If no such objection or remonstrance be made and filed with the Auditor within the time designated, or if any remonstrance filed is not legally signed by the owners of three-fifths of the property affected, the Council shall be deemed to have acquired jurisdiction to order the improvement to be made, and the Council may thereafter and within three months from the date of the final publication of its previous resolution by ordinance provide for making said improvement, which shall conform in all particulars to the plans and specifications previously adopted.

When the Council shall, by ordinance, provide for making an improvement, the City shall be deemed to have appropriated and acquired ownership of all earth above grade and within the street lines for said improvement and no private ownership shall thereafter be claimed in said earth.

Upon the passage of said ordinance the Council shall without delay enter into a contract with the aforesaid lowest bidder, as determined by said Council. The Council shall have the power to impose such conditions upon bidders with regard to bonds and securities, and guarantees of the good faith and responsibility of bidders, for insuring the faithful completion of the work in strict accordance with the specifications therefor, and to make all rules and regulations in the letting of contracts that may be considered by the said Council as advantageous to the City. It shall be the duty of the Council to fix the time in which every such improvement shall be completed and it may extend such time should the circumstances warrant, and the said Council shall have the power and authority to make all written contracts, to provide for the proper inspection and supervision of all work done under the pro-

visions of this article and to do any other act to secure the faithful carrying out of all contracts, and the making of improvements in strict compliance with the ordinances and specifications thereof.

The Council shall have the power and authority in providing for any street improvement to provide for placing in the street, where said improvement is to be made, all necessary service pipes for water, gas, heat, power, sewerage, or any other purpose, and all conduits for electric wires or other purposes, that are or may thereafter be necessary.

The Council may also provide a certain time after any street improvement is made during which it shall not be torn up or disturbed. The Council shall also have the power and authority to provide that no opening of any street surface shall be made without first obtaining a permit therefor. The Council shall have the power to prescribe and enforce all rules regulating the opening of street surfaces in all streets of the City, which it may deem necessary to secure the replacing of the street in good condition.

The provisions of this article shall not apply to street improvement proceedings commenced prior to the adoption of this amendment, and all such proceedings shall be completed in accordance with the provisions of the Charter in force at the time of their commencement, and for such purpose all provisions of the Charter of the City of Portland repealed by this Section shall be in force and effect.

All Sections or parts of section of the Local Improvement Code in conflict with the provisions of this Section are hereby repealed in so far as they conflict therewith.

[§374, 1903 Charter as Amended June 5, 1911.]

§ 124. CITY ENGINEER TO MAKE PLANS AND SPECIFICATIONS; DISTRICTS; ASSESSMENT:

Whenever the Council shall deem it expedient or necessary to improve any street or streets or any part or parts thereof within a district in the City of Portland, it shall require from the City Engineer plans and specifications for an appropriate improvement and estimates of the work to be done and the probable cost thereof, and the City Engineer shall file such plans, specifications and estimates in the office of the Auditor of the City of Portland. If the Council shall find such plans, specifications and estimates to be satisfactory, it shall approve the same and shall determine the boundaries of the district benefited and to be assessed for such improvement, and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall by resolution declare its purpose of making said improvement, describing the same and including such engineers estimate of the probable total cost thereof, and also defining the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in declaring its intention to improve any street or streets or any part or parts thereof, directing the publication of notice thereof, approving and adopting the plans, specifications and estimates of the City Engineer, and determining the district benefited and to be assessed thereby, may all be done in one and the same act.

[§375, 1903 Charter, as Amended June 3, 1907.]

§ 125. PUBLICATION OF RESOLUTION; NOTICES:

The resolution of the Council declaring its purpose to improve the street shall be kept of record in the office of the Auditor and shall be published for ten consecutive publications in the City Official Newspaper. The City Engineer within five days from the first publication of said resolution shall cause to be conspicuously posted at each end of the line of the contemplated improvement a notice headed "Notice of Street Work" in letters of not less than one inch in length, and said notice shall contain in legible characters a copy of the resolution of the Council and the date of its adoption, and the Engineer shall file with the Auditor an affidavit of the posting of said notices, stating therein the date when, and places where the same have been posted.

[§376, 1903 Charter.]

§ 126. REMONSTRANCES:

Within twenty days from the date of the first publication of the notice required to be published in the preceding section, the owners of sixty per centum or more in area of the property within such assessment district may make and file with the Auditor a written objection to or remonstrance against said proposed improvement, and said objection or remonstrance shall be a bar to any further proceedings in the making of such improvement for a period of six months unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor; provided, that if any such objection, remonstrance or petition shall be signed by the agent or attorney of any property owner, there shall be filed with the Auditor within the time provided for such remonstrance or petition the written authority for such agent or attorney to sign any such remonstrance or petition, otherwise the signature shall be disregarded.

[§377, 1903 Charter as Amended June 3, 1907.]

