

2011

# Town of Fort Fairfield Town Charter

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# CHARTER

## ARTICLE I

### Powers

- § C-1. Powers of the town.
- § C-2. Constitution.
- § C-3. Intergovernmental relations.

## ARTICLE II

### The Town Council

- § C-4. Composition, eligibility, election and terms.
- § C-5. Compensation; expenses.
- § C-6. Chairperson.
- § C-7. General powers and duties.
- § C-8. Prohibitions.
- § C-9. Vacancies; forfeiture of office, filling vacancies.
- § C-10. Judge of qualifications.
- § C-11. Secretary to the Council.
- § C-12. Investigations.
- § C-13. Procedure.
- § C-14. Action requiring an ordinance.
- § C-15. Ordinances in general.
- § C-16. Emergency ordinances.
- § C-17. Authentication and recording; codification; printing.

## ARTICLE III

### The Town Manager

- §C-18. Appointment; qualifications; compensation.
- §C-19. (Reserved)
- §C-20. Acting Town Manager.
- §C-21. Powers and duties of the Town Manager

## ARTICLE IV

### Administrative Organization

- § C-22. General provisions.

- § C-23. Assessor.
- § C-24. Board of Assessment Review.
- § C-25. Legal officer
- § C-26. School administrative district.
- § C-27. Library Board of Trustees.

## ARTICLE V

### Financial Procedures

- § C-28. Fiscal year.
- § C-29. Budget officer.
- § C-30. Budget message; summary; detail; capital program.
- § C-31. Amendment of the budget.
- § C-32. Lapse of appropriations.
- § C-33. Referendum and initiative.
- § C-34. Administration of budget.
- § C-35. Annual post audit.

## ARTICLE VI

### Nominations and Elections

- § C-36. Conduct of elections.
- § C-37. Nominations by long petition method
- § C-38. Names on ballots.
- § C-39. Ordering by candidates' surnames
- § C-40. Determination of election results.
- § C-41. Preparations for central count.
- § C-42. Assembling the ballots.
- § C-43. Checking the return.
- § C-44. Valid and invalid ballots.
- § C-45. Rules for counting ballots.
- § C-46. Ballots for ordinances.
- § C-47. Voting machines.

**ARTICLE VII  
Initiative and Referendum**

- § C-48. General authority.
- § C-49. Commencement of proceedings; petitioners; committee; affidavit.
- § C-50. Petitions.
- § C-51 Procedure after filing.
- § C-52. Referendum petitions; suspension of effect of ordinance.
- § C-53. Action on petitions.
- § C-54. Results of elections.

**ARTICLE VIII  
General Provisions**

- § C-55. Elected officers; terms.

- § C-56. Swearing in officers.
- § C-57. Personal financial interest.
- § C-58. Prohibitions.
- § C-59. Severability.

**ARTICLE IX  
Transitional Provisions**

- § C-60. First election.
- § C-61. First Council.
- § C-62. Council
- § C-63. First School Committee
- § C-64. Officers and employees
- § C-65. Pending matters.
- § C-66. State and municipal laws in general

**[HISTORY: Adopted 3-15-1976. Amendments noted where applicable.]**

**ARTICLE 1  
Powers**

**§ C-1. Powers of the town.**

The name of the municipality is “Town of Fort Fairfield,” and the town shall have all powers possible for a municipality to have under the Constitution and law of Maine.

**§ C-2. Constitution.**

The powers of the town under this Charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the Charter shall be construed as limiting in any way the general powers in this Article.

**§ C-3. Intergovernmental relations.**

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, or of the United States or any agency thereof, or of Canada or its provinces or other civil, divisions or agencies thereof.

**ARTICLE II**  
**The Town Council**

**§ C-4. Composition, eligibility, election and terms.**

- A. Composition. There shall be a Town Council of five (5) members nominated and elected by the qualified voters of the town at large, as provided in Article VI.
- B. Eligibility. Only qualified voters of the town shall be eligible to hold the office of Councilor, and the Councilors shall have domicile in the town during their term of office.
- C. Election and terms, Councilors shall be elected to serve staggered three-year terms. At each regular municipal election, Councilors shall be elected to fill the positions of those whose terms expire.

