

**Article 1.01
Charter.**

Sections:

[1.01.010](#) Charter.

1.01.057A Exhibit A - Map

1.01.010 Charter.

THE LAKE OSWEGO CHARTER OF 1964

(Approved by voters on May 15, 1964; Amended by the voters on June 24, 1966; March 24, 1970; November 27, 1972; July 10, 1973; December 11, 1973; May 28, 1974; November 5, 1974; November 2, 1976; November 7, 1978; May 20, 1980; November 4, 1980; May 19, 1987; March 24, 1992; November 5, 1996; November 3, 1998; November 8, 2016; and November 2, 2021.)

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CHAPTER I. NAME AND BOUNDARIES

Section 1. Title of Enactment.

This enactment may be referred to as the Lake Oswego Charter of 1964.

Section 2. Name of City.

The municipality of Lake Oswego, Clackamas County, Oregon, continues to be a municipal corporation with the name "City of Lake Oswego."

Section 3. Boundaries.

The City includes all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, the Council or any other agency with legal power to modify them. At least two copies of this Charter, each containing an up-to-date description of the City boundaries, shall be kept by the City Recorder. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.

CHAPTER II. POWERS

Section 4. Powers of the City.

The City has all powers which the constitution, statutes, and common law of the United States or of this state expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Charter.

In this Charter the enumeration of or reference to particular rights powers, privileges and immunities is not exclusive. The Charter shall be liberally construed to the end that the City has all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume under state laws and the municipal home rule provisions of the state constitution.

Section 5.1. Format of the Charter.

A. The City Recorder is empowered to make format changes and corrections to the Charter, provided that such changes shall not alter the sense, meaning, effect or substance of any provision. Such changes and corrections may include the following:

1. Designating or re-designing by number or letter sections or parts of sections;
2. Changes in the wording of headnotes;
3. Rearrangement of sections;
4. Conformance of textual references to agree with re-numbered or otherwise re-designated chapters, sections or statutes;
5. Substitution of the proper subsection, section, chapter, or other division number or letters;
6. Omission of figures or words which are merely repetitious;
7. Changes of capitalization and punctuation for purposes of uniformity; and
8. Correction of manifest clerical or typographical errors.

B. No change to the format of the Charter shall become effective until reviewed and approved by the City Attorney for compliance with subsection A of this section.

(Amended November 5, 1996).

CHAPTER III. FORM OF GOVERNMENT

Section 6. Where Powers Vested.

Except as this Charter provides otherwise, all powers of the City are vested in the Council.

Section 7. Council.

The Council is composed of a Mayor and six Councilors, all elected from the City at large.

Section 8. Councilors.

At each general election, three Councilors shall be elected, each for a term of four years. The three shall be elected without respect to position or area and the three candidates who receive the three greatest number of votes cast for such candidates are elected to the Council. If one or more vacancies on the Council, other than Mayor, are being filled at a general election, pursuant to Section 31 of this Charter, the vacant office or offices shall be filled by the person or persons receiving the next greatest number of votes. The term of office of each Councilor serving on July 1, 1980, continues for the full term to which the Councilor was elected or appointed.

No Councilor, including those serving on July 1, 1980, may be elected to a City office, or any combination of such offices, for a period to exceed eight (8) consecutive years.

(Amended November 2, 1976; May 20, 1980.)

Section 9. Qualifications of Council.

No person may fill an elective office of the City unless when elected or appointed to the office the person is a qualified elector of the state and has resided continuously in the City during the twelve months immediately preceding the election or appointment. A person, after taking office, must remain a resident of the City in order to continue to hold the office. For the purposes of this section, "City" means area in the City boundaries on the date of the election, except area withdrawn from the boundaries after the date of election. The Council is the final judge of the qualifications and election of its own members.

Section 10. Councilor Resignation Required to Run for Mayor.

Any Councilor, including those serving on July 1, 1980, who seeks election to the office of Mayor during the first two years of his or her term shall, upon filing of acceptance of nomination for the office, file an irrevocable resignation from the office of Councilor held, which is to carry an effective date of no later than the first of the next January. No person may simultaneously run for the offices of both Mayor and Councilor.

(Amended May 20, 1980.)

Section 11. Mayor.

Beginning in 1980, at every other general election held, a Mayor shall be elected for a term of four (4) years. No Mayor, including the one serving on July 1, 1980, shall be elected to any elective City office, or any combination of such offices, for a period to exceed eight (8) consecutive years.

(Amended May 20, 1980.)

Section 12. Appointed City Officers.

The appointed City officers are the City Manager, City Attorney and Municipal Judge, each of whom serve at the pleasure of the Council and are appointed and removed by a majority vote of the entire

Council. Compensation for an appointed City officer shall be fixed as the Council may direct.

