

Title 1
GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.05 General Provisions**
- 1.10 City Seal**
- 1.15 Ordinance Adoption**
- 1.20 Resolution Adoption**
- 1.25 Initiative and Referendum**

**Chapter 1.01
CODE ADOPTION**

(Reserved)

Chapter 1.05
GENERAL PROVISIONS
(Reserved)

**Chapter 1.10
CITY SEAL**

Sections:

1.10.010 Adoption.

1.10.010 Adoption.

A common seal of this city be and the same is hereby adopted, to wit: a blank impression, either on the paper to be sealed directly or on a wafer previously pasted thereon in the place of the seal, with the word "Seal" across the center of such blank impression and a leaf therein above and beneath said word, and in the margin or on the circular edge of such impression the words "City of Burns, Harney Co., Oregon," the whole being round and of the size of a silver dollar, and that the city clerk be and he is hereby authorized and empowered to procure a seal answering substantially to the above description which shall be the common seal of this city and shall be for the use of the city, and said clerk shall have and keep the same in his office and custody and shall affix the same, to wit, the impression thereof as above provided, whenever and wherever it shall be necessary, lawful, or customary to use the seal of a municipal corporation, either as by the general laws, the City Charter, any of the city ordinances, or in the course of business, or as may be otherwise called for. [Ord. 66 § 1, 1904]

**Chapter 1.15
ORDINANCE ADOPTION**

Sections:

- 1.15.010** **Availability to public.**
- 1.15.020** **Reading of ordinance.**
- 1.15.030** **Enactment.**
- 1.15.040** **Effective date.**
- 1.15.050** **Adoption by reference.**
- 1.15.060** **Adoption of state statutes.**

1.15.010 **Availability to public.**

Ordinances proposed for passage by the council shall be available to the public and the council not less than five calendar days prior to the meeting at which they are to be considered. [Ord. 727 § 1, 1998]

1.15.020 **Reading of ordinance.**

At the meeting when enactment of an ordinance is proposed, the title of the ordinance along with any caption provided shall be read, and a summary of the ordinance and an explanation of the intent or purpose of the ordinance shall be given by the presiding officer or his designee. Upon the request of two or more councilors, the proposed ordinance shall be read in its entirety before being put to a vote. [Ord. 727 § 2, 1998]

1.15.030 **Enactment.**

Ordinances shall be enacted by vote of a majority of the quorum present at the meeting when and where the same is considered. Every ordinance shall be signed by the mayor, or the acting mayor, or chairperson of the council. A copy thereof shall thereafter be published in the local newspaper, if any, where public notices generally are published, or in lieu of such publication, copies of the ordinance shall be posted in at least three conspicuous public places in the city. However, failure to publish or post such ordinance shall not affect the legality of any such ordinance. [Ord. 727 § 3, 1998]

1.15.040 **Effective date.**

Except for emergency measures, an ordinance passed as provided herein shall take effect 30 days after its passage by the council and execution as provided herein. However, measures necessary for the immediate preservation of the peace, health and safety of the city are excepted. These emergency measures shall become immediately effective if they state in a separate section the reason why it is necessary that they should become immediately effective, and if they are approved by the affirmative vote of three-fourths of all the members elected to the common council, including the mayor. [Ord. 727 § 4, 1998]

1.15.050 **Adoption by reference.**

Ordinances establishing rules and regulations for the construction of buildings, installation of plumbing, electric wiring, or other similar work, where such rules and regulations have been printed as a code in book form, and including such codifications as the Uniform Fire Code, may be adopted by reference thereto without further publication or posting thereof. Not less than three copies of such code shall be filed for use and examination by the public in the office of the city clerk or city manager prior to the adoption thereof. [Ord. 727 § 5, 1998]

1.15.060 **Adoption of state statutes.**

The council may adopt as ordinances any statute of the state of Oregon, the subject matter of

Burns Municipal Code

which is within the scope of the Charter authority, by reference to the chapter or section of the statute as the same is set out in the Oregon Revised Statutes, without further publication or posting thereof. [Ord. 727 § 6, 1998]

Chapter 1.20
RESOLUTION ADOPTION

Sections:

- 1.20.010 Purpose of provisions.**
- 1.20.020 Procedure.**
- 1.20.030 Reading of resolutions.**

