

Title 1

GENERAL PROVISIONS

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Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions. (1) The following words and phrases, whenever used in the ordinances of the City of Sisters, Oregon, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "City" and "town" each mean the City of Sisters, Oregon, or the area within the territorial limits of the City of Sisters, Oregon, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

(b) "Council" means the common council of the city of Sisters. "All its members" or "all councilmen" means the total number of councilmen holding office.

(c) "County" means the county of Deschutes.

(d) "Law" denotes applicable federal law, the Constitution and Statutes of the state of Oregon, the ordinances of the City of Sisters and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(e) "May" is permissive.

(f) "Month" means a calendar month.

(g) "Must" and "shall" are each mandatory.

(h) "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

(i) "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

(j) "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, organization, or the manager, lessee, agent, servant, officer or employee or any of them.

(k) "Personal property" includes money, goods, chattels, things in action and evidences of debt.

(l) "Preceding" and "following" mean next before and next after, respectively.

(m) "Property" includes real and personal property.

(n) "Real property" includes lands, tenements, and hereditaments.

(o) "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

(p) "State" means the state of Oregon.

(q) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(r) "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

(s) "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

(t) "Year" means a calendar year. (Added during 1979 codification.)

1.04.020 Title -- Citation -- Reference. This code shall be known as the "Sisters Municipal Code" and it shall be sufficient to refer to said code as the "Sisters Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Sisters Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Sisters Municipal Code" and such reference shall apply to that numbered title, chapter, section, or subsection as it appears in the code. (Added during 1979 codification.)

1.04.030 Reference applies to all amendments. Whenever a reference is made to this code as the "Sisters Municipal Code" or to any portion thereof, or to any ordinances of the City of Sisters, Oregon, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Added during 1979 codification.)

1.04.040 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof. (Added during 1979 codification.)

1.04.050 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Added during 1979 codification.)

1.04.060 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1979 codification.)

1.04.070 Grammatical interpretation. (1) The following grammatical rules shall apply in the ordinances of the City of Sisters, unless it is apparent from the context that a different construction is intended.

(a) Gender. Each gender includes the masculine, feminine, and neuter genders.

(b) Singular and Plural. The singular number includes the plural and the plural includes the singular.

(c) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1979 codification.)

1.04.080 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1979 codification.)

1.04.090 Prohibited acts include causing and permitting. Whenever in the ordinances of the City of Sisters, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 1979 codification.)

1.04.100 Attempt to commit offenses. A person who shall attempt to commit any of the offenses mentioned in this code, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense. (Added during 1979 codification.)

1.04.110 Offenses outside city limits. Where permitted by Oregon law, an act made unlawful by this code shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city. (Added during 1979 codification.)

1.04.120 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1979 codification.)

1.04.130 Construction. The provisions of the ordinances of the City of Sisters, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1979 codification.)

1.04.140 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1979 codification.)

1.04.150 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Added during 1979 codification.)

1.04.160 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby or any ordinance or part or portion of any ordinance of the City of Sisters shall in any manner affect the prosecution for violations of ordinances, which violations were

committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Added during 1979 codification.)

1.04.170 Effective date. This code shall become effective on the date the ordinance adopting this code as the "Sisters Municipal Code" shall become effective. (Added during 1979 codification.)

1.04.180 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Added during 1979 codification.)

Chapter 1.08
GENERAL CODE PENALTY¹

Sections:

1.08.010 Designated.

1.08.010 Designated. Any person violating any of the provisions of failing to comply with any of the mandatory requirements of any Ordinance of the City of Sisters, is guilty of a violation. Except in cases where a different punishment is prescribed by any Ordinance of the City of Sisters, any person convicted of a violation under the Ordinances of the City shall be punished by a fine not to exceed \$1,000. (Amended by Ord. 269, 1995)

¹ For statutory provisions on enforcement of ordinance and charter provisions, see ORS 221.315.