Section 13. Salaries.

Compensation for the services of City employees shall be fixed as the Council may direct. No member of the Council may receive compensation for service in that capacity, however; he or she may receive an allowance for expenses incidental to that service in an amount and manner set by ordinance.

CHAPTER IV. COUNCIL

Section 14. Meetings.

A. The Council shall hold a regular meeting at least twice a month in the City at a time and place that the Council designates. The Council may, however, by a majority vote of the entire Council, cancel up to three regular meetings during any calendar year. No more than two of the regular meetings canceled each year may be consecutive. The Council adopt rules for the government of its members and proceedings. The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council, with advance public notice of the meeting as prescribed by ordinance. No prior notice of a special meeting need be given to a Council member who has consented to the meeting or who attends the meeting without objection to the time or manner of notice. An emergency meeting of the Council may be held at any time by common consent of all the available members of the Council.

B. The deliberations and proceedings of the Council, and the commissions, committees and boards of the City shall be public except as state law allows otherwise. All meetings of the City Council and Council subcommittees shall be electronically recorded. Meetings of city boards, commissions, and committees shall be electronically recorded during the conduct of quasi-judicial public hearings or as the Council may otherwise direct.

(Amended November 2, 1976; November 3, 1998; November 6, 2018.)

Section 15. Quorum, Vote Required.

A. A majority of the members of the Council constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

B. Except as this Charter provides otherwise, the concurrence of a majority of the members present and eligible to vote is necessary to decide any question before the Council.

C. No question shall be approved with fewer than three affirmative votes, except as provided by Subsection D of this Section.

D. When three or fewer members are eligible to vote on a question it may approved only by a unanimous vote by those eligible to vote at two consecutive regular City Council meetings. The composition of the membership voting need not be the same at both meetings. If at the second regular meeting more than three members are eligible to vote on the question, it shall be decided as provided by Subsection B of this Section.

Section 16. Journal.

The Council shall cause a journal of its proceedings to be kept. The vote upon any question may be taken by voice or roll call vote. The vote shall be taken by roll call at the direction of the Mayor or the request of any councilor. The minutes shall reflect the vote of each councilor by name.

(Amended November 2, 1976, November 3, 1998.)

Section 17. Mayor's Functions at Council Meetings.

The Mayor shall preside over the Council's deliberations. The Mayor shall have a vote as any other Council member. The Mayor shall preserve order, enforce the rules of the Council and determine the

order of business under the rules of the Council.

(Amended November 2, 1976.)

Section 18. President of the Council.

At its first meeting each year the Council shall elect a President from among the Councilors. In the Mayor's absence from a Council meeting, the President shall perform the Mayor's functions at the meeting. If both the Mayor and the president of the Council are absent from a Council meeting, the members present shall select one of their number to perform the Mayor's functions at the meeting. Whenever the Mayor is unable to function as such, the President shall act as Mayor.

CHAPTER V. POWERS AND DUTIES OF OFFICERS

Section 19. Mayor.

The Mayor, with the approval of the Councilors, shall appoint the members of all City committees, boards and commissions. The Mayor shall sign all approved records of the proceedings of the Council over which he or she presides. The Mayor may establish and appoint special or temporary committees from among the members of the Council and may determine the business to be placed upon the Council meeting agendas. The Mayor has no veto power and shall sign and date all ordinances enacted by the Council within three days after their enactment; but if the Mayor does not attend a meeting, any ordinance passed at the meeting shall be signed and dated by the officer who presides at the meeting.

(Amended November 2, 1976.)

Section 20. City Manager.

A. The City Manager shall be chosen on the basis of administrative qualifications and may not have served as a member of the Lake Oswego City Council within one year immediately preceding the date of appointment. The Manager may not receive compensation for a period more than six months after leaving the office.

B. The City Manager:

1. Is the full time chief administrative officer of the City and shall be responsible to the Council for the proper administration of those City affairs over which he or she is charged with responsibility pursuant to this Charter;
2. Shall appoint, remove, discipline and supervise all employees of the City in a manner consistent with the City personnel system, except as otherwise provided by this Charter;
3. Shall annually prepare and submit a proposed City budget for the ensuing fiscal year and properly administer the budget as adopted;
4. Shall keep the Council advised of the financial condition and needs of the City;
5. Shall make recommendations to the Council concerning the affairs of the City;
6. Shall, after authorization from the Council, conduct all aspects of real property transactions on behalf of the City;
7. Shall act as the purchasing agent for the City;
8. Shall provide for enforcement of all City laws and regulations;
9. Shall perform other duties consistent with this Charter and required by the Council; and
10. Shall engage in no incompatible business or occupation.

