Chapter 382

1963 REPLACEMENT PART

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GENERAL PROVISIONS

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382.010 to 382.100 [Reserved for expansion]

BRIDGES UNDER HIGHWAY COMMISSION

382.105 Construction and operation of toll bridges by highway commission. Whenever in the judgment of the State Highway Commission the construction of a bridge over any stream, river, bay, arm of the ocean or other body of water on any state highway, federal aid highway, any highway constituting a direct or immediate extension thereof or a connection between two state highways or federal highways is necessary in order to afford adequate convenience and a safe means of travel for the public and such bridge should be constructed and operated as a toll bridge, then the commission may:

(1) Construct the bridge.

(2) Pay in the first instance the cost and expense out of highway funds.

(3) Thereafter replenish or reimburse the state highway funds with tolls received as a result of the use and operation of the toll bridge.

382.110 Financing toll bridge construction by bonds or other source. Funds for the construction of any toll bridge by the State Highway Commission shall be procured from the sale of bonds authorized to be issued and sold for highway construction, but if no bonds are available for the purpose, then funds available from any other source may be used.

382.115 Fixing toll rates; removal of tolls. (1) The State Highway Commission may determine and fix the rate of toll to be charged for transit over any toll bridge mentioned in ORS 382.105, which rate shall be sufficient to reimburse the highway funds for the initial outlay of costs.

(2) As soon as sufficient funds have been received from tolls collected for the use of such bridge to reimburse the highway funds the bridge shall be operated as a free bridge.

382.120 Bridges on Oregon Coast Highway. (1) The State Highway Commission may operate free of tolls any of the bridges constructed pursuant to the terms and provisions of chapter 9, Oregon Laws 1933, Second Special Session.

(2) The State Highway Commission may pay, in whole or in part, out of any highway revenues subject to the control of the commission the principal of and interest on the bonds issued pursuant to the terms and provisions of chapter 9, Oregon Laws 1933, Second Special Session.

(3) This section shall not abrogate or impair the obligations of any bonds or of any contract with the purchaser or holder of any or all of the bonds issued or of any other contract made pursuant to the terms and provisions of chapter 9, Oregon Laws 1933, Second Special Session.

(4) The authority conferred by this section is cumulative, in addition and supplemental to the authority conferred by any other law. In so far as this section is inconsistent with any other law this section is controlling.

382.125 Required approval of plans for bridges over navigable waters. (1) No bridge shall be constructed over or across any navigable water wholly or in part within this state or over lands lying between high and low water on any navigable stream within or forming the boundary of this state unless and until the plans, and the elevation and clearance of the bridge, are first approved by the State Highway Commission, except that:

(a) Such approval is not required when the bridge is located wholly within the corporate limits of a city of over 100,000 population.

(b) If such bridge is to be constructed by a county, the elevation and clearance but not the plans of the proposed bridge must first be approved, except as provided in ORS 382.210.

(2) If such bridge is located within the limits of any port district existing under the laws of this state or between any such port district and the Pacific Ocean, it shall not be constructed unless and until the plans, elevation and clearance of the bridge are first approved by the board of commissioners of the port district.

[Amended by 1963 c.602 §1]

382.130 to 382.200 [Reserved for expansion]

COUNTY BRIDGES

382.205 Using county funds for bridges. If the money provided by ORS 368.705 is expended and an emergency arises demanding immediate action by it, the county court may in its discretion apply any moneys in the county treasury, not otherwise appropriated, toward defraying the expense of building or repairing bridges on any of the county or state roads within the county or over streams forming boundaries between the county and any other county.

382.210 Preparation and approval of plans for county bridges in counties under 100,000. (1) Whenever any bridge is to be repaired or constructed by any county having a population of less than 100,000, or by two such counties acting jointly as provided in ORS 382.245 to 382.285, and the estimated cost of such repair or construction exceeds $75,000, plans and specifications therefor shall be prepared under the direction of the county courts and shall be approved by the State Highway Engineer before the work is undertaken. If the estimated cost is less than $75,000, such plans and specifications shall be approved by a registered professional engineer before the work is undertaken.

(2) Such county courts shall prepare an estimate of the probable total cost of the bridge, which estimate shall be public property only after final action has been taken on the bids submitted.

[Amended by 1963 c.602 §2]

382.215 Advertisement for bridge work bids. Whenever the estimated cost of the proposed repair or construction of such bridge exceeds $1,500, the county courts of counties mentioned in ORS 382.210 shall advertised for sealed bids, according to the plans and specifications, copies of which shall be kept on file for the information of bidders in the office of the county clerk of each county. Such advertisement for bids shall be published for at least three consecutive weeks in the official newspaper of each county if a weekly newspaper, or 20 days if a daily newspaper.

382.220 Deposit of bidder. Each bidder shall deposit with his bid five percent of the amount of his bid, which shall be forfeited to the counties mentioned in ORS 382.210, in case the award is made to him, if he fails for a period of 10 days after the award is made to enter into the contract and file his bond in the manner required by and to the satisfaction of the county courts.

382.225 Awarding bridge work contract. Upon the day appointed the county courts mentioned in ORS 382.210 shall proceed to open the bids and award to and enter into the contract to repair or build such bridge with the lowest responsible bidder. However, the county courts may in their discretion reject any and all bids and readvertise for bids from time to time in like manner.

