

ORDINANCE NO. 5059

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 2.88, INITIATIVE AND REFERENDUM PROCEDURES, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Section 2.88.030 is amended to read as follows:

2.88.030 Referendum petitions--Procedures. Referendum petitions against any ordinance, franchise or resolution passed by the city council shall be signed by not less than ten percent of the registered voters of the city. The signatures shall be verified by the county recorder in the manner provided by state statute ~~in a manner provided in ORS 254.042.~~ Prospective petitions shall be filed with the city recorder within thirty days after the passage of the ordinance, resolution or franchise. Any ordinance bearing an emergency clause shall not be subject to referendum.

Section 2. Albany Municipal Code Section 2.88.040 is hereby amended to read as follows:

2.88.040 Procedure for initiative measures on a city ordinance, charter or amendment to the charter. If any ordinance, charter or amendment to the charter of the city is proposed by an initiative petition, said initiative petition shall be signed by not less than fifteen percent of the registered voters of the city. The signatures shall be verified by the county clerk in the manner provided by state statute ~~in the manner provided in ORS 254.042.~~ ~~The petition shall be filed with the city recorder within ninety days after the filing with the city recorder of a signed copy of the person or organization under whose authority the measure is to be initiated.~~

Section 3. Albany Municipal Code Section 2.88.045 is hereby established to read as follows:

2.88.045 Time limitation for gathering initiative or referendum petition signatures. Petitioners seeking to exercise the initiative or referendum procedures granted by this chapter shall have a period of ninety days within which to gather the required signatures. The time for gathering petition signatures shall not commence until the time for filing a petition challenging the ballot title prepared by the City Attorney concerning the initiative or referendum shall have expired with no such challenge having been filed or, if such a challenge is filed, the wording of the ballot title is certified by order of the Circuit Court, whichever shall first occur. The time limitations for challenging a ballot title prepared by the city attorney and the procedures for resolving such a challenge shall be as provided in state statute. Any signatures gathered prior to the time prescribed above shall be void and it shall be unlawful for any person to present an initiative or referendum petition for signature by any other person during the time that signature gathering is prohibited. Violation of this section shall be a misdemeanor punishable under the general penalty provided in AMC 1.04.010.

Section 4. Albany Municipal Code Section 2.88.050 is amended to read as follows:

2.88.050. Action after filing petition. Upon receipt of an initiative or referendum petition and ~~the filing thereof by the city recorder, he shall transmit the said petition to the next session of the city council.~~ ~~The council shall either ordain or reject the petitions, as proposed, within thirty days.~~ following the verification that the aforesaid petition contains the requisite number of valid signatures, the petition shall be transmitted to the next session of the city council. If the city council shall reject the petitions, ~~or take no action on it,~~ the city recorder shall submit it to the voters of the city at the next election held not less than ninety days after the verified petition was first presented to the council.

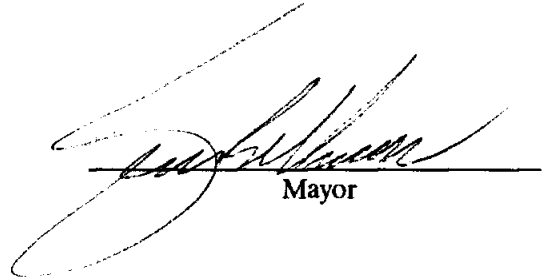
Section 5. Emergency Clause.

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the council and approval by the Mayor.

Passed by the Council: July 14, 1993

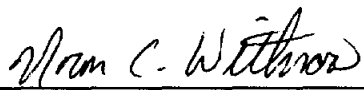
Approved by the Mayor: July 14, 1993

Effective Date: July 14, 1993



Mayor

ATTEST:



Deputy City Recorder