C. The Manager is entitled to sit with the Council but has no vote on questions before it. The Manager may take part in all Council discussions.

D. In case of the Manager's unauthorized absence from the City, disability to act as Manager,

discharge by the Council, or resignation, the Mayor, with advice and consent of the Councilors, shall appoint a City Manager Pro Tem, who shall possess the powers and duties of the City Manager. No City Manager Pro Tem, however, may appoint or remove a City employee except with the approval of a majority of the entire Council. No City Manager Pro Tem may hold his or her position as such for more than six months, and no appointment of a City Manager Pro Tem may be renewed.

E. No Council member may directly or indirectly, by suggestion, or otherwise, attempt to influence or coerce the Manager in the making of any appointment or the removal of any employee, in the purchase of supplies or to exact a promise relative to an appointment from any candidate for Manager. A violation of this Subsection forfeits the office of the offending Council member after a public hearing by the Council is held and the Council determines that a violation of this Subsection has taken place. Nothing in this Subsection, however, prohibits the Council in open session from fully and freely discussing with or suggesting to the Manager anything pertaining to City affairs or the interest of the City.

(Amended November 2, 1976; May 20, 1980.)

Section 21. City Attorney.

A. The City Attorney shall:

1. Be a member in good standing of the Oregon State Bar and be chosen without regard to political considerations and solely with reference to his or her legal and administrative qualifications;
2. Be the full time chief legal officer of the City and perform whatever duties consistent with this Charter are required by the Council;
3. Appoint and may remove all members of his or her staff, such employees to be under the City Attorney's direction and control and subject to the provisions of the City personnel system; and
4. Engage in no incompatible business or occupation.

B. The City Attorney may not receive compensation for a period more than six months after leaving the office.

(Amended November 2, 1976; May 20, 1980.)

Section 22. Municipal Judge, Municipal Court.

A. The Municipal Judge shall be the judicial officer of the City. The Council may appoint one or more Municipal Judges Pro Tem in the same manner as the Municipal Judge is appointed.

B. The Municipal Judge and Municipal Judges Pro Tem shall be members of the Oregon State Bar and be chosen without regard to political considerations and solely with reference to legal and administrative qualifications.

C. The Municipal Judges shall hold, at places authorized by the Council, a Municipal Court known as the Municipal Court of the City of Lake Oswego. The Court shall be open for the transaction of judicial business at times established by the rules and practice of the Court.

D. The Municipal Judge may exercise original jurisdiction of all crimes, offenses and infractions defined and made punishable by ordinances of the City and may exercise original jurisdiction of actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City. The Municipal Judge may issue process for the arrest of any person accused of an offense against the City, commit any such person to jail or admit him or her to bail or order his or her release on recognizance pending trial, issue search warrants, issue subpoenas to compel witnesses to appear and testify in connection with any cause before the Court, compel obedience to such subpoenas and other orders of the Court, issue any process necessary to carry into effect the judgments and orders of the Court, and punish witnesses and others for direct or indirect contempt of Court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

E. To the extent now or hereafter permitted by state law, the Council may by ordinance designate a state court and the judges thereof to perform and exercise all or any part of the Municipal Court's and Municipal Judge's powers, functions and jurisdiction. If the designation is complete, the office of the Municipal Judge is abolished. The Council at any time may by ordinance recall any powers, functions and jurisdiction designated and such action shall reestablish the office of municipal Judge.

CHAPTER VI. ELECTIONS

Section 23. Regulation of Elections.

The general laws of the state apply to the conduct of all City elections, recounts of the returns therefrom, and contests thereof, except as this Charter provides otherwise and as the Council may provide otherwise by ordinance.

Section 24. Regular Elections.

Regular City elections shall be held on the same dates as biennial primary and general state elections. The Recorder, pursuant to directions from the Council, shall give at least ten days' notice of each regular City election by publication at least once in a newspaper of general circulation in the City. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the date of the election.

(Amended November 8, 2016.)

Section 25. Special Elections.

The Council shall prescribe the time, manner and means for holding any special election. The Recorder shall give the same notice of each special election as for a regular election.

Section 26. Canvass of Returns, Results.

To all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the County Clerk apply. The results of all elections shall be recorded in the journal of the Council. The journal shall contain a statement of the total number of votes cast at the election, of the votes cast for each person elected to office, of the office to which he or she has been elected and of each measure enacted or approved. As soon as practical after the canvass is completed, the Recorder shall make and sign a certificate of election of each person so elected. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 27. Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 28. Commencement of Terms of Office, Oath of Office.

The term of office of a person elected at a general election commences the first day of the year immediately following the election. Each elected officer, prior to entering office, shall take an oath or make an affirmation to support the constitutions and laws of the United States and Oregon and to faithfully perform his or her official duties.