§ 127. JURISDICTION OF COUNCIL—WHEN ACQUIRED.

If no such objection or remonstrance be made and filed with the Auditor within the time designated, or if any remonstrance filed is not legally signed by the owners of sixty per centum of the property affected, the Council shall be deemed to have acquired jurisdiction to order the improvement to be made, and the Council may thereafter and within three months from Resolution No. 2 the date of the final publication of its previous resolution by ordinance provide for making said improvement, which shall conform in all particulars to the plans and specifications previously adopted.

When the Council shall, by ordinance, provide for making an improvement, the City shall be deemed to have appropriated and acquired ownership of all earth above grade and within the street lines for said improvement and no private ownership shall thereafter be claimed in said earth.

[§378, 1903 Charter, as Amended June 7, 1909.]

§ 128. COUNCIL TO MAKE CONTRACT:

Upon the passage of said ordinance, the Council shall, without delay, give notice by publication for not less than five successive days in the City Official Newspaper, inviting proposals for making said improvement. The Council shall have the power to award the contract or contracts for said improvement and to impose such conditions upon bidders with regard to bonds and securities, and guarantees of the good faith and responsibility of bidders, for insuring the faithful completion of the work in strict accordance with the specifications therefore, and to make all rules and regulations in the letting of contracts that may be considered by said Council as advantageous to the City. Such contract or contracts shall be let to the lowest responsible bidder for either the whole of said improvement or such part thereof as will not materially conflict with the completion of the remainder thereof, but the Council shall have the right to reject any or all proposals received. It shall be the duty of the Council to fix the time in which every such improvement shall be completed and it may extend such time should the circumstances warrant. The said Council shall have power and authority to make all written contracts, to receive and approve all bonds authorized by this article, to provide for the proper inspection and supervision of all work done under the provisions of this article, and to do any other act to secure the faithful carrying out of all contracts, and the making of improvements in strict compliance with the ordinances and specifications thereof.

[§379, 1903 Charter.]

§ 129. NOTICE OF COMPLETION; ACCEPTANCE:

Whenever any street improvement is completed in whole or in part to the satisfaction of the City Engineer, he shall file a certificate of the completion, and his approval of such work so completed, with the Auditor, who shall thereafter publish a notice of such completion for not less than five successive days in the City Official

Newspaper, stating therein when the acceptance of the same will be considered by the Council, and at that time or at any time prior thereto any owner of any interest in or the agent of any property within the assessment district of said improvement may appear and file objections to the acceptance of said improvement, and such objections shall be considered and the merits thereof determined by said Council, and if it appear that said work or improvement has not been completed in accordance with the specifications and contract, the Council shall require the same to be so completed before accepting it. Whenever any work or improvement is accepted, the Auditor shall endorse its approval on the certificate of the City Engineer, and after the assessment therefor is made and docketed the Mayor and Auditor shall draw warrants on the fund created for said improvement and in favor of the parties entitled thereto.

[§380, 1903 Charter.]

§130. IMPROVEMENT BY PERMIT:

Whenever the grade of any street has been established, the Council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property according to such grade, under the direction of the City Engineer, at the expense of such owner or owners, but the authority mentioned in this section cannot be granted after notice has been given by the Council of intention to improve the street in front of such property. In giving such authority the Council may impose such terms and conditions thereon as may be necessary to secure the deposit of earth or other matter excavated from the street upon any part thereof which may need to be filled and to charge fees for said permits to cover any expense incurred by the City in the survey and inspection of the work to be done.

[§381, 1903 Charter.]

§ 131. KINDS OF IMPROVEMENTS CLASSIFIED; STREET REPAIRS:

The Council shall have power and authority to classify the various kinds of street improvements or pavements between the curb lines of streets, and to determine the number of years for which each class of improvement shall be maintained by the City after the same has been made. The Council shall also have power and authority to determine the class of improvement which shall be made in each and every street within the City. The class of every street improvement ordered by the Council and the number of years for which it shall be maintained by the City shall be stated in each resolution and ordinance providing for a street improvement. When such improvement is made, the City, by and through its Council, shall maintain and keep in repair all the roadway between the curb lines, except the portions which railroad or street railway companies are liable to maintain or keep in repair for the full number of years stated in the ordinance providing for their improvement, and the costs thereof shall be paid for out of the fund provided therefor. The Council shall also have power and authority to contract for the maintenance and repair of all that part of any street which the City is liable to maintain or keep in repair for the full number of years for which the City is bound, at the same time that the contract for the street improvement is made, but every contract for street maintenance and repair shall be awarded in the same manner and subject to the same conditions, so far as applicable, as may be provided for the letting of contracts for street improvements; provided, that no contracts shall be made or entered into for such maintenance and repair of streets which shall bind the City during any one year for any sum of money in excess of the amount authorized in its budget for street repairs.

[§382, 1903 Charter.]