**§ C-5. Compensation; expenses.**

The Council may determine the annual salary of Councilors by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilors elected at the next regular election. The Councilors are to be paid semiannually [at the end of six (6) months and at the end of twelve (12) months], and Councilors shall not vote for increases in their salaries that take effect during their term.

**§ C-6. Chairperson.**

The Council shall elect from among its members an officer of the town who shall have the title of Chairperson of whom shall serve at the pleasure of the Council. The Chairperson shall preside at meetings of the Council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, but shall have no administrative duties.

**§ C-7. General powers and duties.**

All powers of the town shall be vested in the Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The Council shall be the municipal officers of the town.

**§ C-8. Prohibitions.**

- A. Holding other office. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Councilor shall hold any other town or public office or employment during the term for which he/she was elected to the Council, and no former Councilor shall hold any compensated appointive town office or employment until one (1) year after the expiration of the term for which he/she was elected to the Council.

- B. Appointments and removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- C. Interference with administration. Except for the purpose of inquiries and investigations under § C-12, the Council or its members shall deal with town officers who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**§ C-9. Vacancies; forfeiture of office; filling vacancies.**

- A. Vacancies. The office of Councilor shall become vacant upon his/her nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within ten (10) days after written demand by the Council, forfeiture of office or failure of the municipality to elect a person to the office.
- B. Forfeiture of office. A Councilor shall forfeit his/her office if he or she lacks, at any time during his/her term of office, any qualification for the office prescribed by this Charter or by law; violates any expression prohibition of this Charter; is convicted of a crime or offense which is reasonably related to his/her inability to serve as Councilor; or fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.
- C. Filling of vacancies. A vacancy in the Council shall be filled by the Council appointing, by a majority of at least three (3) affirmative votes, a qualified person to fill the vacancy until the next annual election, and that person elected shall serve the remainder of the unexpired term, if any.

**§ C-10. Judge of qualifications.**

The Council shall be the judge of the election and qualification of all officers elected by the voters under this Charter, and in compliance with state law.

**§ C-11. Secretary to the Council.**

The Council shall appoint a person who shall have the title of Secretary to the Council and shall fix his/her compensation. The Secretary to the Council shall give notice of Council meetings to its members and to the public, keep the journal of proceedings, send a copy of such to the Town Clerk as a public record and perform such duties as are assigned to him/her by this Charter or by the Council.

**§ C-12. Investigations.**

The Council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

**§ C-13. Procedure.**

- A. Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Chairperson or three (3) or more members by causing a notification to be given in hand or left at the usual dwelling place of each Councilor. Such notice shall be given not less than twenty-four (24) hours before the special meeting and shall be published in a paper having general circulation or posted in at least two (2) public places in town. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, or matter for consideration is expressed in the motion calling for such session and that the final action thereon shall not be taken by the Council until the matter is placed on the agenda.
- B. Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record and shall be kept in the office of the Town Clerk.
- C. Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal as shall be the names of persons who made the motions and names of persons who seconded the motions. Three (3) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as provided in the preceding sentence, shall be binding or valid unless adopted by the affirmative vote of three (3) or more members of the Council.

**§ C-14. Action requiring an ordinance.**

- A. In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of Council shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency.
  - (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or penalty is imposed.
  - (3) Grant, renew or extend a franchise.
  - (4) Authorize the borrowing of money, except that borrowing in anticipation of taxes may be done by order or by resolution.

- (5) Convey or lease or authorize the conveyance or lease of any lands of the town, except tax acquired property. **[Amended 11-1982]**
- (6) Amend or repeal any ordinance previously adopted.

B. Acts other than those referred to in the preceding sentence may be done either by ordinance, by order or by resolution.