Section 29. Nomination for Elective Office.

The Council shall provide by ordinance the mode for nominating elective officers.

CHAPTER VII. VACANCIES IN ELECTIVE OFFICE**Section 30. What Creates a Vacancy.**

An elective office shall be declared vacant by the City Council upon the incumbent's death, adjudicated incompetence, conviction of a felony or other offense pertaining to his or her office, unlawful destruction of public records, resignation, recall from office, ceasing to possess the qualifications for the office, failure of the person elected or appointed to said office to qualify therefor within ten days after the time for his or her term of office is to commence, or the office holder's absence from four consecutive regular meetings of the Council without the consent of the Council.

(Amended May 20, 1980.)

Section 31. Filling Vacancies.

A. Except as provided otherwise in this Section, a vacancy in an elective office shall be filled by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately upon his or her appointment and continues throughout the unexpired term of the predecessor.

B. If a vacancy occurs 90 days or more prior to a general election at which the office would not otherwise normally have been filled by election, the term of the appointment ends on the first day of January of the year following the election. The remaining two years of the predecessor's term shall be filled by nomination and election.

C. During the disability of any Council member, or during his or her temporary absence from the City for any cause, the office may be filled Pro Tem in the manner provided for permanently filling the vacancies in the office.

(Amended November 2, 1976; May 20, 1980.)

CHARTER VIII. ORDINANCES

Section 32. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be "The City of Lake Oswego ordains as follows:".

Section 33. Regular Ordinances.

Except as provided in Section 34, the procedure for adoption of a general or special ordinance shall be as follows:

- A. Filing: A proposed ordinance shall be filed with the City Recorder at least one week prior to the Council meeting at which it will be considered.
- B. Notice: Written notice of the ordinance shall be posted at City Hall and two other public places and published in a newspaper of general circulation in the City at least one week prior to the meeting at which the proposed ordinance will be considered. The notice shall include the title of the proposed ordinance and the date, time and place of the council meeting and shall state that copies of the ordinance are available in the City Recorder's Office.
- C. Consideration and Enactment: Except as provided in this subsection, a proposed ordinance may be considered and enacted at single meeting of the Council. If the Council substantially amends the ordinance as presented, enactment shall be continued to a second meeting of the Council to enable preparation and presentation of an amended ordinance. For the purposes of this section, a "substantial amendment" is an amendment that modifies the substantive effect of the ordinance. Correction of typographical errors, procedural modifications and wording or format changes that clarify meaning shall not be considered substantial amendments.

(Amended November 3, 1998.)

Section 34. Emergency Ordinances.

- A. Procedure. In an emergency, the City Council may consider and enact an ordinance at single meeting without complying with the requirements of Section 33. An emergency ordinance shall include a description of the emergency and a finding as to why the emergency cannot be adequately addressed by adoption of a regular ordinance.
- B. Definition. An "emergency" includes:
 - i. A situation, condition or regulatory error or inadequacy that threatens imminent harm to life or property; or
 - ii. A deadline for City action or compliance imposed by a tribunal of competent jurisdiction, the federal government, the state or a political subdivision of the state.

(Formerly Section 35, Amended November 2, 1976; Renumbered & Amended as Section 34, November 3, 1998.)

Section 35. Enactment; Effective Date.

- A. An ordinance is enacted upon approval of the question by vote of the City Council.
- B. Following enactment, the City Recorder shall sign the ordinance, record upon it the date of

enactment and present it to the Mayor. The Mayor shall sign the ordinance within three days of enactment and shall note the date of signature.

C. A regular ordinance shall take effect on the thirtieth (30th) day following enactment unless a later date is specified in the ordinance.

D. An emergency ordinance shall take effect upon enactment unless a later date is specified in the ordinance.

(Formerly Section 34, Amended November 2, 1976; Renumbered & Amended as Section 35, November 3, 1998.)

CHAPTER IX. PUBLIC IMPROVEMENT

Section 36. Condemnation.

Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

Section 37. Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement or other service is governed by general ordinance or, to the extent not so governed by the applicable general laws of the state. The formation of an assessment district, or local improvement district or similar area to be assessed for the financing of any public improvements proposed to be financed wholly or in part by assessment specifically against benefited properties shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the property proposed to be assessed therefor. The Council may proceed notwithstanding such two-thirds remonstrance: (a) if the improvements is a sidewalk, or (b) if the Council by unanimous vote of the members present and eligible to vote declares that the improvement is needed at once because of emergency. For the purpose of this Section "owner" means the record holder of legal title; except that, if there is a purchaser of land according to a record land sale contract, or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the purchaser is the "owner." For the purpose of this Section, an emergency is an immediate hazard to the health, safety, or welfare of the people of Lake Oswego, proved by reliable, substantial and probative evidence on the record before the City Council.