§ 132. COUNCIL'S POWER; STREET SURFACES:

The Council shall have power and authority in providing for any street improvement requiring a concrete foundation also to provide for placing in the street

where said improvement is to be made, all necessary service pipes for water, gas, heat, power, sewerage or any other purpose, and all conduits for electric wires or other purposes, that are or may thereafter be necessary.

The Council may also provide a certain time after any street improvement is made during which it shall not be torn up or disturbed. The Council shall also have power and authority to provide that no opening of any street surface shall be made without first obtaining a permit therefor. The Council shall have power to prescribe and enforce all rules regulating the opening of street surfaces in all streets of the City, which it may deem necessary, to secure the replacing of the street in good condition.

[§383, 1903 Charter.]

ARTICLE 8.—SPECIAL ASSESSMENTS.

§ 133. ESTIMATE OF COST AND APPORTIONMENT; NOTICE.
§ 134. ASSESSMENT OF BENEFITS.
§ 135. ASSESSMENTS CONFIRMED.
§ 136. MISTAKES IN PROCEEDINGS.
§ 137. DOCKETING AND PUBLICATION OF ASSESSMENT.
§ 138. DOCKET OF CITY LIENS.
§ 139. LIEN OF ASSESSMENT; PAYMENT.
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§ 145. RECEIPTS OF TREASURER.
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§ 158. JUDGMENT; COST AND FEES.
§ 159. PROCEEDINGS UNDER PREVIOUS CURATIVE CLAUSE.
§ 160. PROCEEDINGS PRESUMED REGULAR.
§ 161. BONDED ASSESSMENTS ON TRACTS OF LAND; SUBDIVISION OF ASSESSMENTS.

§ 133. ESTIMATE OF COST AND APPORTIONMENT; NOTICE.

Whenever any street improvement, or the construction, reconstruction, or repair of any sewer, any part of the cost of which is to be assessed upon the property benefited thereby, is completed in whole, or in such part that the cost of the whole can be determined, the City Engineer shall certify to the Auditor the accuracy of the original estimate of the work to be done, or if, in progress of the work it has been found necessary to make any alteration in said estimated work for any cause whatsoever, the City Engineer shall file a corrected estimate in detail of such work, and the Auditor shall apportion the cost thereof (except the share to be paid in case of street improvement by railroad or street railway companies, by reason of their use of the streets) upon the lots, parts of lots, and parcels of land benefited thereby and within the assessment district. The contract price based upon the esti-

mate of the City Engineer, the costs of rights of way and expenses of condemning land, and a sum not to exceed five per cent of the contract price as the cost of advertising, engineering, and superintendence, shall be deemed to be the cost of every sewer or street improvement. When the Auditor has ascertained what he may deem a just apportionment of said cost, in accordance with the special and peculiar benefits derived by each lot, or part thereof, and parcel of land, the same shall be a proposed assessment, and the Auditor shall give notice of the same by publication for five consecutive insertions in the City Official Newspaper, therein specifying the improvement or sewer for which said proposed assessment is apportioned, the whole cost of such improvement or sewer, the boundaries of the district to be assessed therefor, that said proposed assessment has been apportioned and is on file in the office of the Auditor and subject to examination, and also that any objection to such apportionment that may be made in writing to the Council and filed with the Auditor within ten days from the first publication of such notice will be heard and determined by the Council before the passage of any ordinance assessing the cost of said improvement or sewer. It shall also be the duty of the Auditor forthwith to send by mail, postpaid, a notice of the share so apportioned to each lot or part thereof, or parcel of land, stating the time within which objections to such apportionment may be made in writng to the Council and filed with the Auditor, to the owner (if known) of each lot, or part thereof, or parcel of land, or to the agent of such owner, directed to the postoffice address of such owner or agent, when such postoffice address is known to him, and if such postoffice address be unknown to him, then such notice shall be directed to such owner or agent at Portland, Oregon.

[§394, 1903 Charter as Amended June 5, 1905.]

§ 134. ASSESSMENT OF BENEFITS:

After the time specified in said notice has elapsed, the Council shall consider said proposed assessment and all objections made thereto, and shall have the power, at its discretion and without any further notice, to consider, ascertain, and determine the amount of the special and peculiar benefits accruing to each lot, or part thereof, or parcel of land so assessed, by reason of the construction, reconstruction, or repair of said sewer, or of the improvement of said street or part thereof, and if the amount apportioned by the Auditor to any lot or part thereof, or parcel of land shall not be in just proportion to such benefits, the assessment against such lot, or part thereof, or parcel of land shall be so reduced or increased by the Council that it shall be in just proportion to such benefits; but in no case shall any such assessment exceed such benefits. The assessment roll shall then be numbered and the Council shall declare said assessment by ordinance, which shall designate the improvement or sewer for which the assessment is levied, the number of the assessment roll, and the whole cost of said improvement or sewer, but such assessment need not be set out at large in said ordinance.