1.20.010 Purpose of provisions.

The ordinances of the city of Burns provide for various matters to be addressed through the adoption of a resolution. There is a need for an ordinance prescribing uniform procedures for adoption of resolutions because there is no longer a procedure for adoption of resolutions contained or described in the Charter or any ordinance. [Ord. 756 § 1, 2002]

1.20.020 Procedure.

When considering a resolution for passage, the common council shall proceed as follows:

A resolution may be passed at any meeting where the consideration of such resolution is on the regularly published agenda of the meeting distributed not less than two days before the meeting, provided the subject matter of the resolution is not a matter that under federal, Oregon, or local law (the Charter, or an ordinance), requires a specific type or kind of public hearing other than that provided in this chapter, or some additional notice or publication before passage. [Ord. 756 § 2, 2002]

1.20.030 Reading of resolutions.

When a resolution is presented for passage, the chair of the meeting shall provide for a reading of the number and title of the resolution along with a reasonable summary of the purpose(s) and intent(s) of the resolution, to include whether it will have financial impact on taxpayers, if so what the known or estimated impact will be, and allow for public comment before a vote for passage is taken. When called for a vote, the question is: Shall the resolution pass? [Ord. 756 § 3, 2002]

**Chapter 1.25
INITIATIVE AND REFERENDUM**

Sections:

- 1.25.010 Definitions.**
- 1.25.020 Complete procedure.**
- 1.25.030 Initiative proposal.**
- 1.25.040 Referendum procedure.**
- 1.25.050 Time for referring measure by petition.**
- 1.25.060 Time for referral by council.**
- 1.25.070 Prospective petition.**
- 1.25.080 Elections officer duties.**
- 1.25.090 Ballot title preparation.**
- 1.25.100 Captions and statements.**
- 1.25.110 Ballot title appeals.**
- 1.25.120 Petition requirements.**
- 1.25.130 Number of signatures.**
- 1.25.140 Attachment of measure to sheets.**
- 1.25.150 Signature limits.**
- 1.25.160 Verification of signatures.**
- 1.25.170 Certification of signatures.**
- 1.25.180 Presentation to council.**
- 1.25.190 Submission to electors.**
- 1.25.200 Voting on measures.**
- 1.25.210 Designating and numbering measures.**
- 1.25.220 Election notice.**
- 1.25.230 Information to county clerks.**
- 1.25.240 Election returns.**
- 1.25.250 Proclamation of election results.**
- 1.25.260 Effective date of measures.**
- 1.25.270 Conflicting measures.**
- 1.25.280 Unlawful acts.**
- 1.25.290 Penalties.**

1.25.010 Definitions.

As used in this chapter, the following mean:

- (1) City elections officer: The city clerk or the city manager for the city of Burns.
- (2) Elector: A person who is qualified to vote in the city.
- (3) Emergency election: An election held as provided by ORS 221.230(2) when the council finds that to avoid extraordinary hardship to the community it is necessary to hold an election sooner than the next available election date specified in ORS 221.230(1).
- (4) Measure: A legislative enactment by the council that is not necessary for the immediate preservation of the public peace, health and safety; a part of such enactment; or a proposed legislative enactment for the city. The term includes a municipal ordinance, a Charter amendment, or any other legislative enactment within the power of the city to adopt.
- (5) Petition: An initiative or referendum petition for ordering a measure to be submitted to the electors.
- (6) Prospective petition: The information, except ballot title information, signatures, and other identification of petition signers, required to be contained in a completed petition.

Burns Municipal Code

(7) Regular election: A city election held at the same time as a primary or general biennial election for election of state and county officers.

(8) Special election: An election held on a date specified in ORS 221.230(1) that is not a regular election.

(9) Write: To write, type or print. [Ord. 649 § 1, 1988]

1.25.020 Complete procedure.

This chapter provides a complete procedure for the electors to exercise initiative and referendum powers. [Ord. 649 § 2, 1988]

1.25.030 Initiative proposal.

An initiative measure shall be proposed by filing with the city elections officer a completed petition that meets the requirements of this chapter and orders the measure to be submitted to the electors. [Ord. 649 § 3, 1988]

1.25.040 Referendum procedure.

A measure shall be referred by:

(1) Filing with the city elections officer a completed referendum petition that meets the requirements of this chapter; or

(2) Submission of the measure to the electors by the council. [Ord. 649 § 4, 1988]

1.25.050 Time for referring measure by petition.

A completed referendum petition for a measure, including the required signatures, must be filed with the city elections officer within nine days after the date of the passage of the measure, or if passed over the veto of the mayor, within nine days after the date of the passage of such measure, or in the case a measure becomes effective without the signature of the mayor, within nine days from the date the measure would become effective. [Ord. 649 § 5, 1988]

1.25.060 Time for referral by council.

The council may refer a measure only at the session at which it enacts the measure. [Ord. 649 § 6, 1988]

1.25.070 Prospective petition.

(1) A prospective petition shall be in the form prescribed by the Secretary of State.

