

ORDINANCE NO. 1489

AN ORDINANCE to regulate and prescribe the qualifications, duties, and compensation of the City Recorder of the City of Albany.

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

Section 1. Before entering upon the duties of his office the City Recorder shall file with the Mayor his certificate of election or appointment, his oath of office, and his bond to the City of Albany, all as prescribed in the City Charter.

Section 2. The City Recorder shall have jurisdiction over all violations of City ordinances and may hold to bail, may fine, or may commit to prison persons found guilty thereof. It shall also be his duty, when any person is found guilty thereof. It shall also be his duty, when any person is found guilty of any violation of any city ordinance and adjudged to pay a fine, to adjudge further that if such person fail or refuse to pay such fine and the costs of the action, he shall be confined in the city jail at the rate of one day for each \$2 of such fine until said fine be paid; provided, that such confinement in the city jail shall in no case exceed fifty days for one offense. Any money that may be paid by any person adjudged to pay a fine and cost shall be applied in the first instance to the payment of the costs of this action. Within the city limits the city recorder shall have the civil and criminal jurisdiction of a justice of the peace for the County of Linn, and in all proceedings in his court he shall be governed and regulated by the general laws of the state applicable to justices of the peace and justices' courts in like or similar cases. He shall keep the corporate seal of the city and all documents belonging to the city and shall file them in his office under appropriate heads.

Section 3. The recorder shall be elected as provided in the Charter and shall hold his office for two years and until his successor is elected and qualified. He shall be ex officio clerk of the city council and with him must be filed all claims and accounts against the city. He shall attend all meetings of the city council and shall keep accurate minutes of all proceedings of the council in a record book provided for that purpose. He shall also keep a correct record of all judicial business he may transact. He shall also record in the "Book of Ordinances," all ordinances passed by the City Council and shall keep all the original ordinances on file in his office, carefully preserved for future reference. Using the single entry method of bookkeeping, the recorder shall in a ledger and a journal keep accounts between the recorder, the treasurer, and the marshal, respectively, with the city. The individual officer shall be charged with whatever material, supplies, or moneys he receives belonging to the city, and he shall be credited with such expenditures of materials, supplies, or moneys as are approved by the city council.

Section 4. The office of the recorder shall be deemed vacant whenever the incumbent shall be absent from the city for a period of more than ten days without the consent of the council first had and obtained, except in case of sickness or whenever the person elected or appointed shall fail to qualify as provided in section 21 of the Charter of the City. In the absence of the recorder the mayor may preside over the recorder's Court in all matters relating to a violation of any city ordinance.

The recorder shall keep a record of licenses in a book, spaced in six columns which shall be filled as follows:

- (a) Name of applicant.
- (b) Date of granting license.
- (c) Occupation or business licensed.
- (d) Period for which license is granted.
- (e) License fee
- (f) Expiration date--day, month and year.

Section 5. The recorder shall keep a book to be called the "record of orders," in which he shall enter in different columns the number, date, and amount of each order issued, and the name of the person to whom issued.

Section 6. No account or claim against the city shall be presented to or allowed by the council unless the same shall have been first filed by the recorder, when any account shall have been allowed and ordered paid by the city council, the recorder shall draw his order on the city treasurer therefor, and make a record of the same as provided in the preceding section. When paid the city treasurer shall return the order cancelled, the recorder shall enter the date of cancellation in the record of orders, as provided in the last section, after which such cancelled order shall be destroyed.

Section 7. All fines and penalties belonging to the city collected by the city recorder and all money belonging to the city that may come into his hands shall within 5 days be paid by him into the city treasury, and he shall take receipt of the city treasurer therefor in duplicate, one of which said duplicates shall be filed in the office of the recorder.

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Section 8. At the first regular council meeting in April, in July, and in October of each year, the recorder shall report to the city council all money belonging to the city collected or received by him from any source whatever, the number and character of licenses issued, and a list of city orders drawn on the city treasurer. He shall make a similar report at their first regular meeting in January of each year, together with a summary of all his transactions with the city during the preceding year.

Section 9. All fines and penalties that may be collected by the recorder for a violation of a state law shall be disposed of by said recorder as provided by the general laws of the state.

Section 10. The recorder must issue under the seal of the city and attested by official signature all licenses authorized by the city ordinances upon the delivery to him of the receipt of the city treasurer for the amount of money required for such licenses; provided, that in all cases where, by the provisions of any ordinance, the council shall be required to make special order for the issuance of a license, such license shall be issued only upon such order.

Section 11. The recorder is hereby authorized and empowered to administer any oath authorized or required to be taken by any law of this state, or by any ordinance of this city.

Section 12. All proceedings or actions before the recorder shall be commenced by a complaint in writing, setting forth the violation of the ordinance, or act of vagrancy, or disorderly conduct, complained of, or the offense charged together with such particulars as to the time and place, person, and property as to enable the defendant to understand the character of the offense complained of, and to answer the complaint. All complaints shall be verified with the oath of the party making the same. The defendant may plead to the complaint or he may answer or deny the same. Such plea, answer, or denial may be oral or in writing, and immediately thereafter the cause shall be tried, unless for good reason a postponement be granted.

Passed by the common Council January 10, 1940.

Signed and approved by the Mayor January 10, 1940.

A.G. Senders Mayor

ATTEST [Signature] Recorder of the City of Albany, Oregon.

STATE OF OREGON (
COUNTY OF LINN (ss.
CITY OF ALBANY (

I, K.R. Horton, Recorder of the City of Albany, Linn County, State of Oregon, do hereby certify that the foregoing copy of Ordinance # 1489, has been by me carefully compared with the original Ordinance Bill # 1608, now on file in this office and further certify that said Ordinance # 1489 is a true and correct copy of the whole of said ordinance bill # 1608, as passed by the council of the City of Albany, Oregon, on the 10th day of January 1940, and signed and approved by the mayor on the 10th day of January 1940.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 11th day of January, 1940.

[Signature] Recorder of the City of Albany, Oregon.