382.230 Construction by contractor or by county; inspector or superintendent of bridge work. (1) After having awarded the contract to repair or build the bridge, the county courts mentioned in ORS 382.210 shall employ a competent inspector who shall have authority to reject any unsatisfactory, insufficient or defective material or workmanship.

(2) After having rejected all bids, the county courts mentioned in ORS 382.210 may in their discretion employ a suitable superintendent and assistants, procure the necessary material and cause the bridge to be constructed.

382.235 Functions of superintendent. The superintendent mentioned in subsection (2) of ORS 382.230 shall:

(1) Inspect all material as to its fitness.

(2) Inspect all bills for material and labor and certify to their correctness before they are ordered paid by the county courts.

(3) Immediately upon the completion of the bridge, prepare and file with the clerks of the county courts a full, true and complete statement, verified by his oath, which shall be subject to inspection at all times by any person and shall give:

(a) The name of the stream across which the bridge is built.

(b) The name or location of the bridge suitable for identification.

(c) The entire length and width of the bridge.

(d) The amount and cost of each kind of material and labor used and the entire cost of the bridge.

(e) A brief general description of the style and character of the bridge and its immediate surroundings.

382.240 Publishing statement of bridge bids and cost. Immediately upon the filing of the statement mentioned in ORS 382.235, the

county courts shall cause to be published at least once in the newspapers mentioned in ORS 382.215 a statement giving the total cost of the bridge, the lowest responsible bid received for building the bridge and the estimate of the probable cost of the bridge.

382.245 Joint action for intercounty bridges; bridge viewers. (1) Whenever it is deemed necessary by the county court of any county to construct or repair a bridge over any stream which is a boundary line between that county and any other county, the county courts of the adjoining counties of which the stream is a boundary line may unite for the purpose of constructing or repairing the bridge.

(2) When any persons interested apply in writing to the county court of either of such counties the county court may appoint three viewers who shall, after being sworn to well and faithfully perform their duties, view the bridge proposed to be repaired or the site designated by the county court for the construction of the new bridge, make or cause to be made, estimates, plans and specifications for the proposed repairs or new bridge and report the same with their recommendations to the county court.

(3) The county court may of its own motion appoint such viewers and institute such proceedings.

382.250 Submitting viewers' report to other county. If, upon consideration of the report mentioned in subsection (2) of ORS 382.245, it decides that the proposed repair or construction of the new bridge is necessary and approves such estimates, plans and specifications, the county court shall submit the report, together with the estimates, plans and specifications, to the county court of the other county.

382.255 Approval by other county of viewers' report; cost apportionment. If the county court of such other county agrees that such repair or construction of the new bridge is necessary and approves such estimates, plans and specifications, the two county courts shall:

(1) Determine and agree upon the portion of the cost of the repairs or new bridge to be paid by each county.

(2) Each make an appropriation for its respective portion of such cost.

(3) Make the repairs or construct the new bridge in accordance with ORS 382.210 to 382.240.

382.260 Disagreement as to bridge plans. (1) In the event the county court of such other county agrees that the repair or construction of the proposed new bridge is necessary but does not approve such estimates, plans and specifications, then such other county court shall, within 60 days after receipt of the report, submit to the first county court a counter report setting forth estimates, plans and specifications for the repairs or new bridge which do meet the approval of the other county court, and if the first county court approves such estimates, plans and specifications, the two county courts shall agree upon the portion of cost, make appropriations therefor and make the repairs or construct the bridge as provided in ORS 382.255.

(2) In the event of failure of the county courts to agree upon and approve any estimates, plans and specifications for the proposed repairs or new bridge, upon petition of either of the county courts the State Highway Commission shall prepare estimates of cost and plans and specifications for suitable repairs or new bridge. If the county courts agree upon and approve the estimates, plans and specifications of the State Highway Commission or any other estimates, plans and specifications, they shall agree upon the portion of cost, make appropriations therefor and make the repairs or construct the bridge as provided in ORS 382.255.

(3) In the event either of the county courts fails to agree upon and approve the estimates, plans and specifications of the State Highway Commission, if one of the county courts accepts and approves them and agrees to pay toward the cost of the proposed repairs or new bridge as much as or more than that county's share proportioned according to the total assessed valuation of the property of the counties as equalized by the State Tax Commission for the apportionment of state taxes, as shown on the last previous assessment roll, then the estimates, plans and specifications of the State Highway Commission shall be mandatory upon the other county court, which shall provide and appropriate funds to meet its part of the cost of repairs or new bridge. The counties shall then proceed without delay to make the repairs or construct the new bridge in the manner provided in ORS

382.210 to 382.240, or at the option of the county court by which estimates, plans and specifications of the State Highway Commission have been approved, such county court may proceed to make the repairs or construct the new bridge in the manner provided in ORS 382.210 to 382.240, without the cooperation and assistance of the other county.

382.265 Disagreement as to sharing cost. In the event of failure of the two county courts to agree upon the share of the cost of such repairs or new bridge to be paid by each, then such shares shall be in proportion to the total assessed valuation of the property in the counties as equalized by the State Tax Commission for the apportionment of state taxes, as shown by the last previous assessment roll.