[§395, 1903 Charter as Amended June 5, 1905.]

§ 135. ASSESSMENTS CONFIRMED:

Each lot or part thereof or parcel of land shall be deemed to be benefited by the sewer construction, reconstruction or repair or street improvement, as the case may be, to the full amount of the assessment levied thereon.

[§396, 1903 Charter.]

§ 136. MISTAKES IN PROCEEDINGS:

No such assessment shall be held invalid by reason of failure to enter the name of the owner of any lot or part of a lot or parcel of land so assessed or by a mistake in the name of the owner, or the entry of a name other than the name of the owner, in said assessment, or in any acts or proceedings connected therewith, and no delays, mistakes, errors, or irregularities in any act or proceeding in the improvement of a street or the construction of a sewer or drain shall prejudice or invalidate any final

assessment, but the same may be remedied by subsequent and amended acts or proceedings.

[§397, 1903 Charter.]

§ 137. DOCKETING AND PUBLICATION OF ASSESSMENT:

When an assessment has been declared by ordinance it shall be the duty of the Auditor to enter a statement of said assessment in the Docket of City Liens, to furnish a copy of said assessment to the City Treasurer, and to give notice of said assessment by publishing for five consecutive insertions in the City Official Newspaper, a notice which shall specify the improvement or sewer for which said assessment is levied, the whole cost of said improvement or sewer, the boundaries of the district assessed, the number and title of the ordinance declaring the said assessment, that the same is due and payable, the time when said assessment shall bear interest, and the time when the same shall be delinquent, and to send by mail to each person whose property is assessed, or to his agent, a notice of said assessment, when the postoffice address of such person or his agent is known to the Auditor, and if such postoffice address be unknown to the Auditor, such notice shall be directed to such person or agent at Portland, Oregon.

[§405, 1903 Charter as Amended June 5, 1905.]

§ 138. DOCKET OF CITY LIENS:

The Docket of City Liens is a book in which must be entered the following matter in relation to special assessments for local improvements: The date of the entry, the number or letter of each lot assessed and the number or the letter of the block of which it is a part, and a description of each unplatted tract or parcel of land, the sum assessed upon each lot or part thereof, or tract of land, and the name of the owner, or that the owner is unknown; provided, that failing to enter the name of the owner or mistake in the name of the owner, or the entry of a name other than that of the true owner in such lien docket, shall not render void any assessment, nor in any way affect the lien of the City of Portland on the property described in such lien docket.

[§406, 1903 Charter.]

§ 139. LIEN OF ASSESSMENT; PAYMENT:

The Docket of City Liens is a public writing, and from the date of the entry therein of an assessment the sum as entered is hereby declared to be a tax levied and a lien upon such lot, part thereof, or tract of land, which liens shall have priority over all other liens and incumbrances whatsoever thereon, and the sum or sums of money assessed for any local improvement, entered upon such lien docket, shall be due and payable from the date of such entry, and if not paid, or bonded as provided by law, within ten days from the date of such entry, thereafter the same shall be delinquent and shall bear interest at the legal rate.

[§407, 1903 Charter.]

§ 140. PAYMENT BY LIEN CREDITOR:

When an assessment upon any lot or part thereof becomes delinquent, any person having a lien thereon by judgment, decree or mortgage, or having purchased the same for any delinquent tax or assessment, may at any time before the sale of such lot or part thereof, pay the same, and such payment discharges the property from the effect of the assessment, and the amount of such delinquent taxes and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien creditor's judgment, decree, mortgage or tax lien, as the case may be, and shall bear interest and may be enforced and collected as a part thereof.

If the holder of any tax lien or claim pays off such assessment he may thereafter present the receipt to the officer who shall have charge of the tax roll or docket containing the record of the tax sale at which he purchased such property, and thereupon such officer shall make a note of the amount of such assessment so

paid by such purchaser, and shall exact repayment thereof, together with interest as above prescribed, from any person making redemption from such sale, and no redemption shall discharge the property from the effect of such sale which shall not include the amount of such assessment paid by the purchaser after the purchaser shall have presented the receipt as above prescribed.

[§408, 1903 Charter.]

§ 141. OWNER—WHAT IS:

Whenever any lot or part thereof, or tract of land is sold for a delinquent assessment for a street improvement, and afterwards sold for a deficit in such assessment, as in the Charter provided, to any person other than the purchaser at the first sale, or his successor in interest, said purchaser at such first sale is to be deemed an owner within the meaning of the Charter.

[§409, 1903 Charter.]

§ 142. ASSESSMENT—WHERE PAID:

All such assessments shall be paid to the Treasurer, who shall file duplicate receipts therefor with the Auditor, and the Treasurer shall keep all money collected upon each assessment in a separate fund, and the same shall not be used for any purpose other than that for which it is levied and collected.

[§410, 1903 Charter.]