Section 38. Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property is governed by general ordinance.

Section 39. Bids.

A contract for a public improvement to be made by a private contractor shall be awarded in compliance with the State of Oregon public contracting laws.

(Amended November 5, 1996).

Section 40. Major Road Expenditures.

A. Purpose: The purpose of this section is to give the voters of Lake Oswego control over the expenditures for, and the construction of, roads which may have a major impact upon character and livability of the City and its neighborhoods. This section shall be construed liberally to achieve this purpose.

B. Definition.

As used in this section:

Agent includes any city, county, state or federal official, employee, board, commission, agency or institution and also any public or private association, district, agency or institution.

Road includes any road, street, way, freeway highway, expressway, collector or arterial. "Road" also includes any bridge surface available for use by automobiles. The term "road" does not

include any driveway or parking area constructed on a parcel of land to be used for residential purposes, including construction of any approach to such driveway or parking area that may be located in public right-of-way, provided that the driveway or parking area is intended to be privately owned and to be used primarily by the owner or owners and guests. The term "road" also does not include the circular portion of a cul-de-sac in a residential subdivision.

Pavement means the paved surfaces of any road including, but not limited to, traveling lanes, parking lanes, turning lanes, shoulders, gutters, and paved median strips. "Pavement" does not include sidewalks available for use by pedestrians but not by automobile. "Pavement" also does not include bicycle trails which are physically separated from other paved areas and which are not available for use by automobiles.

Major road means any new road having pavement exceeding 32 feet in width. For purposes of this section, the pavement width of a road having areas of pavement which are separated by an unpaved median strip shall be measured by combining the widths of the areas of pavement.

Major road expansion means any construction that would increase the width of the pavement of any existing road to add at least one new automobile traveling lane extending for at least 500 feet.

C. Election Requirements: The city of Lake Oswego shall not directly, indirectly, or through any agency, construct, request, pay for in whole or in part, levy any assessment for, enter into any agreement approving or facilitating, or otherwise authorize or permit the construction of any "major roads" or "major road expansion" on land within the city limits of Lake Oswego until after either (1) a majority of the voting electors of the City of Lake Oswego shall have approved, in concept, the route, width, length, and general design of such "major road" or "major road expansion" in a city election properly commenced under the Charter and Code of the City of Lake Oswego and the laws of the State of Oregon or (2) the election is waived pursuant to paragraph E.

D. Initial Notice: If the City Council decides that a "major road" or "major road expansion" should be constructed, then the City Recorder shall post a notice in the City Hall and the City Library. The City Recorder shall mail a copy of the notice (a) to at least one owner of each parcel of property which abuts the proposed construction, (b) to each person who has requested within the prior two years that his or her name be placed on a special mailing list to be maintained by the City Recorder for this purpose, and (c) to an officer of each officially recognized neighborhood association. The contents of the notice shall meet the requirements of paragraph F. A certificate signed in good faith by the City Recorder that notices were mailed to stated persons shall be conclusive proof of actual mailing. If a notice is mailed to the name and address of the person authorized to receive tax statements regarding a parcel of land, the City Recorder shall be deemed to have given notice to all owners of that parcel. Notice given to an association of condominium unit owners or similar type association shall be deemed to be notice to all owners. Substantial compliance with the terms of this subsection is deemed adequate compliance.

E. Waiver of Election: An election on a proposed "major road" or "major road expansion" is deemed waived unless the City Recorder receives, on or before the 30th calendar day after the date of the certificate of mailing notice provided for in paragraph D, one or more documents bearing the signatures of at least three percent of all registered City voters indicating that they refuse to waive an election required by paragraph C.

F. Election Notice and Hearing: Immediately prior to the election required by paragraph C, the City Recorder shall cause to be published once a month during the two calendar months immediately preceding or including the month in which the election is held, in a newspaper of general circulation in Lake Oswego, general plans and a map of the proposed road or road expansion showing the route, width, length, and general design of the proposed road and road expansion. If requested in writing by at least 20 registered City voters at least 28 days prior to an election, the City Council shall hold an informational public hearing on a proposed road construction not less than 10 days prior to the election.

G. Severability: If a court holds invalid or unconstitutional any clause or part of this section, such holding shall not affect the remaining parts of this section which are not held invalid or unconstitutional.

(Amended November 2, 1976 [Note: from November 2, 1976 until June 30, 1980, this Section was numbered Section 38a through f]; Amended November 4, 1980; Editorial correction, subsection E, deleted "validate," 01/14/02; Editorial correction, subsection E, deleted "signatures" and replaced with "required," 06/26/14; Amended November 4, 2014.)