Chapter 1.12

INITIATIVE AND REFERENDUM PROCEDURES²

Sections:

- 1.12.010 Charter amendments -- Filing for submission -- Approval by majority vote.
- 1.12.020 Charter amendments -- Contents.
- 1.12.030 Ballot title -- Contents -- Preparation -- Approval.
- 1.12.040 Special elections -- Notice -- Posting -- Contents.
- 1.12.050 Petitions -- Signing by legal voters.
- 1.12.060 Petitioner -- Number of signatures required.
- 1.12.070 Filing of referendum petitions -- Effective date of ordinances.
- 1.12.080 Votes -- Manner -- Affirmative majority required for adoption of measures.
- 1.12.090 Votes -- Counting, canvassing and returning to council.
- 1.12.100 Adopted measures -- Notice posting by mayor.
- 1.12.110 Initiative petitions -- Form.
- 1.12.120 Referendum petition -- Form.
- 1.12.130 Petitions -- Verification of signatures.
- 1.12.140 Petitions -- Form not mandatory.
(Repealed by Ord. 268, 1995)
- 1.12.150 Petitions -- Circulation and signing requirements.
- 1.12.160 Petitions -- Acceptance and filing by city recorder.

1.12.010 Charter amendments -- Filing for submission -- Approval by majority vote. An amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition; said ordinance shall be filed with the recorder for submission not later than twenty (20) days before the election at which any amendment is to be voted upon and no amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city. (Ord. 32 '8, 1950.)

1.12.020 Charter amendments -- Contents. Where an amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition, the ordinance shall therein state the date of the regular municipal election, or the date of a special election at which said amendment will be submitted to be voted on, and shall call and make provision for the holding of said election. (Ord. 32 '9, 1950.)

1.12.030 Ballot title -- Contents -- Preparation -- Approval. The contents of the ballot title and the procedures for preparation and approval of the ballot title shall be the same as those provided

² For constitutional provisions reserving the powers of initiative and referendum to the people, see ORE. CONST. Art IV '1 and Art. XI '2; for statutory provisions on charter amendments, see ORS 221.210.

in the Oregon Revised Statutes 250.275 and any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes. (Amended by Ord. 268, 1995)

1.12.040 Special elections -- Notice -- Posting -- Contents. Where a special election is called either on petition for proposed ordinances or charter amendments by the initiative or for submitting ordinances by the referendum, or charter amendments proposed by the council, the recorder shall post notice of election in three (3) public places in the city at least ten (10) days prior to such election, which posted notice shall state the time, place, and purposes of the election, and shall have attached the full amendment or ordinance being submitted. A like rule as to posting shall be observed where proposed ordinances, referendum measure, or charter amendments are to be submitted at the regular election. (Ord. 32 '11, 1950.)

1.12.050 Petitions -- Signing by legal voters. The legal voters of the City are qualified to sign any initiative or referendum petition for any measure upon which they are entitled to vote. Any person signing any name other than his own to a petition, or knowingly signing his name on more than one petition for the same measure at one election, who is not at the time of the signing the same a legal voter of the City, or any officer or person violating any of the provisions of this chapter shall, upon conviction thereof, shall be punished by fine not exceeding \$500. (Amended by Ord. 268, 1995)

1.12.060 Petitions -- Number of signatures required. The form of petitions and the number of signatures required shall be the same as required pursuant to ORS 250.037 and any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes. (Amended by Ord. 268, 1995)

1.12.070 Filing of referendum petitions -- Effective date of ordinances.

(1) Where referendum petitions are signed by the required number of legal voters against any ordinance passed by the council, the same shall be filed with the recorder within thirty (30) days after the passage and approval of the ordinance in question.

(2) No ordinance shall take effect and become operative until thirty (30) days after its passage by the council and approval by the mayor, or passage by a two-thirds (2/3) vote over the veto of the mayor, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city, and no such emergency shall become immediately operative until the same is passed by a two-thirds (2/3) majority of all the members of the council and also approved by the mayor. (Ord. 32 '16, 1950.)

1.12.080 Votes -- Manner -- Affirmative majority required for adoption of measures. The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it receives the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two (2) or more laws on the same subject or containing provisions that are conflicting are approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted. (Ord. 32 '13, 1950.)

1.12.090 Votes -- Counting, canvassing and returning to council. The votes on measures and charter amendments shall be counted, canvassed and returned to the council by the judges and clerks of the election. (Ord. 32 '14, 1950.)

