

City
of
SENECA
OREGON

CITY CHARTER

Effective January 1, 2005

TABLE OF CONTENTS

TITLE 1

Administration

Seneca City Code	1
Saving Clause	2
Definitions; Interpretations	3
Confiscated, Abandoned Or Lost Property	4
Measure 37 Claims Procedure	5
City Council	6
Public Contracts	7

TITLE 2

Boards And Commissions

Municipal Golf Board	1
--------------------------------	---

TITLE 3

Business And License Regulations

Business Licenses Generally	1
---------------------------------------	---

TITLE 4

Health And Sanitation

Nuisances	1
Landfill Use	2
Discarded Vehicles	3

TITLE 5

Public Safety

Animal Control	1
--------------------------	---

TITLE 6

Motor Vehicles And Traffic

Uniform Traffic Provisions; Definitions	1
General Traffic Regulations	2

TITLE 7

Public Ways And Property

Streets, Sidewalks And Public Ways	1
---	---

TITLE 8

Water And Sewer

Water System	1
Cross Connection Control	2
Sewer System	3
Industrial Wastes	4

TITLE 9

Building Regulations

Dangerous Buildings	1
-------------------------------	---

TITLE 10

Zoning Regulations

Introductory Provisions; Definitions	1
Administration And Enforcement	2
Zoning Districts; Map	3
Use Zones, Regulations	4
R-1 General Residential Zone	4A
C-1 General Commercial Zone	4B
M-1 General Industrial Zone	4C

TITLE 10 (cont.)

P-R Park Reserve Zone 4D
FP Floodplain Combining Zone . 4E
Airport Overlay Zone 4F
Supplementary Provisions 5
Off Street Parking 6
Transportation 7
 Transportation System
 Provisions 7A
Exceptions 8
Conditional Uses 9
Variances 10
Amendments 11
Appendix; Maps And Figures 12

TITLE 11

Subdivision Regulations

Introductory Provisions;
 Definitions 1
Administration; Appeals 2
Tentative Plan 3
Final Plat 4
Land Partitionings 5
Design Standards 6
Improvements 7
Variances And Exceptions 8

TITLE 12

Flood Control

Flood Damage Prevention 1

INDEX

APPENDIX

Special Ordinances

CITY CHARTER

CHARTER FOR THE CITY OF SENECA, OREGON

PREAMBLE

We, the people of Seneca, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the state of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure.

CHAPTER I

NAME AND BOUNDARIES

SECTION 1. TITLE OF CHARTER:

This charter may be referred to as the *2004 CITY OF SENECA CHARTER*.

SECTION 2. NAME OF CITY:

The city of Seneca, Oregon, continues under this charter to be a municipal corporation with the name city of Seneca.

SECTION 3. BOUNDARIES:

The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city hall during regular city office hours.

CHAPTER II

POWERS

SECTION 4. POWERS OF THE CITY:

The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly

grant to allow the city, as fully as though this charter specifically enumerated each of those powers.

SECTION 5. CONSTRUCTION OF POWERS:

In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

SECTION 6. DISTRIBUTION OF POWERS:

Except as this charter prescribes otherwise and as the Oregon constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

CHAPTER III

FORM OF GOVERNMENT

SECTION 7. COUNCIL:

The council consists of five councilors nominated and elected from the city at large.

SECTION 8. COUNCILORS:

The councilors in office at the time this charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the charter of the city. At the first biennial general election after this charter takes effect, two councilors shall be elected, each for a term of four years. At the second biennial general election after this charter takes effect, three councilors shall be elected, each for a term of four years. Thereafter, at each biennial general election successors shall be elected for terms of four years, alternating two councilors and three councilors elected at alternate elections.

SECTION 9. MAYOR:

The mayor in office at the time this charter is adopted shall continue in office until the end of his/her term in office as fixed by the charter of the city in effect at the time this charter is adopted. At the first meeting of each odd

numbered year the council shall choose from its membership a chairman who shall be mayor. The mayor's term of office shall be two years.

SECTION 10. TERMS OF OFFICES:

The term of office of an elected officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

SECTION 11. APPOINTIVE OFFICES:

A majority of the council may:

- (1) Create, abolish, and combine appointive city offices and,
- (2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

CHAPTER IV

COUNCIL

SECTION 12. RULES:

The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

SECTION 13. MEETINGS:

The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

SECTION 14. QUORUM:

A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors as prescribed by council rules.