382.270 Disagreement as to necessity of bridge work. In the event such other county court, to whom the report of the viewers of the county in or by whose county court proceedings under ORS 382.250 and 382.255 have been instituted, does not agree that the proposed repairs or new bridge is necessary but deems such repairs or new bridge unnecessary and refuses to pay any part of the cost thereof, then the first county court may in its discretion make the repairs or construct the proposed new bridge in the manner provided in ORS 382.210 to 382.240, without the cooperation and assistance of the other county.

382.275 Control of new bridge built by one county. In the case of a new bridge constructed at the sole expense of one county, such county has exclusive control and jurisdiction over the whole bridge and the right and duty to maintain it, but this section does not prevent the institution of proceedings under ORS 382.245 to 382.285 for the subsequent repair of any bridge so built.

382.280 Supervision of bridge work by highway commission. Whenever repairs are made to any bridge or any new bridge is constructed under ORS 382.245 to 382.285 and upon plans and specifications prepared by the State Highway Commission, such repairs or construction shall be done under the supervision and inspection of the State Highway Commission. The expense of such inspection shall be paid by the counties in the same proportions that the other costs of the work are paid.

382.285 Expense of preliminary view of bridge. The cost of the preliminary view of the bridge proposed to be repaired or the site of the proposed new bridge and of the preparation of estimates, plans and specifications to be submitted with the viewers' report as provided in ORS 382.250 shall be a part of the cost of such repairs or new bridge and shall be paid by the two counties in the same proportion that the rest of such cost is paid. The cost of all other or further estimates, plans and specifications as provided in ORS 382.245 to 382.280 shall not be a part of such cost of repairs or new bridge but shall be paid wholly by the county at whose instigation they are made.

382.290 to 382.300 [Reserved for expansion]

MULTNOMAH COUNTY BRIDGES

382.305 Operation of bridges across Willamette River by Multnomah County. (1) The board of county commissioners of Multnomah County shall operate and maintain all bridges, as defined in subsection (2) of this section, together with the approaches thereof, erected, owned by or leased to the City of Portland or Multnomah County, across the Willamette River within the boundaries of Portland, and the City of Portland shall surrender and deliver possession and control of such bridges, except as provided in ORS 382.310 to 382.330, to the board of county commissioners.

(2) As used in ORS 382.305 to 382.330, "bridge" means the bridges and parts thereof.

382.310 Powers of Multnomah County as to Willamette River bridges. (1) The board of county commissioners of Multnomah County shall:

(a) Maintain, keep in good condition and repair and operate the bridges and their approaches. The lighting of the bridges and their approaches is a part of the duty to maintain and operate such bridges; and the board may enter into contracts for such lighting.

(b) Operate, maintain and keep in good condition all parts of the bridges owned by the city or leased by the city or by the board of county commissioners.

(2) The board of county commissioners of Multnomah County shall, at the cost and expense of the county:

(a) Employ, hire and discharge, from time to time, agents, workmen, laborers and

servants, as it deems necessary in the conduct, maintenance, repair and operation of the bridges and their approaches.

(b) Make needful rules and regulations for the operation and maintenance of the bridges, but such rules and regulations shall be subject to the exercise by the City of Portland of such police power and authority as the city has under its charter with respect to the bridges owned by the city.

(3) The board of county commissioners of Multnomah County may enter into agreements or leases for the use by the public, for highway purposes and for the operation of street cars thereon, of the upper highway deck of the bridges constructed across the Willamette River in Portland, by persons or corporations other than the City of Portland.

382.315 Agreements with public service corporations for use of Willamette River bridges. If the board of county commissioners of Multnomah County makes an agreement or lease for the use of the upper deck of any bridge constructed across the Willamette River within Portland and if any public service corporation operating a street car line within Portland desires to maintain and operate its street cars over the upper deck of the bridge so leased, the board of county commissioners may agree with the public service corporation upon the terms and compensation for such use. If they are unable to agree, the amount of compensation to be paid by the public service corporation shall be the same as may at such time be fixed or charged by the City of Portland for the use of other bridges across the Willamette River by public service corporations.

382.320 Liability for injury from negligent operation of Willamette River bridges. Multnomah County shall not be liable, nor shall the board of county commissioners or any member thereof be liable for any damages for injury to or death of any person, or injury to or loss of any property, resulting from the control, operation or maintenance of the bridges, whether negligently caused or otherwise, except that any persons or their estates or personal representatives may recover damages against Multnomah County resulting from the negligent operation, maintenance or use of the bridges in a sum in any case not exceeding $2,000.

382.325 Powers of Portland as to Willamette River bridges. The City of Portland, Oregon, may:

(1) Regulate traffic upon and across the bridges and their approaches constructed by the City of Portland.

(2) Lay and maintain upon the bridges and their respective approaches constructed by the City of Portland all rails and tracks necessary, desirable or convenient for the operation of street cars thereon.

(3) Provide for the use of the bridges and their approaches constructed by the City of Portland and rails and tracks thereon by street cars propelled by electrical and other motive power, and the carrying of passengers on such street cars.

(4) Make contracts with and grant rights, privileges and franchises to any persons, firms or corporations for the use of the bridges and their approaches, and rails and tracks by cars, street cars and trains, the carrying of passengers thereon and for charging and collecting fares and tolls under such rights, privileges and franchises.

(5) Contract for, agree upon and charge and collect rents and other compensation for such use by cars, street cars and trains, and the board of county commissioners of Multnomah County shall have no right to establish or collect rents or other compensation for the use of the bridges by cars, street cars and trains.