1.12.100 Adopted measures -- Notice posting by mayor. The mayor shall within fifteen (15) days from the time of such election proclaim the adoption of such measure and amendment which has received the affirmative majority of the total number of votes cast thereon by posting a notice in three (3) public places in the city and, upon such proclamation, such measures and amendments shall be in full force and effect, except in cases provided for in Section 1.12.080 with reference to two (2) or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such proclamation. (Ord. 32 '15, 1950.)

1.12.110 Initiative petitions -- Form. The form of the initiative petition shall be the same as required pursuant to ORS 250.265 or any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes.
(Amended by Ord. 268, 1995)

1.12.120 Referendum petition -- Form. The form of referendum petition shall be the same as required pursuant to ORS 250.265 or any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes.
(Amended by Ord. 268, 1995)

1.12.130 Petitions -- Verification of signatures. The form of petitions and the manner of verifying the signatures on petitions shall be the same as required pursuant to ORS 250.315 or any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes.
(Amended by Ord. 268, 1995)

1.12.150 Petitions -- Circulation and signing requirements. The number of signatures and manner upon which petitions may be circulated shall be the same as required pursuant to ORS 250.265 or any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes. (Amended by Ord. 268, 1995)

1.12.160 Petitions -- Acceptance and filing by city recorder. The manner upon which petitions are filed with the City Elections Officer and/or Clerk and forwarded to the County Clerk shall be the same as required pursuant to ORS 250.325 or any other section contained in ORS Chapter 250 or any other applicable provision of the Oregon Revised Statutes. (Amended by Ord. 268, 1995)

Chapter 1.16

NOMINATIONS AND ELECTIONS³

Sections:

- 1.16.010 Regular elections.
- 1.16.020 Special elections.
- 1.16.030 Notice of elections.
- 1.16.040 Qualifications of electors.
- 1.16.050 Canvass of election returns.
- 1.16.060 Commencement of terms of office.
- 1.16.070 Oath of office.
- 1.16.080 Nomination petition -- Eligibility -- Filing -- Signature requirements - Form.
- 1.16.090 Nomination petition -- Filing requirements -- Acceptance by recorder.
- 1.16.100 Election ballots furnished by records.

1.16.010 Regular elections. Regular city elections shall be held at the same time and places as regular state elections, in accordance with the applicable state election laws. In each regular city election, all officers to be elected at that time and all matters submitted to the electors at that time shall be voted upon. The election officers shall be the same as those serving the county precinct in which the city is included. (Ord. 52 '1, 1956.)

1.16.020 Special elections. The council may, by resolution or ordinance, order a special election and provide the time, manner and means for holding it. At least ten (10) days' notice shall be given of each special election. (Ord. 52 '2, 1956.)

1.16.030 Notice of elections. The recorder, under the direction of the council, shall give at least ten (10) days' notice of each city election by posting the notice in three (3) public places in each precinct. The notice shall state the officers to be elected at the election, the measures to be voted on at the election, and the time and place of election. (Ord. 52 '3, 1956.)

1.16.040 Qualifications of electors. No person shall vote at any city election unless he is a qualified elector of the state and a resident of the city at least ninety (90) days preceding the election. He shall be a registered voter in this county in the precinct in which the city is situated. Only a taxpayer of the city can vote on levying special taxes and the issuance of public bonds. (Ord. 52, '4, 1956.)

³ For Charter provisions on elections, see City Charter Chapter VI; for statutory provisions on nominations and elections of city government officers, see ORS 221.110 et seq.

1.16.050 Canvass of election returns. By noon of the day following a city election, the returns of the election shall be filed with the recorder and within ten (10) days after the election, the recorder and at least one (1) member of the council shall meet and canvass the returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk and the canvassing of the returns shall apply. The results of all elections shall be made a matter of record in the journal of the proceedings of the council and shall contain a statement of the total number of votes cast at each election, the votes cast for each person or proposition, the name of each person elected to office, the office to which he was elected, and a reference to each measure enacted or approved. Immediately after the completion of the canvass, the recorder shall make and sign an affidavit of election to each person elected. The certificate shall be prima facie evidence of the facts which it states but the council shall be the final judge of the qualifications and election of its own members, subject, however, to review by any court of competent jurisdiction. (Ord. 52, '5, 1956.)