#### **§ C-15. Ordinances in general.**

A. Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. The enacting clause shall be “The Town of Fort Fairfield hereby ordains . . . .” Any ordinance which repeals or amends an existing ordinance or part of the Fort Fairfield Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

B. Procedure.

- (1) An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each Council member and to the Manager, shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate and shall publish the ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

**[Amended 11-1982]**

- (2) The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing, the Council may adopt the ordinance with or without amendment or reject it; but, if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance.

C. Effective date. Except as otherwise provided in this Charter, every adopted ordinance becomes effective upon adoption or at any later date specified therein.

D. “Publish” defined. As used in this section, the term “publish” means to print in one (1) or more newspapers of general circulation in the town:

- (1) The ordinance or a brief summary thereof; and
- (2) The places where copies of it have been filed and the times when they are available for the public inspection **[Amended 11-1992]**

**§ C-16. Emergency ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one (1) or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise or authorize the borrowing of money, except where any emergency notes or renewals thereof are paid within twenty-four (24) months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand repealed as of the 61<sup>st</sup> day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**§ C-17. Authentication and recording; codification; printing.**

- A. Authentication and recording. All ordinances and resolutions adopted by the Council shall be authenticated by the signature of the Secretary of the Council and recorded in full by the Clerk in a properly indexed book kept for the purpose.
- B. Codification. Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the Council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Fort Fairfield Town Code. Copies of the Code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.
- C. Printing of ordinances and resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment of this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed to the inhabitants of Fort Fairfield or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Fort Fairfield Town Code and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of

The State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

### **ARTICLE III The Town Manager**

#### **§ C-18. Appointment; qualifications; compensation.**

The Council shall appoint the Town Manager on such terms and conditions as the Council deems advisable and fix his/her compensation. The Manager shall be appointed solely on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the town or state at the time of his/her appointment, but may temporarily reside outside the town while in office only with the approval of the council.

#### **§ C-19. (Reserved)<sup>1</sup>**

#### **§ C-20. Acting Town Manager.**

By letter filed with the Secretary to the Council, the Manager shall designate, subject to the approval of the Council, a qualified person to exercise the powers and perform the duties of the Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another person to serve until the Manager shall return or his/her disability shall cease.

#### **§ C-21. Powers and duties of the Town Manager.**

The Town Manager shall be the chief administrative officer of the town. He/she shall be responsible to the Council for the administration of all town affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

- A. Appoint and remove with approval of the Council, and prescribe the duties of all major office holders and department heads of the town.
- B. He/she shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by the Charter or by law.
- C. He/she shall attend all Council meetings, except when his/her dismissal is being considered, and shall have the right to take part in discussion but may not vote.
- D. He/she shall see that all laws, provisions of the Charter and acts of the Council subject to enforcement by him/her or by officers subject to his/her direction and supervision are faithfully executed.

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<sup>1</sup> Editor's Note: This section, originally entitled "Removal", was deleted by referendum at the November 7, 1978, General Election.

- E. He/she shall prepare and submit the annual budget, the annual capital program and annual financial and administrative reports to the Council.
- F. He/she shall prepare and submit to the Council such reports and shall perform such duties as the Council may require and shall make such recommendations to the Council concerning the affairs of the town as he/she deems desirable.
- G. He/she shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- H. The Manager shall be designated personnel director, and shall administer the personnel system of the town to be approved by the Council.

#### **ARTICLE IV Administrative Organization**

##### **§ C-22. General provisions.**

- A. Creation of departments. The Council may establish town departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no functions assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- B. Direction by Manager. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager.

##### **§ C-23. Assessor.**

There shall be a single assessor appointed by the Manager with the consent of the Council. He/she shall perform all duties and responsibilities provided for assessors under general law.

##### **§ C-24. Board of Assessment Review.**

The Council shall establish, by ordinance, a Board of Assessment Review.