CHAPTER X. PARK DEVELOPMENT LIMITATION

Section 41. Purpose.

The purpose of this Chapter is to preserve all designated Nature Preserves that are owned by the City of Lake Oswego, inclusive of the fifteen natural parks specified in this Chapter, as natural areas for the enjoyment of all residents of and visitors to Lake Oswego. This Chapter shall be interpreted liberally to achieve this purpose.

(Amended November 7, 1978; November 2, 2021.)

Section 42. Definitions.

As used in this Chapter:

Athletic Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in sports or athletics. Fields for baseball, soccer, or football and courts of tennis are examples of Athletic Facilities.

Bryant Woods Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Bryant Woods Park" (19.7 acres, more or less, to the North of Childs Road located at the corner of Childs Road and Canal Road at 4301 Childs Road).

Canal Acres means the park land owned by the City of Lake Oswego which is commonly referred to as "Canal Acres" (27.3 acres, more or less, to the South of Childs Road, to the West of Canal Road, and to the East of Sycamore Avenue, located at 19300 Canal Road).

Cooks Butte Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Cooks Butte Park" (43 acres, more or less, located at 2100 Palisades Crest Drive).

Cornell Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Cornell Natural Area" (3.2 acres, more or less, to the East of Cornell Street, to the South of Larch Street, located at 16920 Cornell Street).

Glenmorrie Greenway means the park land owned by the City of Lake Oswego which is commonly referred to as "Glenmorrie Greenway" (1.3 acres, more or less, to the East of Pacific Hwy, to the North of Glenmorrie Terrace, located at 16540 Pacific Hwy).

Hallinan Woods means the park land owned by the City of Lake Oswego which is commonly referred to as "Hallinan Woods" (3.8 acres, more or less, located at 1103 Obrien Street).

Iron Mountain Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Iron Mountain Park" (51 acres, more or less, to the North of Iron Mountain Blvd, located at 2401 Iron Mountain Blvd).

Kerr Open Space means the park land owned by the City of Lake Oswego which is commonly referred to as "Kerr Open Space" (10 acres, more or less, to the South of SW Stevenson Street, to the East of Grouse Terrace, to the North of Walking Woods Drive, to the West of Icarus Loop).

Lamont Springs Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Lamont Springs Natural Area" (0.5 acres, more or less, to the South of Lakeview Blvd, and to the East of Bryant Road, at the corner of Lakeview Blvd and Bryant Road,

located at 4600 Lakeview Drive).

Nature Preserve means natural area parks or open spaces owned by the City of Lake Oswego that are managed or maintained to retain their natural condition and prevent habitat deterioration. Nature Preserves that are subject to the limitations of this Chapter, which upon ratification will initially include, Bryant Woods Park, Canal Acres, Cornell Natural Area, Cooks Butte Park, Glenmorrie Greenway, Hallinan Woods, Iron Mountain Park, Kerr Open Space, Lamont Springs Natural Area, River Run, Southshore Natural Area, Springbrook Park, Stevens Meadows, Waluga Park – West, and Woodmont Natural Park.

River Run means the park land comprised of two parcels (River Run East and River Run West), owned by the City of Lake Oswego, which is commonly referred to as "River Run" (10.8 acres, more or less, to the East of Canal Road, to the North of the Tualatin River, located at 19690 River Run Drive and 3770 Rivers Edge Drive).

Southshore Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Southshore Natural Area" (9.2 acres, more or less, located at 1201 South Shore Blvd).

Springbrook Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Springbrook Park" (52 acres, more or less, to the South of Country Club Road, to the West and North of Wembley Park Road, and to the East of Boones Ferry Road). The term "Springbrook Park" does not include the City of Lake Oswego existing indoor tennis facility and adjoining parking lot.

Stevens Meadows means the two park lands owned by the City of Lake Oswego, which is commonly referred to as "Stevens Meadows" and the "Stevens Homestead" (27.8 acres, more or less, located at 18600 Shipley Drive and 1551 Childs Road, respectively).

Telecommunications Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in telecommunications or broadband communication, Antennas, Cellular Towers, Radio Masts and Towers, Satellite Dishes, and Emergency Communications Systems are examples of Telecommunications Facilities. This includes Telecommunications Facilities for both public or private use.

Waluga Park – West means the park land owned by the City of Lake Oswego which is commonly referred to as "Waluga Park – West" (22.8 acres, more or less, to the East of Inverurie Drive, to the North of SW Oakridge Road, to the West of Waluga Drive).

Woodmont Natural Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Woodmont Natural Park" (6.8 acres, more or less, at the corner of Atwater Rd and Atwater Lane, located at 13600 Atwater Lane).