(6) Exercise all other power and authority over the bridges and their approaches not expressly conferred by ORS 382.305 to 382.330 on Multnomah County.

382.330 Operation of Adams Street-Glisan Street bridge in Portland. (1) The board of county commissioners of Multnomah County shall operate, maintain and repair the bridge existing on February 25, 1913, across the Willamette River from Adams Street on the east side of the river to Glisan Street on the west side of the river, in Portland, subject to the terms and provisions of the lease executed by the Oregon-Washington Railroad and Navigation Company, party of the first part, and the City of Portland, party of the second part, dated October 9, 1912, and filed with the city auditor on October 19, 1912.

(2) The board of county commissioners may, from time to time, enter into leases or agreements with the owners of such bridge for the use of the upper deck and its approaches for highway purposes by the public and the operation of street cars thereon.

(3) In the event that no public service

corporation makes any contract or agreement with the City of Portland for the operation of its street cars over the upper deck of such bridge or its approaches prior to February 25, 1913, the compensation to be paid by the public service corporation shall be fixed by and paid to the City of Portland, subject to the lease mentioned in subsection (1) of this section.

382.335 "Board of county commissioners" and "construct," as used in ORS 382.335 to 382.425, defined. As used in ORS 382.335 to 382.425:

(1) "Board of county commissioners" means the Board of County Commissioners of Multnomah County and includes the constituted authorities of Multnomah County having control of road construction, maintenance and operation.

(2) "Construct" includes repair, maintain, improve or other words of similar meaning.

(3) "Construction" includes repair, maintenance, improvement, reconstruction or other words of similar meaning.

382.340 Bridges over Willamette River and Slough as permanent roads. Bridges over the Willamette River in Portland, Oregon, and the Willamette Slough within Multnomah County are permanent roads and include approaches and viaducts leading thereto.

382.345 Multnomah County constructing and financing Willamette River bridges. Multnomah County may borrow money for the purpose of constructing and reconstructing bridges across the Willamette River in Portland, Oregon, and Willamette Slough within Multnomah County and issue bonds to evidence such indebtedness.

382.350 Petition and order for bond election; debt limitation. Whenever a petition therefor, signed by not less than 10 percent of the registered voters of Multnomah County and stating the amount of the proposed bond issue is filed with the county clerk, the board of county commissioners shall, subject to ORS 382.355 and 382.360, order an election to determine whether or not the county shall issue bonds for the construction of the bridge mentioned in ORS 382.345. However, if the county debt for the construction of permanent roads already incurred or authorized, together with the new debt sought to be created by the petition, exceeds six percent of the assessed valuation of all the property in the county, then the board of county commissioners shall disregard the petition.

382.355 Filing and presentation of petition; order of board of county commissioners. (1) The petition mentioned in ORS 382.350 shall be filed with the county clerk and presented to the board of county commissioners at or before its next regular session.

(2) The board of county commissioners shall examine the petition as soon as it is presented. If it is satisfied that the petition substantially conforms to the requirements of ORS 382.370 and contains the names and postoffice addresses, places of residence and precincts of the requisite number of voters as required by ORS 382.350, the board of county commissioners shall make an order directing that a special election be called and held in the county for the purposes specified in the petition at a time to be then fixed by the board of county commissioners, which shall not be less than 30 nor more than 40 days after the date of making the order and not more than 90 days after the day of filing the petition.

(3) If the board of county commissioners determines either that the petition does not substantially conform to the requirements of ORS 382.370 or that it does not contain names and postoffice addresses, places of residence and precincts of the requisite number of voters as required by ORS 382.350, it shall make an order declaring that fact, particularly designating the defects and refusing to order a special election.

382.360 Appeals from orders of board of county commissioners. (1) There shall be no appeal from the order mentioned in subsection (2) of ORS 382.355.

(2) Within 10 days after the entry of the order mentioned in subsection (3) of ORS 382.355, any one or more of the petitioners may appeal to the circuit court in the same manner as appeals are taken from the county court in actions at law, except that the notice of appeal, if not entered in the journal at the time the order is made, shall be served on the county clerk and no appeal bond shall be required.

(3) If the circuit court upon appeal is satisfied that the board of county commissioners should have ordered an election, the

circuit court shall direct the board of county commissioners to proceed as if it had declared the proceedings sufficient. If upon appeal the circuit court decides that the judgment of the board of county commissioners was correct it shall make an order affirming the judgment of the board of county commissioners. There shall be no appeal from the judgment of the circuit court.

382.365 Majority vote to authorize bond issue. The bonds mentioned in ORS 382.345 shall be issued only upon approval of a majority of those voting at any election for the same.

382.370 Form of petitions, notices and ballots. Petitions for bridge bond elections, bridge bond election notices and ballots shall be in substantially the same form as prescribed by ORS 381.445, 381.470 and 381.475.

382.375 Election; laws applicable. (1) Elections for the issuance of the bonds may be held at any general election or at any time, subject to the time limitations of subsection (2) of ORS 382.355.

(2) The laws of this state governing special and general elections in so far as they do not conflict with ORS 382.335 to 382.425 apply to elections under ORS 382.335 to 382.425.

382.380 Order declaring bond election result. If at any such general or special bridge bond election a majority of the voters voting at such election votes in favor of issuing the bonds, the board of county commissioners shall enter an order in its journal declaring that fact. The order shall be absolutely conclusive as to the regularity of all the proceedings in reference to the matter.