##### **§ C-25. Legal officer.**

There shall be a legal officer of the town, appointed by the Manager with the consent of the Council, who shall serve as chief legal advisor to the Council, the Manager and all town departments, boards, agencies and commissions. The legal officer shall represent the town in all legal proceedings and shall perform any other duties prescribed by ordinance and law.

**§ C-26. School administrative district.**

The Town of Fort Fairfield has a school administrative district. The SAD is governed by its own charter and by the laws of the State of Maine.

**§ C-27. Library Board of Trustees.**

The Town Council shall appoint five (5) members to the Board of Library Trustees for a term of five (5) years.

**ARTICLE V  
Financial Procedures****§ C-28. Fiscal year.**

The fiscal year of the town shall begin on the first day of July and end the last day of June, and may be amended by ordinance.

**§ C-29. Budget officer.**

The Manager or his or her designee shall be the budget officer. The budget officer shall prepare the budget message, the budget summary, the budget detail and the capital program for submission to the Council, and shall administer the budget.

**§ C-30. Budget message; summary; detail; capital program.**

The Council shall establish regulations governing the content of and the schedule for submission of the budget summary, budget detail, the budget message and the capital program. The Council shall, after notice and at least two (2) public hearings on a detailed budget, adopt the municipal budget and capital program, with or without amendment; provided that the budget may be effective immediately and that the authorized expenditures shall not exceed the total of estimated revenue. The adopted budget and capital program shall be public records. Adoption of the budget shall constitute appropriations of the amounts specified therein proposed. If the Council fails to adopt a budget for the ensuing year by the first day of such ensuing year, the amounts appropriated for the current year shall be deemed to be appropriated for the ensuing year on a month-to-month basis until such time as the Council adopts a budget for the ensuing year.

**§ C-31. Amendment of the budget.**

Upon the recommendation of the budget officer, the Council may, by ordinance which may be effective immediately, increase or decrease any appropriation. The budget officer, with the approval of the Council, may transfer part or all of any unencumbered balance within an appropriation at the end of the fiscal year. The Council may enact emergency ordinances which appropriate available unappropriated revenues or, where necessary, authorize the issuance of

emergency notes. Such emergency notes and renewal shall be paid two (2) years of the date of the emergency ordinance.

**§ C-32. Lapse of appropriations.**

Every general fund appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except that an appropriation for a capital expenditure shall not lapse until the purpose for which it was made is accomplished or abandoned or until three (3) years pass without any disbursement from or encumbrance of the appropriation.

**§ C-33. Referendum and initiative.**

- A. Referendum. The qualified voters of the town shall have power under this Article to require reconsideration by the Council of any adopted budget item. If the Council fails to accept an action so reconsidered, the qualified voters of the town shall have the right to approve or reject such amendment at a municipal election.
- B. Initiative. The qualified voters of the town shall have power to propose ordinance to the Council and, if the Council fails to adopt an ordinance so proposed without any changes in substance, to adopt or reject it an election, provided that such power shall only extend to the budget or as otherwise provided by this Charter or by law.
- C. Procedure. Referendum and initiative proceedings under this Article shall be carried out in accordance with requirements of this Charter as set forth in §§ C-48 through C-54 in Article VII. However, the following time schedule shall be in effect to preclude extended financial restriction on the Council in the conduct of town affairs:
  - (1) Time for filing petition. Budget referendum petitions must be filed within seven (7) calendar days after Council adoption of the budget.
  - (2) Time for certification of Clerk; amendment. The Clerk shall complete a certificate as to the sufficiency of the petition within five (5) days after filing. If determined insufficient, an immediate written notice shall be given in hand to a Petition Committee member who shall acknowledge receipt of the notice. If intent to amend is given by the Committee within one (1) day of receipt of the notice, an added two (2) days from notice of intent shall be granted for filing the amended petition. The determination of the Clerk as to sufficiency shall not be subject to Council review.
  - (3) Council action. If the referendum petition is finally determined sufficient, the Council shall adopt or reject, without amendment, the referendum article at a special Council meeting within five (5) days of the validation date. If adopted, the referendum action shall become an amendment to the budget of the town. If rejected, the Council shall hold a special election on the referendum article within fourteen (14) days of the validation date, giving one (1) notice to a newspaper of general circulation in the town and posted in at least (2) public buildings of the article and the time and place of the election. If adopted at the special election, the referendum action shall become an amendment to the budget of the town.