§ 143. DELINQUENTS:

If within thirty days from the date of the entry of an assessment in the Docket of City Liens, the sum assessed upon any lot or part thereof or tract of land is not wholly paid to the Treasurer, and a duplicate receipt filed therefor with the Auditor or bonded as provided by law, the Auditor shall thereafter prepare and transmit to the Treasurer a list in tabular form, made up from the Docket of City Liens, describing each assessment which is delinquent, the name of the person to whom assessed, and a particular description of the property, the amount of the assessment due, and other facts necessary to be given.

[§411, 1903 Charter.]

§ 144. SALE FOR UNPAID ASSESSMENTS:

The Treasurer shall thereupon proceed to collect the unpaid assessments named in such list by advertising and selling such lots or tracts in the manner now provided by law for the sale of real property on execution except as herein otherwise provided. Each piece or tract of land shall be sold, separately, and for a sum equal to but not exceeding the unpaid assessment thereon and the interest and cost of advertising and sale; and where there shall be more than one bid the land shall be sold to the bidder offering to take the same for the least amount of penalty and interest. Competition shall be, first, upon the penalty for the first period; second, upon the penalty for the succeeding periods; third, upon the rate of interest. A sale of real property under the provisions of the Charter conveys to the purchaser subject to redemption as herein provided, all estates, interests, liens or claims therein or thereto of any person or persons whomsoever, together with all rights and appurtenances thereunto belonging. No levy upon such lots or parcels of land shall be required except that a notice shall be posted four weeks before said sale upon every lot or parcel assessed to an unknown owner.

[§412, 1903 Charter as Amended June 3, 1907.]

§ 145. RECEIPTS OF TREASURER:

The Treasurer shall enter in columns provided for that purpose in the list transmitted to him by the Auditor the date of the sale, the name of the purchaser, the amount paid for each parcel of property sold. The Treasurer shall give a receipt to each person paying an assessment on said delinquent list prior to the sale thereof,

and such receipt must state separately the assessment, interest and costs collected, and a duplicate of said receipt shall be filed with the Auditor.
[§413, 1903 Charter.]

§ 146. PAYMENTS IN LAWFUL MONEY:

Real property when sold for, or to satisfy a delinquent assessment or tax, must be sold for lawful money of the United States, and not otherwise; and any one applying or seeking to redeem property so sold as in the Charter provided, must pay or offer to pay the sum necessary in such lawful money, and not otherwise.
[§414, 1903 Charter.]

§ 147. CERTIFICATE OF SALE:

The Treasurer shall immediately after having sold any real property upon such list, make and deliver to the purchaser a certificate of sale of the property so sold, setting forth therein the object for which the sale was made, a description of the property sold, a statement of the amount it sold for, the improvement for which the assessment was made, the year in which the tax was levied, the amount of such tax or assessment, the name of the purchaser, and that the sale is made subject to redemption within three years from the date of the certificate, and then deliver such certificate to the purchaser.
[§415, 1903 Charter.]

§ 148. TREASURER'S RETURN; UNSOLD PROPERTY:

The Treasurer shall within three days after sale return to the Auditor the said delinquent list with all collections and sales noted thereon, and the Auditor shall thereupon make proper entries thereof in the Docket of City Liens. Thereafter no transfer or assignment of any certificate of purchase of real property sold under the provisions of the Charter shall be deemed valid unless an entry of such transfer or assignment shall have been noted by the Auditor in said lien docket. In case any property shall remain unsold upon such sale, the same may be again, at the discretion of the Auditor, offered for sale in like manner, but not sooner than three months after the expiration of any sale, except that in the matter of an assessment for the opening, widening, laying out or establishing of a street, proceedings for such sale may be taken immediately.
[§416, 1903 Charter.]

§ 149. REDEMPTION:

The owner, or his legal representatives, or his successor in interest, or any person having a lien by judgment, decree or mortgage, or owner of a tax lien, on any property so sold may redeem the same upon the conditions provided as follows:

Redemption of any real property sold for a delinquent assessment under the provisions of the Charter may be made by paying to the Auditor at any time within three years from the date of the certificate of sale the purchase price and ten per cent thereof as penalty, and interest on the purchase price at the rate of ten per cent per annum, from the date of such certificate. Where redemption shall be made by the holder of a tax lien he shall have the right to have such redemption noted upon the record of his lien in like manner and with like effect as hereinafter prescribed. Provided, however, that if redemption be made within three months from the date of sale, the penalty to be paid shall be five per cent. Such redemption shall discharge the property so sold from the effect of such sale and, if made by a lien creditor, the amount paid for the redemption shall thereafter be deemed a part of his judgment, decree, mortgage or tax lien, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.
[§417, 1903 Charter.]