382.385 County commissioners submitting bond issue on own motion. The board of county commissioners of its own motion may submit the question of issuing bonds for the purposes mentioned in ORS 382.345 at any general election. This may be done by an order of the board of county commissioners, entered in the journal at least 40 days next preceding any general election. The order shall set out the amount of bonds proposed to be issued, the length of time they shall run and the maximum rate of interest they shall bear. After having entered such order the board of county commissioners shall proceed to submit the question to the voters of the county in the same manner and with like effect as upon the petition mentioned in ORS 382.350.

382.390 Arrangement by county commissioners for bond issuance and sale. Thirty days after the entry upon the records of the order mentioned in ORS 382.380, or if the election is contested, within 30 days after the final determination of such contest, the board of county commissioners shall arrange to issue such bonds as were authorized at the election and shall thereafter, as soon as may in its judgment be deemed expedient, issue and sell the bonds. The board of county commissioners may arrange the form, details and sale of the bonds consistently with ORS 382.335 to 382.425.

382.395 Terms and conditions of bonds. (1) The bonds mentioned in ORS 382.345 shall:

(a) Be in denominations of $100 or more, but not exceeding $1,000.

(b) Run not to exceed 30 years from the date of their respective issuance.

(c) Bear interest at a rate not to exceed six percent per year, payable semiannually.

(d) Have interest coupons attached to them, one coupon for each interest payment that will be made.

(e) Be signed by the chairman of the board of county commissioners and the county clerk. The interest coupons shall bear the printed facsimile signatures of the chairman of the board of county commissioners and the county clerk.

(f) Be sealed with the seal of the county.

(g) Bear the certificate of the county treasurer over his signature that they have been registered in his office, naming the date registered.

(h) Be issued in series and mature serially.

(2) The bonds and interest coupons shall:

(a) Be lithographed or printed on good bond paper.

(b) Be made payable to bearer, in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States.

(c) Be paid by the county treasurer upon presentation at his office or at the fiscal agency of the state in New York City, upon the date of payment named thereon.

(3) Subject to subsections (1) and (2)

of this section, denominations of the bonds, dates of maturity, rate of interest and dates when interest is payable may be determined by the board of county commissioners.

382.400 Registering bonds. The county treasurer shall keep a register of all the bonds issued or sold under ORS 382.335 to 382.425, noting therein the number of bonds, amount, date of issuance, date of sale and such facts as in his judgment serve to keep an accurate record of the bonds so issued and sold.

382.405 Bond advertisement and sale. (1) The board of county commissioners shall advertise in one newspaper in the county outside of Portland, if there is one, in one leading newspaper in Portland, Oregon, and in one leading financial newspaper in New York City for two weeks before any sale of bonds, the fact of the sale, inviting bids for the bonds and stating such facts as will interest prospective purchasers. For example, the date and place of sale, the terms of sale, the character of the bonds, the amount, interest and denomination of the bonds, the fact that all bids must be accompanied by a certified check for five percent of the amount of the bid, that any and all bids may be rejected, that the bonds may be sold only for cash, not below par, and to the highest bidder and such other facts as may in the judgment of the board of county commissioners procure the most advantageous sale of the bonds may be stated.

(2) All bids to purchase bonds shall be sealed and accompanied by a certified check for five percent of the amount of the bid. The board of county commissioners may reject any and all bids.

(3) No bonds authorized by ORS 382.345 shall be sold for less than par or for anything but cash.

382.410 Custody and disbursement of bond proceeds. The proceeds of all the bonds sold under ORS 382.335 to 382.425 shall be paid into the county treasury and shall go into a special bridge fund. Such proceeds shall be disbursed for the purposes for which the bonds are issued.

382.415 Paying bond principal and interest with tax or motor license fund. (1) The board of county commissioners shall, at the time of making the annual tax levy upon the previous year's assessment, levy a tax on all the taxable property in the county sufficient to pay the outstanding bonds at maturity and the interest on all outstanding bonds for the current year. The proceeds derived from the tax shall be used only for the payment of the principal and interest of the bonds. Such proceeds shall be paid by the county treasurer to the bearer of the bonds or sent to the fiscal agency at New York City for the payment of the interest coupons upon presentation, as provided in ORS 382.395.

(2) The board of county commissioners in its annual budget has the option of providing for the application of all or part of the proceeds of the county motor license fund to all or part of the payments of principal and interest on bridge bonds maturing in the ensuing year. In case this option is exercised and such other provision is made for meeting the debt requirement, in whole or in part, then the tax levy authorized by subsection (1) of this section shall only be for such amount, if any, as may be necessary over and above this other provision of funds.

382.420 Title and control of bridge. Upon the completion of any bridge constructed under ORS 382.335 to 382.425, title thereto and full control thereof shall be vested in Multnomah County, control to be exercised on behalf of the county by the board of county commissioners.

382.425 County clerk as clerk of county commissioners; records of proceedings. In all proceedings relative to the bonds or to bridge construction, the county clerk of Multnomah County shall be the clerk of the board of county commissioners. The records of all proceedings shall be recorded in the books of the county clerk.