SECTION 15. RECORD OF PROCEEDINGS:

A permanent written record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

SECTION 16. PROCEEDINGS TO BE PUBLIC:

No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

SECTION 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS:

- (1) When present at council meetings the mayor shall:
 - (a) Preside over deliberations of the council,
 - (b) Preserve order,
 - (c) Enforce council rules,
 - (d) Determine the order of business under the rules.
- (2) Notwithstanding subsection (1) of this section, the mayor may temporarily cease to chair a council meeting and delegate the functions described in subsection (1) to another council member.
- (3) The mayor shall have a vote on all issues before the council.

SECTION 18. COUNCIL PRESIDENT:

- (1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.
- (2) The president may always vote even when functioning as mayor, when the mayor is absent or unable to function as mayor.

SECTION 19. VOTE REQUIRED:

The express concurrence of a majority of the council members present and constituting a quorum is necessary to decide a question before the council.

SECTION 20. VACANCIES: OCCURRENCE:

The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,

- (b) Adjudicated incompetence, or
 - (c) Recall from the office; or
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (b) Absence from the city for 60 days or two consecutive regularly scheduled monthly meetings without the consent of the council,
 - (c) Ceasing to reside in the city,
 - (d) Ceasing to be a qualified elector under state law,
 - (e) Conviction of a public offense punishable by loss of liberty,
 - (f) Unlawful destruction of public records, or
 - (g) Resignation from the office.

SECTION 21. VACANCIES: FILLING:

A vacancy in the council, other than by expiration of that council member's term shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may, by appointment, fill the vacancy pro tem.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

SECTION 22. MAYOR:

The mayor shall:

- (1) Appoint members of committees established by council rules, and

- (2) Appoint other persons required by the council to be so appointed.
- (3) Sign all records of proceedings approved by the council.
- (4) Have no veto power.
- (5) Sign all ordinances passed by the council within three days after their passage.
- (6) Endorse any bond, contract, proposal or lease after approval by the council.

SECTION 23. RECORDER-MANAGER:

- (1) The city recorder-manager is the administrative head of the city government.
- (2) A majority of the council shall appoint and may remove the recorder-manager. The appointment shall be without regard to political considerations solely on the basis of administrative qualifications.
- (3) Upon accepting the appointment, the manager shall be bonded in an amount with a surety, approved by the council. The city shall pay the bond premium.
- (4) The recorder-manager shall be appointed for a definite or an indefinite term and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.
- (5) The recorder-manager shall:
 - (a) Attend all council meetings unless excused by the council or mayor;
 - (b) Keep the council advised of the affairs and needs of the city;
 - (c) See that the provisions of all ordinances are administered to the satisfaction of the council;
 - (d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the city are fulfilled;
 - (e) Appoint, discipline and remove appointive personnel, except appointees of the mayor or council;

(f) Supervise and control the recorder-manager's appointees in their service to the city;

(g) Organize and reorganize the departmental structure of city government;

(h) Prepare and transmit to the council an annual city budget;

(i) Supervise city contracts;

(j) Supervise the operation of all city-owned public utilities and property; and

(k) Perform other duties as the council prescribes consistently with this charter.

(6) The recorder-manager may not control the council.

(7) The recorder-manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The recorder-manager may take part in all council discussions.

(8) When the recorder-manager is absent from the city or disabled from acting as recorder-manager, or when the office of manager becomes vacant, the council shall appoint a recorder-manager pro tem, who has the powers and duties of recorder-manager, except that the manager pro tem may appoint or remove personnel only with approval of the council. No person may be recorder-manager pro tem more than six consecutive months.

(9) Except in council meeting, no council member may, directly or indirectly, by suggestion or otherwise, attempt to influence the recorder-manager or a candidate of the position of recorder-manager in the appointment, discipline, or removal of personnel or in decisions regarding city property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meeting, members of the council may discuss with, or suggest to, the recorder-manager anything pertinent to city affairs.

SECTION 24. MUNICIPAL COURT AND JUDGE:

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the municipal court.

- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
- (e) The municipal judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the city;
 - (3) Commit to jail or admit to bail anyone accused of a city offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - (6) Penalize contempt of court;
 - (7) Issue processes necessary to enforce judgments and orders of the court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VI

PERSONNEL

SECTION 25. QUALIFICATIONS:

- (1) An elective city officer shall be a qualified elector under the state constitution, providing that person has resided in the city during the twelve months immediately preceding his or her election or appointment to the office and owns taxable real property within the limits of the city. In this subsection "city" means area inside the city limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

SECTION 26. COMPENSATION:

The council shall prescribe the compensation of city officers. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

SECTION 27. MERIT SYSTEM:

The council shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees, all of which shall be based on merit and fitness.

SECTION 28. POLITICAL RIGHTS:

By ordinance the council may affirm the rights of city personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the city government.

SECTION 29. OATH:

Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and the state of Oregon, and the ordinances of the city of Seneca.

CHAPTER VII
ELECTIONS

SECTION 30. STATE LAW:

Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

SECTION 31. NONPARTISANSHIP OF CANDIDATES:

All elections under this charter are to be made nonpartisan. It is prohibited for a nomination petition, election notice, ballot, or other election document from indicating the party affiliation or party preference, of a city officer or candidate for city office.

SECTION 32. NOMINATIONS:

A qualified elector who has resided in the city during the twelve months immediately preceding an election and owns taxable real property within the limits of the city of Seneca may be nominated for an elective city office to be filled at the election.

- (1) **Nomination By Petition:** The petition shall be in a form prescribed by the council, shall specify the office being sought and whether for a regular term or for a vacated term, and shall be signed by not fewer than 10 electors. No elector shall sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the city recorder-manager as one instrument not earlier than 90 or later than 30 days before the election. The recorder-manager shall make a record of the exact time at which petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder-manager shall notify the candidate and the person who filed the petition within five days after the filing. If the

petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

- (2) **Filing By Candidate:** A qualified elector may also have his name placed on the ballot for any elective city office by notifying the recorder-manager in writing and paying a filing fee of \$10.00, not earlier than 90 days nor later than 30 days prior to the date of the election. The recorder-manager shall notify the candidate of his eligibility and acceptance of the filing fee within five days of receipt thereof. The notification to the recorder-manager of a successful candidate at an election shall be preserved in the office of the recorder-manager until the term of office to which the candidate is elected expires.

CHAPTER VIII

ORDINANCES

SECTION 33. ORDAINING CLAUSE:

The ordaining clause of an ordinance shall be "The City of Seneca ordains as follows:".

SECTION 34. ADOPTION BY COUNCIL:

- (1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council.
- (2) Except as subsection (3) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present, provided the ordinance is read first in full and then by title.

- (3) A reading of an ordinance may be by title only if:
- (a) No council member present at the reading requests that the ordinance be read in full, or
 - (b) At least one week before the reading:
 - (i) A copy of the ordinance is provided for each council member,
 - (ii) Copies of the ordinance are available for public inspection in the office of the custodian of city records, and
 - (iii) Notice of their availability is given by written notice posted at the city hall and two other public places in the city.
- (4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.
- (5) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.
- (6) After adoption of an ordinance, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

SECTION 35. EFFECTIVE DATE:

A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER IX

PUBLIC IMPROVEMENTS

SECTION 36. PROCEDURE:

- (1) The procedure for making, including condemning, altering, vacating, or abandoning a public improvement, shall be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the council present to be needed at once because of an

emergency shall be suspended for six months upon remonstrances by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by the general ordinance of the city of Seneca. A second such remonstrance suspends the action only with the consent of the council.

- (2) In this section, "owner" means the record holder of a legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

SECTION 37. SPECIAL ASSESSMENTS:

The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by the general ordinance of the city of Seneca.

SECTION 38. PUBLIC CONTRACTS:

- (1) Pursuant to ORS 279.055, the council of the city of Seneca shall act as the local contract review board.
- (2) The board shall have all the powers granted it by ORS 279.055.
- (3) The board shall follow the current version of the attorney general's public contract rules.

CHAPTER X

MISCELLANEOUS PROVISIONS

SECTION 39. DEBT:

The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

SECTION 40. CONTINUATION OF ORDINANCES:

Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

SECTION 41. SEVERABILITY:

The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

SECTION 42. AMENDMENTS TO CHARTER:

The city charter may be revised or amended by a majority vote of the voters of Seneca.

SECTION 43. TIME OF EFFECT OF CHARTER:

This charter takes effect January 1, 2005.