§ 150. DEED; EFFECT THEREOF:

After the expiration of three years from the date of such certificate, if no redemption shall have been made, the Treasurer shall execute to the purchaser, his heirs or assigns, a deed of conveyance, containing a description of the property sold, the date of the sale, a statement of the amount bid, of the improvement for which the assessment was made, of the year in which the assessment was levied, that the assessment or tax was unpaid at the time of sale, and that no redemption has been made, and need contain no further recital of the proceedings prior to the sale. And the effect of such deed shall be to convey to the grantee therein named the legal and equitable title in fee simple to the real property in such deed described. And such deed shall be prima facie evidence of title in such grantee, and that all proceedings and acts necessary to make such deed in all respects good and valid have been had and done, and such prima facie evidence shall not be disputed, overcome or rebutted, or the effect thereof avoided, except by satisfactory proof of either—

1. Fraud in making the assessment, or in the assessment or collection of the tax.
2. Payment of the assessment or tax before sale, or redemption after sale.
3. That payment or redemption was prevented by fraud of the purchaser, or
4. That the property was sold for an assessment or tax for which neither said property nor the owner thereof, at the time of sale, was liable, and that no part of the assessment or tax was assassed or levied upon the property sold.

[§418, 1903 Charter.]

§ 151. LIMITATION OF ACTIONS THEREON; TENDER OF TAX:

Every action, suit or proceding which may be commenced for the recovery of land which shall have been sold by the Chief of Police or by the City Treasurer of said City, or by the Chief of Police of the late City of Albina, Oregon, or by the City Marshal of the late City of East Portland, Oregon, for any assessment or tax, or to quiet the title of the former owner, or his successors in interest against such sale, or to set aside such sale, or to remove the cloud thereof, except in cases where the assessment or tax for which the land has been sold was paid before the sale, or the land redeemed as provided by law, shall be commenced within three years from the time of recording the deed executed by the Chief of Police or by the City Treasurer or Marshal, and not thereafter. And in any such action, suit or proceeding, whether before or after the issuance of the deed, the party claiming to be the owner as against the party claiming under such sale, must tender with his first pleading in such case and pay into court at the time of filing such pleading the amount of the purchase price for which the lands were sold by the Chief of Police or City Treasurer or Marshal, together with the penalties prescribed by law at the time of such sale, and of all taxes and assessments levied or made upon or against the land, or any part thereof, which shall have been paid after such sale by the purchaser at such sale, or his heirs or assigns, together with interest thereon at the rate of ten per cent per annum from the respective times of the payment of such purchase price, taxes and assessments by said purchaser, or his heirs or assigns, as the case may be, up to the time of the filing of such pleading to be paid to such purchaser, his heirs or assigns, in case the right or title of such purchaser at such sale shall fail in such action, suit or proceeding.

[§419, 1903 Charter.]

§ 152. NOTICES—FAILURE IN, NOT FATAL:

No record need be kept of the mailing of any notice in this ordinance prescribed, and the failure to mail or a mistake in the mailing of, or a mistake in, any such notice shall not be fatal when notice is posted or published as herein required.

[§420, 1903 Charter.]

153. LIABILITY OF THE CITY AND ITS OFFICERS FOR EXPENSE OF STREET WORK:

Neither the City of Portland nor any officer thereof shall be liable for any portion of the cost or expense of any street work or improvement, or the construction or repair of any sewer or drain, which is assessed upon the property benefited thereby, by reason of the inability of the City of Portland to collect assessments levied for the payment of such work, improvement, sewer or drain, but the contractors doing such work shall be required to rely solely upon the fund accruing from the property benefited, assessed and liable therefor; and the said contractor shall not require nor compel the City of Portland by any legal process or otherwise to pay the same out of any other fund, except in cases where for any reason such assessment shall be invalid.

[§421, 1903 Charter.]

§154. ASSESSMENT FOR DEFICIT:

If upon the completion of any improvement of a street or construction of a sewer, it is found that the sum assessed therefor is insufficent to defray the cost thereof and the amount charged to any lot or part thereof or tract of land is less than the benefits accruing thereo, the Council must ascertain the deficit and by ordinance reassess the land so benefited in excess of the original assessment. When the assessment for said deficit is so levied the Auditor must enter the same 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 such lot or part thereof, or parcel of land, in like manner and with like effect as in case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as the original assessment.

[§398, 1903 Charter.]

§ 155. SURPLUS:

If, upon the completion of any improvement of a street or construction of a sewer, it is found that the sum assessed upon any lot or part thereof, or parcel of land, is more than the amount properly chargeable thereto, the Council must ascertain and declare the surplus in like manner as in the case of a deficit; when so declared it must be entered as in case of a deficit in the Docket of City Liens. Thereafter the person who paid such surplus, or his legal representative, heirs or assigns, is entitled to repayment of the same by warrant on the City Treasury, payable out of the fund raised for such improvement.

[§399, 1903 Charter.]