(Amended November 2, 2021.)

Section 43. Limitations on Development.

The City of Lake Oswego shall insure that all development within a Nature Preserve is consistent with the preservation of a Nature Preserve as a natural area available for public enjoyment.

To facilitate public access and use, the City of Lake Oswego may build trails for hiking, jogging, horseback and bicycle riding, may provide benches and interpretive displays, and may provide picnic

and sanitary facilities within a Nature Preserve. To access and use particularly fragile habitats, boardwalks may be built; however, trails shall refrain from using hard surface materials, such as asphalt and concrete, in order to remain consistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles within a Nature Preserve. The City of Lake Oswego shall not cut (or allow any person to cut) any tree in a Nature Preserve for the purpose of facilitating the construction or development of any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles.

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any facility or any structure above ground that would impair or be inconsistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall not cut (or allow any person to cut) any tree in a Nature Preserve for the purpose of commercial logging.

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) a Nature Preserve for the purposes of ecological restoration that provides a safe and healthy natural area that is accessible for public enjoyment, provides a healthy habitat for wildlife, eliminates invasive species, restores native species, and mitigates fire hazards.

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) any existing facility or existing structure, or any existing parking lot, road, or trail for motorized vehicles in a Nature Preserve constructed before November 2, 2021 that is above ground as long as that facility or structure, or parking lot, road, or trail for motorized vehicles is not altered in any manner that would further impair or be inconsistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall be allowed to implement (or allow any person to implement) a park master plan for a Nature Preserve that was adopted before November 2, 2021.

(Amended November 7, 1978; November 2, 2021.)

Section 44. Effective Date.

This Chapter carries an effective date of November 2, 2021.

(Amended November 2, 2021.)

Section 45. Severability.

If a court should hold invalid or unconstitutional any clause or part of this Chapter, that holding shall not affect the remaining parts of this Chapter which are not held invalid or unconstitutional.

(Amended November 2, 2021.)

Section 46. Application to Other Park.

This Chapter shall apply to any other park (i) conveyed by property owners to the City of Lake Oswego with a "Nature Preserve" designation that shall carry with the property in perpetuity, (ii) nominated by the Parks, Recreation, and Natural Resources Board and/or the Director of Parks and Recreation designating such other park as a "Nature Preserve" and ratified by the City Council, (iii)

ratified by voters specifically designating such other park as a "Nature Preserve," or (iv) acquired by a bond issued after the effective date of this Chapter if (and only if) the voters specifically designate such other park as subject to this Chapter. If any other park is designated as subject to this Chapter, then this Chapter shall apply to that park as if its name (preceded by the word "and") were added to the Nature Preserve definition of this Chapter.

(Amended November 7, 1978 [Note: from November 7, 1978 until June 30, 1980, this Chapter was numbered XXV and included Sections 102 through 107]; Renumbered Chapter on July 1, 1980; Amended November 2, 2021.)

Section 46A. Maximum Height of Structures in Residential Areas.

The City of Lake Oswego shall neither construct nor allow the construction of any structure which is more than 50 feet in height within a residential zone, except for the construction of a single symbolic appurtenance of a structure to 75 foot height. The City may, however, construct or allow the construction of a lighting structure which is more than 50 feet in height in a public park or school sports fields located in a residential zone. For purposes of this section the height of a structure or of a part or appurtenance of a structure shall be measured from the ground or sidewalk surface within a 5-foot horizontal distance of the exterior of the structure, provided such sidewalk or ground surface is not more than 10 feet above the lowest grade as defined by city ordinance; or, if such sidewalk or ground surface is more than 10 feet above lowest grade, height shall be measured from a point 10 feet higher than the lowest grade, to the top of the highest element of the building or structure.

(Amended May 19, 1987; March 24, 1992.)

CHAPTER XI. MISCELLANEOUS PROVISIONS

Section 47. Existing Ordinances Continued.

All ordinances of the City consistent with this Charter and in force when it takes effect remain in effect until amended or repealed.

Section 48. Previously Enacted Provisions Retained, Modified.

The following section of the 1948 Charter as incorporated as Section 43 of the Lake Oswego Charter of 1964, as amended, is specifically retained as a provision of this Charter;

Section 2(8), which is hereby amended to read as follows:

to levy an annual tax not exceeding two (2) mills on all of the taxable property of the City for the purpose of acquiring, operating, maintaining, and improving children's recreation lots and parks and providing that the debt limitation contained in this Charter shall not apply thereto.

(Amended June 24, 1966; November 27, 1972; July 10, 1973; December 11, 1973; May 28, 1974, November 5, 1974. Section 48B repealed November 3, 1998.)