1.16.060 Commencement of terms of office. The term of office of each person elected to office at a regular city election shall commence at the time of the first regular meeting in January immediately following the election. In case of an election or appointment to fill a vacancy in office, the person elected or appointed shall enter upon his office immediately. (Ord. 52 '6, 1956.)

1.16.070 Oath of office. Each officer, before entering upon the duties of his office, shall take and file with the recorder an oath or affirmation that he will support the Constitution and laws of the United States and of the state, and that he will faithfully perform the duties of his office. (Ord. 52, '7, 1956.)

1.16.080 Nomination petition -- Eligibility -- Filing -- Signature requirements -- Form. No person shall be eligible to an elective officer within the city unless at the time of his election he is a qualified voter of the state and has resided within the city for one (1) year immediately preceding his election. The name of such person shall be placed upon the ballot whenever a petition and written acceptance of nomination, as prescribed in this chapter, has been filed in his behalf with the recorder. Such petition shall be signed by not less than ten (10) nor more than twenty (20) electors. Each elector may sign as many petitions as the number of offices to be filled at said election, and, should an elector sign more petitions than the number of offices to be filled, his signature shall be void as to the petition or petitions last filed. The signatures of the nomination petition need not all be appended to one (1) paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of each paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name is purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of nomination petitions shall be substantially as follows:

"We, the undersigned, electors of the City of Sisters, hereby nominate _____, whose residence is _____, for the office of _____, to be voted for at the election to be held in the City of Sisters on the ____ day of _____, 19__; and we individually certify that we are qualified to vote for a candidate for the office named and that we have not signed more petitions than the number of officers to be filled at said election.

Name _____
Street and Number _____
(Space for additional signatures)

State of Oregon)
) ss.

County of Deschutes)
_____, being duly sworn, deposes and says that his address is
_____ Street and that he/she is the circulator of the foregoing paper
containing _____ signatures, and that the signatures appended thereto were
made in his/her presence and are the signatures of the persons whose names they
purport to be.

(Signature of circulator)

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

Notary Public (or other officer authorized to administer
oaths)

This petition is filed by _____, whose address is
_____ Street." (Ord. 52 '8 (part), 1956).

1.16.090 Nomination petition -- Filing requirements -- Acceptance by recorder. All nomination papers comprising a petition shall be assembled and filed with the recorder as one (1) instrument not later than fifteen (15) days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. Within one (1) day after the filing of a nomination petition, the recorder shall notify the candidate and person who filed the petition whether or not it is found to be signed by the required number of qualified voters. If a petition is found insufficient, the recorder shall return it immediately to the person who filed it, with a statement certifying wherein the petition is found insufficient. Within the regular time allowed for the filing of petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. Any eligible person placed in nomination as provided in Section 1.16.080 shall have his name printed on the ballot if, within one day after notification to him by the recorder, he has filed with the recorder a written acceptance of the nomination in the following form:

"ACCEPTANCE OF NOMINATION"

"I hereby accept the nomination for _____ and agree to serve if elected.

Signature of candidate

Date of filing: _____"

The petition of each person nominated to be a member of the council shall be preserved by the recorder until the expiration of the term of office to which he has been nominated. (Ord. 52 '8 (part), 1956.)

1.16.100 Election ballots furnished by recorder. It shall be the duty of the recorder to cause to be prepared and furnished to the election officers the necessary ballots for all city elections. (Ord. 52. '9, 1956.)

Chapter 1.20

PROCEDURES FOR ANNEXATION

Section:

1.20.020 Annexations

1.20.020 - Annexations.

The City Council may, in its sole discretion, authorize an annexation election as required by the City Charter upon a written request for annexation. The person requesting the annexation shall provide to the City any information necessary for the City to place the annexation question on the ballot. The City Council may also, in its sole discretion, require such additional information as it deems necessary for adequate review of the request for annexation. The City Council may hold any hearings or other action required by state law for annexation either prior to or following the annexation election. (Ord 288, 1999)