§ 156. REASSESSMENT:

Whenever an assessment for the opening, altering or grading of any street, or construction, reconstruction or repair of any sewer, or for any local improvement which has been or may hereafter be made by the City, has been or shall hereafter be set aside, annulled, declared or rendered void, or its enforcement refused by any court of this state, or any federal court, having jurisdiction therein, whether directly or by virtue of any decision of such court, or when the Council shall be in doubt as to the validity of such assessment or any part thereof, the Council may, by ordinance, make a new assessment or reassessment upon the lots, blocks or parcels of land which have been benefited by such improvement to the extent of their respective and proportionate shares of the full value thereof. Such reassessment shall be based upon the special and peculiar benefit of such improvement, to the respective parcels of land assessed, at the time of its original making, but shall not exceed the amount of such original assessment. Interest thereon from the date of delinquency of the original assessment may be added at the discretion of the Council. Such reassessment shall be made in an equitable manner, as nearly as may be in accordance with the law in force at the time it is made. But the Council may

adopt a different plan of apportionment of benefits when in its judgment essential to secure an equitable assessment. The proceedings required by the Charter to be had prior to the making of the original assessment shall not be required to be taken or had within the intent of this Section. Such reassessment shall be made and shall become a charge upon the property upon which the same is laid, notwithstanding the omission, failure or neglect of any officer, body or person to comply with the provisions of the Charter connected with or relating to such improvement and assessment and notwithstanding the proceedings of the Council, or any officer, contractor or other person connected with such work may have been irregular or defective, whether such irregularity be jurisdictional or otherwise. Such reassessment shall not be made in case of a street improvement wherein a remonstrance sufficient in law to defeat the same shall have been filed. The Council shall by resolution declare the district that will be benefited by the improvement for which the reassessment is made and shall direct the Auditor or City Engineer to prepare a preliminary assessment upon the property included therein within a time to be fixed by said resolution. Upon the passage of such resolution the Auditor shall, as soon thereafter as such reassessment is prepared, give notice by ten successive publications in the City Official Newspaper that such assessment is on file in his office, giving the date of the passage of the resolution directing the making of the same and the time at which the Council will hear and consider objections to said assessment by parties aggrieved thereby, and warning such persons not to depart until such reassessment has been completed. The Auditor shall forthwith mail to the owner of each lot or part thereof or tract of land affected by such assessment, or to his agent, if the postoffice address of either be known to the Auditor, a notice of such assessment; and if such postoffice address be unknown, then such notice shall be directed to such owners or agent at Portland, Oregon. The owner or owners of any property which is assessed on such assessment, or any person having an interest therein, may within ten days from the last publication herein provided, file with the Auditor their objections in writing to such assessment. At the time appointed in such notice the Council shall hear and determine all objections which have been filed by any party interested. The Council shall have power to adjourn such hearing from time to time and shall have the power, in its discretion, to revise and correct, or to set aside and order the remaking of such assessment, and shall pass an ordinance approving and confirming such reassessment as corrected and remade by it, and such decision shall be a final determination of the regularity, validity and correctness of the reassessment, except as herein otherwise provided. When said reassessment is completed and confirmed it shall be entered in the Docket of City Liens and shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected under the Charter and the laws governing the City. All sums paid upon the former assessment shall be credited to the property on account of which the same were paid, as of the date of such payment. And when it has been attempted to sell property for any assessment and such sale is found or declared void, upon the making of the reassessment the property shall be resold and the proceeds of such sale shall be paid to the purchaser at the former void sale or his assigns. But no proceedings shall be instituted for such reassessment unless within ten years of the passage of the resolution of intention for the making of the original work, improvement or repair.

[§400, 1903 Charter.]

§ 157. APPEAL THEREFROM:

Any person who has filed objections to such new assessment or reassessment which have not been satisfied by the amendments made by the Council may appeal to the Circuit Court of the State of Oregon for the County of Multnomah from the assessment against any property owned by him, or in which he has an interest. An appeal shall be taken by serving notice of appeal within twenty days from the passage of the ordinance adopting the assessment as amended, upon the Mayor, Auditor or City Attorney, and filing the same, with the proof of service, together with an

undertaking with one or more sureties, who shall have the qualifications of sureties on appeal from the Circuit Court to the Supreme Court, and if excepted to shall justify in like manner, conditioned that such appellant will pay all costs and disbursements that may be awarded against him an appeal, not exceeding five hundred dollars. Such bond and notice of appeal shall be filed within twenty days from the service of such notice in the office of the Clerk of said Circuit Court, together with a copy of the reassessment, so far as the same affects the property of the appellant. Any number of persons may join in such appeal, and the only question to be determined therein shall be the amount of special benefits equitably to be assessed against the property of each person joining in said appeal. The jury shall view the property assessed, and its verdict shall be a final and conclusive determination of the question. On such appeal the fact that one called as a juror is a taxpayer of the City of Portland shall not disqualify him from acting as such juror. The City shall be considered the plaintiff and such appeal shall be conducted and be heard and determined as far as practicable in the same manner as an action at law.