**§ C-34. Administration of budget.**

The budget officer may make allotments to departments, offices and agencies in accordance with estimated seasonal or periodic needs and may revise such allotments. No expenditures may be made or obligation incurred unless the budget officer or his or her designee first certifies that there is a sufficient unencumbered balance in the appropriate allotment or appropriation.

**§ C-35. Annual post audit.**

Council shall each year appoint a qualified public accountant for purpose of conducting the annual post audit of the prior fiscal year municipal finances as authorized by law.

**ARTICLE VI  
Nominations and Elections****§ C-36. Conduct of elections.**

The regular municipal election shall coincide with state and federal elections and will fall on the first Tuesday after the first Monday in November and will take office the first working day after January 1 of the following year. Elections shall be conducted consistent with and pursuant to the laws of the State of Maine.

**§ C-37. Nominations by long petition method.**

- A. Petitions. Candidates for election to the Council and the office of School Committee-Person shall be nominated by petition. Any qualified voter of the town may be nominated for election as a Councilor at large and School committee-Person by a petition signed by qualified voters of the town not less than five percent (5%) of the number of persons who voted in the town for the office of governor at the last gubernatorial election. The signatures to a nominating petition need not all be affixed to one (1) paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his or her presence and that he or she believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to his/her signature the date of his or her signing and the street address where he/she resides.
- B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Municipal Clerk as one (1) instrument not earlier than ninety (90) days or later than thirty-five (35) days before the election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination. **[Amended 11-1987]**
- C. Procedure after filing nomination petitions. Within five (5) days after the filing of a nominating petition, the Clerk shall notify the candidate and the person who filed the

Petition whether or not it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

**§ C-38. Names on ballots.**

The full names of all candidates nominated for membership on the Council or for the office of School Committee-Person, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol, under proper office headings.

**§ C-39. Ordering by candidates' surnames.**

Where two (2) or more candidates have been nominated for any office, the names of said candidates shall be arranged in the alphabetical order of their surnames.

**§ C-40. Determination of election result.**

- A. Number of votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- B. Plurality. Elections shall be determined by plurality vote. In case of a tie, a second election shall be held no later than sixty (60) days after the tie is determined to decide which of the tied candidates shall be elected.

**§ C-41. Preparations for central count.**

Before each election, the Council shall designate a central counting place where all the Council ballots shall be brought together and counted publicly, appoint a competent person to act as director of the count, employ and provide for the training of a sufficient staff of assistants (subject to any regulations of the Council), fix a definite compensation for the director and for each member of the staff which shall not be dependent on the length of time consumed in the count, provide for the proper disposition and counting of ballots deposited on election day in the ballot box, prepare detailed regulations for the count which shall be issued in advance to the members of the counting force, to the candidates and to their representatives at the central count, and make other suitable arrangements for the counting of ballots subject to the provisions of this Charter.

**§ C-42. Assembling the ballots.**

As soon as the polls have closed, the election officials at the voting place shall, without opening it, seal the ballot box used for the election and send it at once, as the Clerk may direct, to the

central counting place for the town. They shall send with it a record of the number of ballots cast therein.

**§ C-43. Checking the return.**

At the central counting place, the ballot box shall be opened and the number of ballots found therein recorded and compared with the record sent from the corresponding voting place. The record thus compared shall be made available to the public with notations explaining any corrections made therein. If any discrepancy appears which cannot be reconciled, it shall be shown on the record. All ballots found in the ballot box in respect to which no evidence appears that they have been improperly cast shall be accepted.

**§ C-44. Valid and invalid ballots.**

Valid and invalid ballots shall be determined as prescribed by state law.