(2) Prior to its circulation, a copy of the prospective petition shall be deposited with the city elections officer with a correct copy of the measure and a signed statement on the face of the petition stating the name and address of the person or persons, not to exceed three, under whose authority and sponsorship the petition was prepared and is to be circulated or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization. [Ord. 649 § 7, 1988]

1.25.080 Elections officer duties.

When a copy of a prospective petition is deposited with the city elections officer, the officer shall:

(1) Check the form for compliance with BMC 1.25.070;

(2) Advise the person depositing it whether it complies with BMC 1.25.070 and, if it does not, how to make it comply;

(3) Provide a sample petition form prescribed by the Secretary of State, if one has not already been obtained; and

(4) Stamp the date and time on the prospective petition, if it complies with BMC 1.25.070, and send a copy to the city attorney for preparation of the ballot title. [Ord. 649 § 8, 1988]

1.25.090 Ballot title preparation.

Burns Municipal Code

(1) The ballot title for a measure ordered by the council or proposed to be ordered by petition shall be prepared and in the hands of the city elections officer within five working days after the council orders the submission or after a copy of the prospective petition is deposited with the officer.

(2) When the council orders submission of a measure to the electors or when a prospective petition is deposited with the city elections officer, the officer shall send a copy of the measure to the city attorney, who shall prepare the ballot title and return it to the officer. If the city has no attorney or the city attorney is unable to prepare the ballot title within the time required, the officer shall prepare the ballot title. [Ord. 649 § 9, 1988]

1.25.100 Captions and statements.

The ballot title shall consist of:

- (1) A caption not exceeding 10 words which identifies the subject matter of the measure;
- (2) A question not exceeding 20 words that plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
- (3) A concise and impartial statement, not exceeding 75 words, that summarizes the measure. [Ord. 649 § 10, 1988]

1.25.110 Ballot title appeals.

An elector who is dissatisfied with the ballot title may, within five days after it is prepared and deposited with the city elections officer, appeal to the council by a written appeal deposited with the officer asking for a different ballot title for the measure and stating why the title is unsatisfactory. Within five business days after deposit of the appeal with the officer, the council shall provide the appellant a hearing and either approve the title or prescribe another ballot title for the measure. [Ord. 649 § 11, 1988]

1.25.120 Petition requirements.

Prior to circulation, a petition must:

- (1) Be in the form prescribed by the Secretary of State; a sample of the form is available in the office of the city elections officer;
- (2) Contain the name and address of the sponsor or sponsors of the petition; and
- (3) Have written in the foot margin of each signature sheet and on the cover:
 - (a) On an initiative petition, the caption that is part of the ballot title. The cover sheet shall contain the entire ballot title.
 - (b) On a referendum petition, the number and title, if any, of the measure to be referred and the date it was enacted by the council. [Ord. 649 § 12, 1988]

1.25.130 Number of signatures.

(1) The number of signatures required for an initiative petition is 15 percent of the number of votes cast for all candidates for mayor at the election for the office of mayor immediately preceding the deposit of the prospective petition with the city elections officer.

(2) The number of signatures required for a referendum petition is 10 percent of the number of votes cast for all candidates for mayor at the election for the office of mayor immediately preceding the deposit of the prospective petition with the city elections officer. [Ord. 649 § 13, 1988]

1.25.140 Attachment of measure to sheets.

A signature on a petition sheet shall not be counted unless a copy of the measure to which the petition refers is attached to the sheet at the time of signing and filing. [Ord. 649 § 14, 1988]

1.25.150 Signature limits.

Only the first 20 names on a page of a petition shall be considered in computing the number of valid signatures on the petition. [Ord. 649 § 15, 1988]

1.25.160 Verification of signatures.

(1) A signature on a petition sheet shall not be counted unless the person who circulated the sheet verifies by a signed statement on its face that the individuals signed the sheet in the presence of the circulator and the circulator believes that each individual who signed is a qualified elector.