[§401, 1903 Charter.]

§ 158. JUDGMENT; COST AND FEES:

If the amount assessed by the jury against any appellant be not less than that fixed in the assessment appealed from, the judgment, in addition to declaring the assessment found, shall be entered against such appellant and his sureties for his proportion of the costs of such appeal. The same fees and costs shall be taxed and paid upon such appeal as are allowed in other actions.

[§402, 1903 Charter.]

§ 159. PROCEEDINGS UNDER PREVIOUS CURATIVE CLAUSE:

No actions, suits or proceedings pending at the time of the enactment of the Charter, brought or depending upon Section 156 of "An Act to Incorporate the City of Portland and to Provide a Charter Therefor and to Repeal all Acts or Parts of Acts in Conflict Therewith," filed in the office of the Secretary of State, October 17, 1898, shall be in any wise affected by the repeal of said Section, or its omission from the Charter, but said Section shall be deemed still in effect as to such actions, suits or proceedings so pending until the final determination thereof.

[§403, 1903 Charter.]

§ 160. PROCEEDINGS PRESUMED REGULAR:

In any action, suit or proceeding in any court concerning any assessment of property or levy of taxes authorized by the Charter, 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 to have been duly done or taken until the contrary is shown.

[§404, 1903 Charter.]

§ 161. BONDED ASSESSMENTS ON TRACTS OF LAND; SUBDIVISION OF ASSESSMENTS:

In case a tract or parcel of land is bonded for any public improvement, the Council is authorized upon a written application when such tract is afterwards subdivided to apportion the lien of indebtedness standing against the whole tract, upon the different lots and is authorized to release a lot or lots upon the payment or rebonding from all liens except the amount thus apportioned against such lot or lots.

[§383B, 1903 Charter.]

Miscellaneous.

ARTICLE 1. PUBLIC IMPROVEMENTS.

§ 162. COUNCIL TO HAVE CHARGE OF PUBLIC IMPROVEMENTS.

§ 162. COUNCIL TO HAVE CHARGE OF PUBLIC IMPROVEMENTS:

The Council shall have the exclusive management of the construction, reconstruction, maintenance and removal of all public and local improvements, including the grading, paving, curbing, or otherwise improving the streets, alleys, parks, boulevards and other public places of the City; all public, district and private sewers; of all sidewalks, crosswalks, bridges, elevated roadways, railways, viaducts, tunnels and other like structures; of all buildings to be constructed for or belonging to the City and the grounds surrounding the same; all excavations of streets, alleys or other public places; the erection of poles and stringing of wires, whether done by the city, corporations or individuals.

[§202, 1903 Charter.]

ARTICLE 2. REPAIR OF STREETS.

§ 163. COUNCIL TO CAUSE STREETS TO BE REPAIRED.

§ 163. COUNCIL TO CAUSE STREETS TO BE REPAIRED:

The Council shall have power and authority to make all ordinary repairs to streets and elevated roadways and bridges which may be considered advisable.

[§204, 1903 Charter.]

ARTICLE 3. FRANCHISES.

§ 164. COUNCIL TO REGULATE FRANCHISE IN STREETS, AND OPERATIONS THEREON.

§ 164. COUNCIL TO REGULATE FRANCHISE IN STREETS, AND OPERATIONS THEREON:

Whenever the Council shall by ordinance authorize or has heretofore authorized the erection, maintenance and removal of poles, wires and cables for telephones, telegraphs, electric lights, electric railways, electric motors or any other purpose, or the laying down of tracks and turntables for street cars and other railways or the laying and use of underground conduits or subways for the same, in, under, upon or over the streets, alleys or public parks and public grounds of said City, or in, under, over and upon any lands owned by or under control of said City, whether they be inside the limits of said City or not, the Council shall have the power and authority to regulate the manner of carrying out the provisions of any such ordinance, and may pursuant to ordinance require all wires and cables to be laid in such conduits or subways; and may pursuant to ordinance regulate the kind, manner and character of the rails to be used by the street railway companies and other railway companies within the limits of the city; and may require all companies building and operating such roads to conform to the street grades in all streets wherein the same are operated; and may fix and regulate, pursuant to the ordinances of the city, the opening of street surfaces and the places and manner of laying down and taking up all motor, gas, steam, sewer, and other pipes placed in the streets and other public places in said city.

[§203, 1903 Charter.]

ARTICLE 4. Temporary Appointment of Acting Officers.

Section 165. Mayor to Appoint Acting Officers in Certain Cases. See Ordinance No. 70750.

 Section 165 Amended by Ordinance No. 77612

THE CHARTER OF THE CITY OF PORTLAND, OREGON

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THE CHARTER OF THE CITY OF PORTLAND, OREGON

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