**§ C-45. Rules for counting ballots.**

Rules for counting ballots shall be determined as prescribed by state law.

**§ C- 46. Ballots for ordinances.**

An ordinance to be voted on pursuant to Article VII shall be presented for voting by ballot title. The subject matter of the proposed ordinance be reduced to the question, “Shall the (name of the ordinance” be adopted?” Immediately below such question shall appear in the following order the words “yes” and “no” and to the left of each a square in which the voter may cast his or her vote.

**§ C-47. Voting machines.**

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

**ARTICLE VII  
Initiative and Referendum**

**§ C-48. General authority.**

- A. Initiative. The qualified voters shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any changes in substance, to adopt or reject it at an election, provided that such power shall not extend to budgetary matter, except as outlined in § C-33B.
- B. Referendum. The qualified voters of the town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so

reconsidered, to approve or reject it at a town election, provided that such power shall not exceed to budgetary matter, except as outline in § C-33A.

**§ C-49. Commencement of proceedings; petitioners; committee; affidavit.**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the Petitioner's Committee and be responsible for circulation of the petition and filing it in proper form, stating their names and street addresses and specifying the mailing address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

**§ C-50. Petitions.**

- A. Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular town election.
- B. Form and contents. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- C. Affidavit of circulation. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- D. Time for filing referendum petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinances sought to be reconsidered.

**§ C-51. Procedure after filing.**

- A. Certificate of Clerk; amendment. Within twenty (20) days after the petition is filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice or intention to amend it with the Clerk within two (2) days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certification. Such supplementary petition shall comply with the requirements of Subsections B and C of § C-50, and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by

mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under Subsection B of this section within the time required, the Clerk shall promptly present his/her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- B. Council Review. If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the Committee may, within two (2) days after receiving the copy of such certificates, file a request that it be reviewed by Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- C. Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to a court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

**§ C-52. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- A. There is a final determination of insufficiency of the petition; or
- B. The petitioners' committee withdraws the petition; or
- C. The Council repeals the ordinance; or
- D. Thirty (30) days have elapsed after a vote of the town on the ordinance.

**§ C-53. Action on petitions.**

- A. Action by council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.
- B. Submission to voters. The vote on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than on (1) year from the date of the final Council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

- C. Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15<sup>th</sup> day preceding the day scheduled for a vote of the voters by filing with the Clerk a request for withdrawal signed by at least four (4) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**§ C-54. Results of election.**

- A. Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**ARTICLE VIII**  
**General Provisions**

**§ C-55. Elected officers; terms.**

The terms of any elected officer shall begin with the first working day after January 1 of the following year. Any officer shall serve for his or her prescribed term or until his or her successor is elected and qualified.

**§ C- 56. Swearing in officers.**

Every town officer or official shall be sworn in by the Town Clerk, Justice of the Peace or Notary Public designated by the Council to the faithful discharge of the duties incumbent upon him/her according to the Constitution and laws of the State of Maine and the Charter and ordinances of the town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

**§ C- 57. Personal financial interest.**

Any officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the town or in the sale of any land, material, supplies or services to the town or to a contractor supplying the town, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an officer or employee in making of such sale or in the making or performance of such contract. Any officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge expressed or implied of the

person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the Council.

**§ C-58. Prohibitions.**

A. Activities prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, sex, political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under personnel provisions or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.
- (4) No person who holds a compensated appointive town position shall solicit any assessment, contributions or services for any political party from any employee in the municipal service.
- (5) Nothing herein contained shall affect the right of any person to hold membership in and support a political party, to vote as he or she chooses, to express privately and publicly his/her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

- C. Penalties. The Council shall enact an ordinance prescribing penalties for the above. Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction or by the Council acting in a judicial capacity shall be ineligible for a period of five (5) years thereafter to hold any town office or employment and shall immediately forfeit his/her office or position.