382.430 to 382.500 [Reserved for expansion]

CITY BRIDGES

382.505 Erection and maintenance of bridges by cities. Each incorporated city in this state may erect and maintain bridges across navigable or other water within or without the boundaries of the city when found necessary or convenient and take such action and proceedings as are suitable for obtaining the approval of the proper authorities of the United States Government therefor.

382.510 to 382.600 [Reserved for expansion]

ISLAND ROAD DISTRICT BRIDGES

382.605 Island road districts financing bridges. Any road district in any county in the state which is composed entirely of an island in a navigable river, when it is necessary in the judgment of the taxpayers who are legal voters of the district to build any bridge across either branch of the river which will be beneficial principally to residents and owners of real property in the district, may borrow money and issue bonds of the district to provide funds for building the bridge.

382.610 Petition and order for bond election. Whenever a petition therefor, signed by not less than 10 percent of the resident taxpayers who are legal voters of the road district is filed with the county clerk, the county court shall, subject to ORS 382.615 to 382.625, order an election to determine whether or not the county court shall issue bonds for the construction of the bridge mentioned in ORS 382.605 and levy a special tax for the payment of the bonds upon the property of the road district.

382.615 Filing and presentation of petition; order for special election. (1) The petition mentioned in ORS 382.610 shall be filed with the county clerk and presented to the county court at or before its next regular session.

(2) The county court shall examine the petition as soon as it is presented. If satisfied that the petition substantially conforms to the requirements of ORS 382.630 and contains the names and postoffice addresses, places of residence and precincts of the requisite number of taxpayers as required by ORS 382.610, the county court shall make an order directing that a special election be called and held in the road district for the purposes specified in the petition at a time and place to then be fixed by the county court, which shall not be less than 30 nor more than 40 days after the date of making the order.

382.620 Notice of election meeting. Notice of the election mentioned in ORS 382.615 shall be given by the county clerk by causing to be posted notice thereof in three public places in the road district and one at the county courthouse, at least 10 days prior to the meeting and by publishing one notice at least three weeks in one weekly newspaper of general circulation in the county, which notice shall give the time, place and object of the meeting. Proof of posting notice of the meeting shall be made by affidavit of the party posting the notice and submitted to the meeting together with proof of publication of the notice.

382.625 Meeting to vote bonds. (1) At the time of the meeting, it shall be organized by the election of a chairman and secretary.

(2) If at the meeting a majority votes to issue the bonds, the chairman and secretary shall certify the vote to the county clerk within 10 days thereafter. The county court shall then enter an order in its journal declaring that fact and the order shall be absolutely conclusive as to the regularity of all the proceedings in reference to the matter.

(3) The secretary of the meeting shall keep a record of all the proceedings and due proof of posting and publishing of the notices, and shall inclose with his certificate to the county clerk certified copies of all proceedings, including proof of posting and publishing notices.

382.630 Form of petition. The form of petition shall be substantially as follows:

Petition for Road Election

We, the undersigned taxpayers of road district ——, —— County, Oregon, petition that an election be held in this road district by the resident taxpayers thereof who are legal voters, at a time to be fixed by the county court of this county, to determine whether the county court shall issue (here insert amount of proposed bond issue, as for example $10,000) in bonds for the construction of a bridge across ——, and levy a special tax on the taxable property of road district ——to pay the interest on the bonds and to provide a sinking fund to redeem the bonds at maturity, and each for himself says: I have personally signed this petition, and my residence, postoffice and voting precinct are correctly written after my name.

Name Residence Postoffice Precinct

(Here follow numbered lines for signatures)

382.635 Form of election notice. The election notice shall be substantially in the following form:

Bridge Bond Election Notice

Notice hereby is given that on ——, 19—, at —— —.m., at ——, in road district——, —— County, Oregon, an election will be held by the resident taxpayers of the district who are legal voters, to determine whether the county court of the county shall issue (here insert amount of proposed bond issue, as for example $10,000) in bonds for the construction of a bridge across —— —— and levy a special tax on all the taxable property of road district —— to pay the interest on the bonds and to provide a sinking fund to redeem the bonds at maturity.

Dated ——————————, 19—.

——————————,

County Clerk of —— County, Oregon.

382.640 Bonding committee; powers and duties. (1) The county court is a bonding committee, and the judge of the county court shall be chairman and the county clerk secretary of the bonding committee for purposes mentioned in ORS 382.605 to 382.675.

(2) Thirty days after the entry upon the records of the order mentioned in ORS 382.615, or if the election is contested, then within 30 days after the final determination of the contest, the bonding committee shall arrange to issue such bonds as were authorized at the election and shall thereafter, as soon as in their judgment is expedient, issue and sell the bonds. The bonding committee may arrange the form, details and sale of the bonds consistent with ORS 382.605 to 382.675.

382.645 Terms and conditions of bonds. (1) The bonds mentioned in ORS 382.605 shall:

(a) Be in denominations of $100 or more, but not exceeding $1,000.

(b) Run not to exceed 10 years from the date of their respective issuance.

(c) Bear interest at a rate not to exceed six percent per year, payable on January 1 and July 1.

(d) Have interest coupons attached to them, one coupon for each interest payment that will be made.

(e) Be signed by the county judge and the county clerk. The interest coupons shall bear the printed facsimile signature of the county judge and the county clerk.

(f) Be sealed with the seal of the county.

(g) Bear the certificate of the county treasurer over his signature that they have been registered in his office, naming the date registered.