(2) No signature upon an initiative petition shall be counted unless a completed petition is offered for filing with the city elections officer within 100 days of the date of the signature.

(3) After a petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition. [Ord. 649 § 16, 1988]

1.25.170 Certification of signatures.

Within 10 days after a petition is offered for filing with the city elections officer, the officer shall verify the number and genuineness of the signatures and the voting qualifications of the persons who signed the petition by reference to the registration books in the office of the Harney County clerk. If a sufficient number of electors signed the petition, the officer shall certify and file the petition. If the officer determines that there is an insufficient number of signatures, the petition shall be returned to the person who offered the petition for filing. [Ord. 649 § 17, 1988]

1.25.180 Presentation to council.

At the next regular meeting of the council after the proposal of a completed initiative measure, the city elections officer shall present the measure to the council. [Ord. 649 § 18, 1988]

1.25.190 Submission to electors.

(1) The city elections officer shall cause a Charter or Charter amendment proposed by the initiative, and any other initiative measure not adopted within 30 days after its filing, to be submitted to the electors at the time provided by BMC 1.25.200.

(2) The city elections officer shall cause a referred measure to be submitted to the electors at the time fixed by BMC 1.25.200. [Ord. 649 § 19, 1988]

1.25.200 Voting on measures.

(1) Except as provided by subsection (2) of this section or unless an earlier special election is approved by the council, the time for voting on a measure shall be the next available regular election date more than 90 days after the verification and filing of a petition by the city elections officer.

(2) The council may call an emergency election for a measure and set the date for it as provided by ORS 221.230. [Ord. 649 § 20, 1988]

1.25.210 Designating and numbering measures.

Measures shall appear on a ballot by ballot title only, and initiative measures shall be distinguished from referred measures. The sequence of measures to be voted on shall be the sequence in which the respective measures are ordered to be submitted to the electors, with the first measure to be numbered "51" in numerals, and the succeeding measures to be numbered consecutively "52," "53," "54," and so on. [Ord. 649 § 21, 1988]

1.25.220 Election notice.

The city elections officer shall give notice of all elections in accordance with the requirements of the City Charter. [Ord. 649 § 22, 1988]

1.25.230 Information to county clerks.

When a measure is to be voted on at an election, the city elections officer shall furnish a

certified copy of the ballot title and the number of each measure to be voted on to the Harney County clerk in accordance with the time limits established by state law. [Ord. 649 § 23, 1988]

1.25.240 Election returns.

The votes on a measure shall be counted, canvassed and returned by the county clerk as provided by law. [Ord. 649 § 24, 1988]

1.25.250 Proclamation of election results.

(1) Immediately after completion of the canvass of the votes on a measure, the mayor shall issue a proclamation:

- (a) Stating the vote on the measure;
- (b) Declaring whether the vote shows a majority to be in favor of it; and
- (c) If a majority of electors favor the measure, declaring it to be effective from the date of the vote.

(2) The proclamation shall be filed with the measure. [Ord. 649 § 25, 1988]

1.25.260 Effective date of measures.

(1) A measure submitted to the electors shall take effect when approved by a majority of the electors voting on it unless it specifies a later effective date.

(2) A measure adopted by the council but subject to a pending referendum for which a completed petition has been timely filed shall have no effect unless and until it is approved by a majority of the electors voting upon it. [Ord. 649 § 26, 1988]

1.25.270 Conflicting measures.

When conflicting measures are approved by the electors at an election, the one receiving the greater number of affirmative votes shall be paramount. [Ord. 649 § 27, 1988]

1.25.280 Unlawful acts.

- (1) No person other than a registered elector shall sign a petition.
- (2) No person shall sign a petition with a name not his or her own.
- (3) No person shall knowingly sign a petition more than once.
- (4) No person shall knowingly circulate, file or attempt to file with the elections officer a petition that contains a signature signed in violation of this chapter.
- (5) No person shall procure or attempt to procure a signature on a petition by fraud.
- (6) No person shall knowingly make a false statement concerning a petition.
- (7) No person shall make a document required or provided for by this chapter that contains a false statement.
- (8) No officer shall wilfully violate a provision of this chapter. [Ord. 649 § 28, 1988]

1.25.290 Penalties.

Violation of a provision of BMC 1.25.280 is punishable by fine not to exceed \$500.00. [Ord. 649 § 29, 1988]