**§ C-59. Severability.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE IX**  
**Transitional Provisions**

**§ C-60. First election.**

- A. First election. At the time of its adoption, this Charter shall become effective immediately, only for the purpose of conducting the election of necessary municipal officials. Said election shall be conducted in accordance with the provisions of Article VI of this Charter. The first election shall be held on the first Tuesday after the first Monday in November (November 2, 1976). The Manager and Councilors shall prepare and adopt temporary regulations applicable only to the first election and designed to ensure its proper conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud.
- B. Time of taking full effect. This Charter shall be in full effect for all purposes on and after the first day of the next succeeding municipal year.

**§ C-61. First Council.**

- A. Initial staggering of terms. The terms of Councilors holding office on the adoption of this Charter will terminate as follows:
  - (1) Terms due to expire in 1977 will expire on January 1, 1977.
  - (2) Terms due to expire in 1978 will expire on January 1, 1978.
  - (3) Terms due to expire in 1979 will expire on January 1, 1979.
- B. The terms of Councilors to be elected following the adoption of this Charter are as follows:
  - (1) Three (3) Councilors for a term of three (3) years beginning January 1, 1977, to be elected at the annual election November 1976.
  - (2) Two (2) Councilors for a term of three (3) years beginning January 1, 1978, to be elected at the annual election November 1977.
  - (3) Two (2) Councilors for a term of three (3) years beginning January 1, 1979, to be elected at the annual election November 1978.

**§ C-62. Council.**

- A. Two (2) Councilors' terms due to expire January 1, 1979, are terminated, and those two (2) Councilor positions are hereby eliminated. The election of any person to either of these two (2) Councilor positions at the annual election November 1978 is declared null and void because of elimination of the office to which that person was elected.
- B. At the annual election November 1979, there shall be elected one (1) Councilor to serve for a term of two (2) years and two (2) Councilors to serve for terms of three (3) years, all terms to begin January 1980.

- C. Initial salaries. Initially each Councilor shall receive a salary at the existing rate on the effective date.
- D. First Council meeting. On the first working day following January 1, 1977, following the election of Councilors under this Charter, the newly elected members of the Council shall meet at 7:00 P.M. at the Council Chamber:
  - (1) For the purpose of electing the Chairperson, appointing the Town Manager and choosing, if it is so desired, one (1) of its members to act as temporary secretary.
  - (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this Charter and to maintain effective municipal government during that transition.
- E. Temporary ordinances. In adopting ordinances as provided in Subsection D, the Council shall follow the procedures prescribed in Article II, except that at its first meeting and any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective municipal government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption and published as prescribed or other adopted ordinances, a temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91<sup>st</sup> day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II for ordinances of the kind concerned.

#### **§ C-63. First School Committee**

- A. The terms of School Board members holding office on the adoption of this Charter will terminate as follows:
  - (1) Terms due to expire in 1977 will expire on January 1, 1977.
  - (2) Terms due to expire in 1978 will expire on January 1, 1978.
  - (3) Terms due to expire in 1979 will expire on January 1, 1979.
- B. The terms of School Board members to be elected following the adoption of this Charter are as follows:
  - (1) Two (2) School board members for a term of three (3) years beginning January 1, 1977, to be elected at the annual election November 1976.
  - (2) One (1) School Board member for a term of three (3) years beginning January 1, 1978, to be elected at the annual election, November 1977.

(3) Two (2) School Board members for a term of three (3) years beginning January 1, 1979, to be elected at the annual election November 1978.

**§ C-64. Officers and employees.**

- A. Rights and privileges preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights and privileges of persons who are town officers or employees at the time of its adoption.
- B. Continuances of office or employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he/she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he/she vacate the office or position.
- C. Personnel system. An employee holding a town position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for under this Charter.
- D. Established boards and committees. Any person serving on any established board or committee or commission shall continue to serve until replaced by provisions set forth under this Charter.

**§ C- 65. Pending matters.**

All rights, claims, actions, orders, contract and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this Charter.

**§ C-66. State and municipal laws in general.**

All town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit all laws relating to or affecting this town or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.