(2) The bonds and interest coupons shall:

(a) Be lithographed or printed on good bond paper.

(b) Be made payable to bearer, in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States.

(c) Be paid by the county treasurer upon presentation at his office, upon the date of payment named thereon.

382.650 Registering bonds. The county treasurer shall keep a register of all the bonds issued or sold under ORS 382.605 to 382.675, noting therein the number of bonds, amount, date of issuance, date of sale and such facts as in his judgment serve to keep an accurate record of the bonds so issued and sold.

382.655 Bond advertisement and sale. (1) The bonding committee shall advertise in one leading newspaper in the county, if there is one, and in one leading newspaper in Portland, Oregon, for two weeks before any sale of bonds, the fact of the sale, inviting bids for the bonds and stating such facts as will invite prospective buyers. For example, the date and place of sale, the terms of sale, the character of the bonds, the amount, interest and denomination of the bonds, the fact that all bids must be accompanied by a certified check for five percent of the amount of the bid, that any and all bids may be rejected, that the bonds may be sold only for cash, not below par, and to the highest bidder and such other facts as in the judgment of the bonding committee may procure the most advantageous sale of the bonds may be stated.

(2) All bids to purchase bonds must be sealed and accompanied by a certified check for five percent of the amount of the bid. The bonding committee may reject any and all bids.

(3) No bonds authorized by ORS 382.605 shall be sold for less than par or for anything but cash.

382.660 Custody and disbursement of bond proceeds. The proceeds of all the bonds sold under ORS 382.605 to 382.675 shall be paid into the county treasury and shall go into a special bridge fund. Such proceeds shall be disbursed for the purpose of building the bridge.

382.665 Tax for payment of bond interest and principal. The county court, at the time of making the annual tax levy upon the previous year's assessment, shall levy a tax each year upon all the taxable property in the road district sufficient to pay the interest on all the outstanding bonds for the current year and to create a sinking fund sufficient to redeem the bonds at maturity. The proceeds derived from the tax shall be used only for the payment of the principal and interest of the bonds and shall be paid by the county treasurer to the bearer of the bonds as provided in ORS 382.645.

382.670 Supervision, construction and ownership of bridge. The county court may supervise and construct the bridge or other improvement, and shall designate the location thereof. The bridge shall constitute a part of the road system of and shall be owned and controlled by the county.

382.675 Duties of county officers. County officers shall perform the duties provided for them in ORS 382.605 to 382.675 in calling and conducting the road district bonding elections, issuing and selling the bonds, payment thereof and all other things incident thereto.

382.680 to 382.700 [Reserved for expansion]

ISLAND BRIDGE DISTRICTS

382.705 Island as separate bridge district. Whenever any island in any navigable river is located in any one county having a population of less than 100,000, it is a separate and distinct bridge district of the county.

382.710 Island bridge districts financing bridges. Any bridge district mentioned in ORS 382.705, when it is necessary in the judgment of the taxpayers who are legal voters of the district to build a bridge across either branch of the river which will be beneficial principally to residents and owners of real property in the district, may borrow money and issue bonds to provide funds for building the bridge.

382.715 Petition and order for bond election. Whenever a petition therefor, signed by not less than 10 percent of the resident taxpayers who are legal voters of the bridge district, is filed with the county clerk, the county court shall, subject to ORS 382.720 to 382.730, order an election to determine whether or not the county court shall issue bonds for the construction of the bridge mentioned in ORS 382.710 and levy a special tax for the payment of the bonds upon the property of the bridge district.

382.720 Filing and presentation of petition; order for special election. (1) The petition mentioned in ORS 382.715 shall be filed with the county clerk and presented to the county court at or before its next regular session.

(2) The county court shall examine the petition as soon as it is presented. If satisfied that the petition substantially conforms to the requirements of ORS 382.735 and contains the names and postoffice addresses, places of residence, and precincts of the requisite number of taxpayers as required by ORS 382.715, the county court shall make an order directing that a special election be called and held in the bridge district for the purposes specified in the petition at a time and place to then be fixed by the county court, which shall not be less than 30 nor more than 40 days after the date of making the order.

382.725 Notice of election meeting. Notice of the election shall be given by the county clerk by causing to be posted notice thereof in three public places in the bridge district and one at the county courthouse at least 10 days prior to the meeting and publishing one notice at least three weeks in one weekly newspaper of general circulation in the county, which notice shall give the time, place and object of the meeting. Proof of posting notice of the meeting shall be made by affidavit of the party posting the notice and submitted to the meeting together with proof of publication of the notice.

382.730 Meeting to vote bonds. (1) At the time of the meeting, it shall be organized by the election of a chairman and secretary.

(2) If at such meeting a majority of the taxpayers votes to issue the bonds, the chairman and secretary shall certify the vote to the county clerk within 10 days thereafter. The county court shall then enter an order in its journal declaring that fact and the order shall be absolutely conclusive as to the regularity of all the proceedings in reference to the matter.

(3) The secretary of the meeting shall keep a record of all the proceedings and due proof of posting and publishing of the notices, and shall inclose with his certificate to

the county clerk certified copies of all proceedings, including proof of posting and publishing notices.