Section 49. Initiative, Referendum and Recall.

The initiative and referendum power and the powers of recall of elected officers which are reserved to the qualified voters of each municipality, shall be exercised pursuant to the term of the Oregon Constitution, the general laws of the State and the terms of this Charter, or as the City Council may establish by ordinance.

Section 50. Revenue From Utilities.

Revenue received by the City from its utilities, including but not limited to water, sewer, gas, power and light and garbage collection, shall be used solely for the operation of such utility, retirement of any debt of the utility, and for its purchase, construction or expansion. A reasonable reserve may be set aside for the future expansion of a utility. Monies or property of a utility operated by the City may not be transferred to the general fund of the City, except monies in the utility funds to be used to reimburse other City funds for expenses incurred by such funds in support of the utility operations.

Section 51. Designated Funds Created By Vote.

Any fund voted by the people or the Council for a specific purpose may be used only for that purpose and shall not be transferred or used for any other purpose, except investment while not in use. Any income received from the investment of a fund voted by the people or the Council may be used only for the purpose of the original fund. Funds from the operation of the municipal golf course and tennis courts may be transferred to the general fund of the City after the cost of the operations of those facilities, including debt retirement or expansion, has been fully paid.

Section 52. Recorder.

The City Manager shall designate a City Recorder who shall serve as the Clerk of the Council and shall keep the journal of the Council proceedings.

Section 53. City Auditor.

A qualified certified public accountant licensed by the State of Oregon shall be selected by the Council each year to perform an audit on the accounts and records of the City.

Section 54. Official Bonds.

The City Manager, City Attorney and City Treasurer, and such other persons as deemed necessary by the Council, shall give a bond in a form and amount determined by the Council. The premiums on such bond shall be paid by the City.

Section 55. Bonded Indebtedness.

Except as authorized by general state laws the City shall not issue and sell general obligation bonds unless authorized by the consent of a majority of the voters at an election.

(Amended May 20, 1980.)

Section 56. Time of Effect of Charter.

This Charter shall take effect July 1, 1964.

Section 57. City Wide Vote on Proposed Annexation Required in Certain Circumstances.

A. Certain Annexations to be Subject to City-Wide Vote. Prior to annexation of affected unincorporated territory to the City of Lake Oswego, the proposed annexation shall be referred to the voters in a City-wide election. No annexation shall occur unless approved by a majority of electors voting in the election. The annexation requirements and procedures contained in this section are intended to be in addition to and not in lieu of any other requirements for annexation.

B. Affected Territory. For the purposes of this Section, "affected unincorporated territory" means territory located outside of the incorporated City limits, outside of the City of Lake Oswego Urban Services Boundary and outside of the Metropolitan Urban Growth Boundary as these boundaries and limits exist on July 1, 1998, excluding lands designated by Metro, a Metropolitan Service District of the State of Oregon, as First Tier Urban Reserve Areas pursuant to Ordinance 96-655E adopted on March 6, 1997. These areas are shown on Attached Exhibit A, which shall be incorporated as an Exhibit to this Charter. A decision invalidating Ordinance 96-655E or amending the boundaries of First Tier Urban Reserve Areas shall not change the boundaries of the "affected unincorporated territory" as designated herein.

C. Exceptions for Health Hazards. This section of the Charter shall not apply to an annexation necessary to alleviate a health hazard in the territory proposed to be annexed, as provided in state law.

D. Additional Procedures. The City Council may adopt any additional procedures, consistent with this Charter and state law, for consideration of the proposed annexation or referral of an annexation measure to the voters pursuant to this section. This authority includes but is not limited to adopting application requirements and fees, adopting more specific impact analysis requirements, increasing or expanding notice and hearing requirements and adopting an election schedule.

E. Purpose Not to be Thwarted. The purpose of this Section is to give the City Council and the voters of the City the final voice in decisions to expand the boundaries of the City in a way that impacts City services, costs of City operation and quality of life. If the state or any political subdivision of the state enacts any statute, ordinance, Goal or administrative rule or ruling that would require the City to extend or provide sewer, streets, water, surface water management, police, fire or any other City service into or to the affected unincorporated territory without first requiring annexation subject to a vote under this section, the City shall not directly, indirectly, or through any agency, construct or pay for, in whole or in part, such service provision or extension, or for any capacity improvements that are needed or must be accelerated in order to provide or extend such service,

without first submitting the question to the voters of the City and receiving approval of a majority of the electors voting on the question.

F. Severability. If a court holds invalid or unconstitutional any clause or part of this section, such holding shall not invalidate the remainder of this section.

(Approved by voters November 3, 1998, Section 57 effective January 1, 1999).

57.1. Exhibit A - First Tier Urban Reserve Areas Map.