382.735 Form of petition. The form of petition shall be substantially as follows:

Petition for Bridge Election

We, the undersigned taxpayers of bridge district ——, —— County, Oregon, petition that an election be held in this bridge district by the resident taxpayers thereof who are legal voters, at a time to be fixed by the county court of this county, to determine whether the county court shall issue (here insert amount of proposed bond issue, as, for example, $10,000) in bonds for the construction of a bridge across ——, and levy a special tax on the taxable property of bridge district —— to pay the interest on the bonds and provide a sinking fund to redeem the bonds at maturity, and each for himself says: I have personally signed this petition, and my residence, postoffice and voting precinct are correctly written after my name.

Name Residence Postoffice Precinct

(Here follow numbered lines for signatures)

382.740 Form of election notice. The election notice shall be substantially in the following form:

Bridge Bond Election Notice

Notice hereby is given that on ——, 19—, at — —.m., at——, in bridge district——, —— County, Oregon, an election will be held by the resident taxpayers of the district who are legal voters, to determine whether the county court of the county shall issue (here insert amount of proposed bond issue, as, for example, $10,000) in bonds for the construction of a bridge across —— —— and levy a special tax on all the taxable property of bridge district —— to pay the interest on the bonds and provide a sinking fund to redeem the bonds at maturity.

Dated ——————————, 19—.

——————————,

County Clerk of —— County, Oregon.

382.745 Bonding committee; powers and duties. (1) The county court is a bonding committee, and the judge of the county court shall be chairman and the county clerk secretary of the bonding committee for the purposes mentioned in ORS 382.705 to 382.785.

(2) Thirty days after the entry upon the records of the order mentioned in ORS 382.720, or if the election is contested, then within 30 days after the final determination of the contest, the bonding committee shall arrange to issue such bonds as were authorized at the election and thereafter proceed at once to issue and sell the bonds. The bonding committee may arrange the form, details and sale of the bonds consistent with ORS 382.705 to 382.785.

382.750 Terms and conditions of bonds. (1) The bonds mentioned in ORS 382.710 shall:

(a) Be in denominations of $100 or more, but not exceeding $1,000.

(b) Run not to exceed 10 years from the date of their respective issuance.

(c) Bear interest at a rate not to exceed six percent per year, payable on January 1 and July 1.

(d) Have interest coupons attached to them, one coupon for each interest payment that will be made.

(e) Be signed by the county judge and the county clerk. The interest coupons shall bear the printed facsimile signature of the county judge and the county clerk.

(f) Be sealed with the seal of the county.

(g) Bear the certificate of the county treasurer over his signature that they have been registered in his office, naming the date registered.

(2) The bonds and interest coupons shall:

(a) Be lithographed or printed on good bond paper.

(b) Be made payable to bearer, in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States.

(c) Be paid by the county treasurer upon presentation at his office, upon the date of payment named thereon.

382.755 Registering bonds. The county treasurer shall keep a register of all the bonds issued or sold under ORS 382.705 to 382.785, noting therein the number of bonds, amounts, date of issuance, date of sale and such facts as in his judgment serve to keep an accurate record of the bonds so issued and sold.

382.760 Bond advertisement and sale. The bonding committee shall advertise in one leading newspaper in the county, if there

is one, and in one leading newspaper in Portland, Oregon, for two weeks before any sale of bonds, the fact of the sale, inviting bids for the bonds and stating such facts as will invite prospective buyers. For example, the date and place of sale, terms of sale, the character of the bonds, the amount, interest and denomination of the bonds, the fact that all bids must be accompanied by a certified check for five percent of the amount of the bid, that any and all bids may be rejected, that the bonds may be sold only for cash, not below par, and to the highest bidder and such other facts as in the judgment of the bonding committee may procure the most advantageous sale of the bonds may be stated.

(2) All bids to purchase bonds must be sealed and accompanied by a certified check for five percent of the amount of the bid. The bonding committee may reject any and all bids.

(3) No bonds authorized by ORS 382.710 shall be sold for less than par or for anything but cash.

382.765 Custody and disbursement of bonds proceeds. The proceeds of all the bonds sold under ORS 382.705 to 382.785 shall be paid into the county treasury and shall go into a special bridge fund. Such proceeds shall be disbursed for the purpose of building the bridge.

382.770 Tax for payment of bond interest and principal. The county court, at the time of making the annual tax levy upon the previous year's assessment, shall levy a tax each year upon all the taxable property in the bridge district sufficient to pay the interest on all the outstanding bonds for the current year and to create a sinking fund sufficient to redeem the bonds at maturity. The proceeds derived from the tax shall be used only for the payment of the principal and interest of the bonds and shall be paid by the county treasurer to the bearer of the bonds as provided in ORS 382.750.

382.775 Supervision, construction and ownership of bridge. The county court may supervise and construct the bridge or other improvement, and shall designate the location thereof. The bridge shall constitute a part of the road system of and shall be owned and controlled by the county.

382.780 Duties of county officers. County officers shall perform the duties provided for them in ORS 382.705 to 382.785 in calling and conducting the bridge district bonding elections, issuing and selling the bonds, payment thereof and all other things incident thereto and in connection with the building of the bridge.

382.785 ORS 382.705 to 382.785 as alternative procedure. ORS 382.705 to 382.785 shall not interfere with the construction and maintenance of bridges by a road district composed entirely of an island in a navigable river, and, while affording a different method of procedure, shall not authorize the issuance of bonds or the making of expenditures for a bridge by the inhabitants of any such island by both methods.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel