

1998

# Charter for the Town of Old Orchard Beach, Maine

Old Orchard Beach (Me.)

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## **PART I CHARTER\***

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\*Editor's note: Printed herein is the Charter for the Town of Old Orchard Beach, Maine, as adopted by referendum on November 4, 1997, and effective on July 1, 1998. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law references: Municipal home rule, Me. Const., art. VIII, part 2, 30-A M.R.S.A. § 2101 et seq.

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## **ARTICLE I. POWERS OF THE TOWN**

### **Sec. 101. Incorporation.**

The inhabitants of the Town of Old Orchard Beach, in the State of Maine, within the limits now established or hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Old Orchard Beach, Maine.

### **Sec. 102. Powers of the Town.**

The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations, provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or the inhabitants or municipal authorities thereof; it may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof to be recovered to the use of said Town by appropriate action.

The Town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

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 or more states or civil division or agencies thereof, or with the United States or any agency thereof.

In this Charter the mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all the powers the Town may assume pursuant to state laws and to the provisions of the State Constitution.

## **ARTICLE II. ELECTED OFFICES, NOMINATIONS AND ELECTIONS**

Sec. 201. Town Council, School Board, Town Clerk.

The elected officials of the Town shall be: the members of the Town Council, the members of the School Board and the Town Clerk.

Sec. 201.1. Town Council. The Town Council shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of two (2) years, and shall serve until a successor is elected and qualified. The terms of the Town Council shall be staggered, and expire at two year intervals on the third Monday in November.

Sec. 201.2. School Board. The School Board shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of two (2) years, and shall serve until a successor is elected and qualified. The terms of the School Board shall be staggered, and expire at two year intervals on the third Monday in November.

Sec. 201.3. Town Clerk. The Town Clerk shall be elected by the registered voters of the town. The term of the Town Clerk shall expire at two (2) year intervals on the third Monday in November, in the even numbered years. The Town Clerk shall be elected for a term of two (2) years, and shall serve until a successor is elected and qualified.

Sec. 201.4. Qualifications of Town Clerk. The Town Clerk shall be a registered voter of the Town and shall have his or her principal place of residence in the Town during his or her term of office. The Town Clerk shall not hold any other compensated Town office, be employed in any Town department other than the office of the Town Clerk or serve in any position appointed by the Town Council under section 409.3 of this Charter.

Sec. 202. Municipal Elections.

The office of Town Clerk, members of the Town Council and members of the School Board shall be filled in accordance with general law by Australian ballot, except insofar as the election dates and terms of office are modified by the terms of this Charter. The regular municipal election for such offices shall be held annually on the first Tuesday following the first

Monday of November. The Council may, by resolution, order a special election when the provisions of this Charter or state law require a special election to fill a vacancy.

Sec. 203. Nominations.

Registered voters of the Town shall be nominated for the Town Council, School Board and Town Clerk by use of nomination papers in accordance with the State Statutes governing Town elections.

Sec. 204. Conduct of Elections.

The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars with respect to preparing for, conducting and managing of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

Sec. 205. Voting Places.

The voting places established for state elections shall be established for municipal elections, and shall be accessible to persons with disabilities according to State law.

Sec. 206. Election Officials.

The Town Clerk shall be the supervisor of all elections. With the approval of the Town Council, the clerk shall appoint a warden and one or more deputy wardens to assist in the duties on election day. The clerk may designate himself or herself as warden or deputy warden. The municipal officers and the Town Clerk shall appoint election clerks as provided by state law.

Sec. 207. Certification.

After the results of any municipal election held pursuant to the provisions of this Charter are declared by the Town Clerk or the warden designated by the Clerk under Section 206, the clerk shall report the results of the election to the Town Council, which shall then issue a certificate of election.

### **ARTICLE III. INITIATIVE AND REFERENDUM**

Sec. 301. Petition for Overrule of Action of Council.

The following shall be subject to overrule by referendum as follows:

Sec. 301.1. All ordinances;

Sec. 301.2. Orders or resolves appropriating \$250,000 or more for a single capital improvement or piece of capital equipment;

Sec. 301.3. Orders or resolves authorizing the issuance of general obligation bonds or notes of \$250,000 or more for capital improvements or capital equipment.

Sec. 301.4. Orders or resolves appropriating \$250,000 or more from the Capital Improvement Fund.

If within twenty (20) days after the enactment of any such ordinance, order or resolve, a petition signed by not less than 10% of the registered voters of the Town of Old Orchard Beach is filed with the Town Clerk requesting its reference to a referendum, the Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk, and shall within fourteen (14) days after said public hearing call a special Town election for the purpose of submitting to a referendum vote the question of adopting such ordinance, order or resolve. Pending action by the voters of the Town, the referred ordinance, order or resolve shall be suspended from operation until it has received a vote of the majority of the voters voting on said question. The Town Council shall not repeal any ordinance, order, or resolve adopted by referendum for a period of one hundred eighty (180) days from the date of the referendum. An ordinance order or resolve defeated at a referendum shall not be reintroduced for a period of one hundred eighty (180) days from the date of the referendum.

Sec. 302. Petition for Enactment of Ordinances.

Not less than 10% of the registered voters of the Town may at any time petition for the enactment of any proposed lawful ordinance by filing a petition, including the complete text of the ordinance, with the Town Clerk. The Town Clerk shall then forward the proposed ordinance to the Town attorney who shall review the proposed ordinance before a public hearing is held. The Town Attorney is authorized to correct the form of the proposed ordinance for the purpose of avoiding repetitions, illegalities and

unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but shall not materially change its meaning and effect.

The Council shall call a public hearing to be held within thirty (30) days from the date of the filing of the petition with the Town Clerk. Within thirty (30) days after the public hearing, the Council shall call a special Town election for the purpose of submitting to a referendum vote the question of adopting the ordinance, unless the ordinance shall be enacted by the Council prior to the call for the special town election. The ordinance shall take effect on the 10th day after the conclusion of the referendum, provided a majority of those voting thereon shall have voted in the affirmative.

#### Sec. 303. Referendum on Certain Expenditures.

The Town Council shall submit the following actions to the voters at a regular or special election following one or more public hearings:

- (i) any order or resolve appropriating \$500,000 or more for a single capital improvement or for a single item of equipment;
- (ii) any order, resolve or ordinance authorizing general obligation bond issues of \$500,000 or more for capital improvements or equipment.

These provisions shall apply whether or not payment for the capital improvements or single item of equipment is to be made in more than one fiscal year.

The questions shall be submitted to the voters at the next regular municipal election held not less than thirty-five (35) days after the order, resolve or ordinance is passed; or the Town Council may order that the question be submitted to the voters at a special election to be held not less than thirty (30) days from the date of the order, resolve or ordinance.

#### Sec. 304. Form of Question.

The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve, shall be in accordance with state law. The form of question shall be substantially as follows: "Shall the ordinance, order or resolve entitled ` \_\_\_\_\_ ' be adopted? (or repealed?)"

#### Sec. 305. Procedures for Recall.

Any seven qualified voters may begin at any time proceedings to recall a Town Councilor, School Board member, Town Clerk or other elected official by a request in writing to the Town Clerk for appropriate petition blanks. These voters shall be referred to as the recall committee. All copies of the petition shall contain a statement of the reason or reasons for recall

and the names of the members of the recall committee. Each petition shall be limited to the recall of a single individual.

Sec. 305.1. The recall committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by 20% of the qualified voters of the Town. The petition shall be signed in the presence of the Town Clerk or of a qualified voter of the Town who shall certify to the authenticity of the signatures collected. Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than 20% of the registered voters of the Town. Should less than 20% of the registered voters of the town sign the petition, the petition shall have no further force or effect, and no new petition asking for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.

Sec. 305.2. Upon receipt of certification by the Town Clerk that a recall petition has been signed by at least 20% of the registered voters of the Town, the Town Council shall within thirty (30) days submit to the voters the question of recall. The Councilor, School Board member, Town Clerk or other elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled.

Sec. 305.3. Unless the official or officials whose removal is sought shall have resigned within ten days after the receipt by the Town Council of the Town Clerk's certification, the form of the ballot at such election shall be as nearly as may be: "Shall \_\_\_\_\_ be recalled?" with the name of the official whose recall is sought being inserted in the blank. The ballot shall also contain the names of the candidates nominated in place of the person recalled, as follows: "Candidates for the place of \_\_\_\_\_, if recalled"; but the person whose recall is sought shall not be candidate upon such a ballot. The form of ballot at said election shall be the same, as nearly as may be, as the form and the arrangement in use at a regular municipal election. In the event the person sought to be recalled resigns within the ten day period, such person shall not be reappointed to his former position by the Town Council, the School Board, or other appointing authority, as the case may be.

Sec. 305.4. If, of the total number of votes cast for and against the recall of the particular official, the majority cast are in favor of recalling such official, he shall thereby be removed, and the candidate chosen to succeed him shall hold office for the balance of the unexpired term.

Sec. 305.5. In the event that the Town Council fails or refuses to order an election as herein provided, the Town Clerk or, in the absence or disability of the Town Clerk, the Deputy Town Clerk, shall call the election to be held not less than thirty (30) days nor more than sixty (60) days following the Town Council's failure or refusal to order the required election.

## **ARTICLE IV. TOWN COUNCIL**

### **Sec. 401. Qualifications.**

Councilors shall be registered voters of the Town and shall have their principal place of residence in the Town during their terms of office. No member of the Town Council shall hold any other compensated Town office, be employed in any Town department under the direct control of the Town Council, nor serve in any position appointed by the Town Council under Section 409.3 of this Charter, during the term for which that member was elected to the Town Council. If a Town Councilor shall cease to possess any of these qualifications or shall be convicted of a crime which is punishable by imprisonment for more than six months, the office of that Town Councilor shall immediately become vacant.

### **Sec. 402. Induction of Town Council into Office.**

The Town Council shall meet at the usual place for holding meetings at 7:00 p.m. on the third Monday in November following the regular Town election and at said meeting Councilors-elect shall be sworn to the faithful discharge of their duties by a dedimus justice or by the Town Clerk and shall take office. The Council shall then elect a Chairperson and a Vice Chairperson for the next twelve month period.

### **Sec. 403. Town Council to Judge Qualifications of its Members.**

The Town Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and to require production of records. The decision of the Council in any such case shall be subject to review by the Maine Superior Court in accordance with state law.

### **Sec. 404. Meetings.**

The Town Council shall, at its first meeting or as soon thereafter as possible, establish by ordinance or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings and workshop meetings. Public notice shall be given for all meetings of the Town Council in accordance with Section 1004 of this Charter and in accordance with state law. Meetings of the Town Council shall be open to the public in accordance with 1 M.R.S.A. § 401 et seq. as amended and shall be recorded.

Sec. 404.1. Once a Town Council meeting has commenced, any additions to or deletions from the agenda, including emergency items, must be made immediately after roll call, at the beginning of the meeting.

Sec. 405. Chairperson and Vice-Chairperson.

1. The Chairperson shall preside at meetings of the Town Council and shall be entitled to vote on Council matters.
2. The Vice-Chairperson shall act as Chairperson during the absence of the Chairperson.

Sec. 406. Quorum.

A majority of the Town Council shall constitute a quorum for the transaction of business provided that three affirmative votes shall be required in order for the Council to take action. A smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 407. Rules of Procedure, Journal.

The Council shall determine its own rules and order of business which shall not supersede the Town Charter. It shall keep a record of its proceedings and the record shall be open to public inspection.

Sec. 408. Powers and Duties.

The members of the Town Council shall be and constitute the municipal officers of the Town of Old Orchard Beach for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of this State.

Sec. 409. Enumeration of Powers.

Without limitation of the foregoing, the Council shall have the power to:

Sec. 409.1. Appoint the Town Manager. The Town Council shall appoint an officer of the Town who shall have the title of Town Manager and shall have the powers and perform the duties described in this Charter. No Councilor shall receive such appointment during the term for which the Councilor shall have been elected, nor within one year after the expiration of the term, nor shall any Councilor act in that capacity. The Council shall appoint the Town

Manager for a six (6) month probationary period during which the manager may be removed by a majority vote of the Town Council with or without cause. After the probationary period, the manager shall be given a two (2) year contract subject to removal for cause during the term of the contract. It shall be the duty of the Town Council to evaluate the Town Manager and provide the Town Manager with a written copy of the evaluation, at least on an annual basis.

Sec. 409.2. Remove the Town Manager. The Council may remove the Town Manager for cause during the term of the contract by a vote of at least three (3) of its members. At least thirty (30) days before such removal shall become effective, the council shall by vote of at least three (3) of its members, adopt a preliminary resolution stating the reasons for the proposed removal. The manager may reply in writing and may request a public hearing within ten (10) days, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing if one is requested, or at the expiration of the time permitted the manager to request a public hearing, and after full consideration, the Council by vote of at least three (3) of its members may adopt or reject a final resolution of removal. By the preliminary resolution, the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during the period of suspension. If removal is voted, the Town Manager shall be paid any unpaid balance of his salary to the date of removal.

The provisions of the preceding paragraph concerning removal shall not apply to the nonrenewal of the contract of the Town Manager at the end of the two year term which may be done by majority vote of the Council with or without cause, provided that the Town Manager is given at least sixty (60) days notice of such nonrenewal.

Sec. 409.3. Confirm or appoint officers or officials, as follows:

- a) the Assessor, the Tax Collector, the Town Planner, the Code Enforcement Officer, the Town Treasurer, the Health Officer, the Director of Public Works, the Superintendent of the Wastewater Treatment Plant, the Director of Public Safety, the Recreation Director and any other department heads shall be appointed by the Town Manager, subject to confirmation by the Town Council;
- b) the Town attorney, the auditor, the members of the Zoning Board of Appeals, the Members of the Planning Board, the members of the Conservation Commission, the members of the Recreation Committee and

all other nonelective statutory and advisory officers, boards, commission and committees shall be appointed by the Town Council.

The Town Council may remove any of its appointees under paragraph (b) above after providing 60 days written notice of such intent, with reasons therefor, and providing the appointee an opportunity for hearing which shall be conducted in compliance with 1 M.R.S.A. § 401 et seq.

Sec. 409.4. By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to appointed offices, departments or agencies established by this Charter but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. Subject to any provisions of this Charter to the contrary, the Council may, however, vest in the Manager all or part of the duties of any office except the Department of Education;

Sec. 409.5. Establish, modify, amend, repeal and codify ordinances;

Sec. 409.6. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs;

Sec. 409.7. Adopt and modify the official maps of the Town;

Sec. 409.8. Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of land, buildings, and other structures for trade, industry, business, residence and other purposes;

Sec. 409.9. Provide for safe and sanitary housing accommodations for families of low income;

Sec. 409.10. Create a housing authority;

Sec. 409.11. Adopt, modify and carry out plans proposed by the Planning Board for the clearance of slum districts and rehabilitation of blighted areas;

Sec. 409.12. Adopt, modify and carry out plans proposed by the Planning Board for the replanning, improvement and redevelopment of neighborhoods

and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;

Sec. 409.13. Authorize and issue general obligation bonds and notes of the Town and enter into lease and lease purchase agreements in compliance with state law and Article VII of this Charter;

Sec. 409.14. Act as the general legislative body of the Town with all the powers of a Town meeting. The Town Council may not delegate any of the legislative powers conferred by this Charter or by law to any official of the Town or to any statutory or advisory board, commission or committee.

Sec. 409.15. Dispose of real and personal property acquired through nonpayment of taxes, when deemed in the best interest of the Town, by sealed competitive bids, except that the Council, in its discretion, may sell the property to the former owner for a sum not less than the total of all back taxes, interest, and costs;

Sec. 409.16. Sell, or offer to sell, by sealed competitive bids, surplus property of the Town provided that no real property acquired in any manner other than through nonpayment of taxes may be offered for sale, leased for more than three years, or otherwise disposed of without a referendum vote. Invitations for bid shall be published at least thirty (30) days prior to the date for the opening of bids. The Council may, in its discretion, accept or reject any or all bids.

Sec. 410. Public Hearing on Ordinances.

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council. Upon introduction of an ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk, shall post a copy of the proposed ordinance on the bulletin board in the Town Hall, and shall cause to be published in a newspaper of general circulation in the Town the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon. The public hearing shall follow the publication in the newspaper by at least seven (7) days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. An ordinance shall become

effective upon its adoption by the Council or at such other time as it may specify. After the public hearing the Council may adopt the ordinance with or without amendment or reject it, but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing. If an ordinance is amended so as to change substantially its meaning, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required for a newly introduced ordinance. The above procedure may be waived only as provided in Section 410.1 dealing with emergency ordinances. The Council may enact rules controlling reintroduction of defeated ordinances, provided that no defeated ordinance may be reintroduced for a period of one hundred eighty (180) days from the date of the meeting at which it was considered.

Sec. 410.1. Notwithstanding any other provision of this Charter, to meet a public emergency affecting life or health or property or the public peace, the Council may adopt one or more emergency ordinances, with the statement of the emergency being a part of the preamble to the ordinance. The declaration of such emergency by the Council shall be conclusive. 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) Councilors shall be required for adoption. After adoption, the ordinance shall be posted on the bulletin board in the Town Hall and such other places as the Council may designate. It shall be effective as of its adoption or as of such other time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency bonds or notes shall stand repealed as of the 61st day following the date of its adoption, but this shall not prevent the reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 411. Council Not to Interfere in Appointments or Removals.  
Neither the Town Council nor any of its members shall direct or request the appointment of any person to office, nor the removal of any person from office, by the Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative functions of the town solely through the Town Manager, and neither the council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

Sec. 412. Conflict of Interest.

No relative of a Town Councilor shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary which is approved during that Councilor's term of office. As used in this section, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law.

Sec. 413. Independent Annual Audit.

Prior to the end of each fiscal year, the Town Council shall designate either the State Department of Audit or a private certified Public Accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit a report to the Town Council, the Town Manager and the Town Treasurer. Such accountant shall not be otherwise employed by the Town in any capacity and shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department, or agency of the Town government.

Sec. 414. Compensation.

The Town Council by ordinance shall determine the compensation of Councilors and members of the School Board. No increase in compensation shall take effect until the next Town fiscal year. The Town Council, by specific order, shall set the compensation of its appointees. Salaries of the appointees of the Town Manager shall be set by the Town Manager, subject to approval of the Town Council, by specific order.

Sec. 415. Vacancies in Council.

Any member of the Town Council who misses three (3) consecutive regular meetings of the Council without excuse may be removed from office after notice and hearing by a resolution duly adopted by the majority of the remaining members of the Council. The office of Councilor shall also become vacant upon resignation, death, recall, 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. If a

vacancy occurs for any reason other than recall during the first six months after a Town Councilor has been elected, such vacancy shall be filled for the unexpired term by that person who was a candidate for Council at the same election at which the Councilor whose office has become vacant was elected and who received the greatest number of votes among the unsuccessful candidates; and in the event that such person is unwilling or unable to serve, then the vacancy shall be filled by a special election held within 90 days from the date the vacancy occurred. Otherwise, if a seat on the Council becomes vacant more than six (6) months prior to the next regular municipal election, the vacancy shall be filled for the unexpired term within ninety (90) days from the date that the vacancy occurred by a special election. If a seat on the Council becomes vacant less than six (6) months prior to the next regular municipal election, the vacancy shall be filled for the unexpired term, if any, at the next regular municipal election.

## **ARTICLE V. TOWN MANAGER**

### **Sec. 501. Town Manager, Qualifications.**

The Town Manager shall be chosen by the Town Council on the basis of what is in the best interest of the town of Old Orchard Beach and must hold a Bachelor's or advanced degree in government, law, accounting, political science, public administration, public finance, business administration, economics or another similar academic discipline or must have significant experience serving as the chief administrative/executive officer or as an assistant or deputy to the chief administrative/executive officer of a state, municipality or other political subdivision, or of a state or federal government agency. At the time of appointment, the Town Manager need not be a resident of the Town or State.

### **Sec. 502. Town Manager, Powers and Duties.**

The Town manager shall be the chief administrative officer and the head of the administrative branch of Town government, and shall be responsible to the Council for the proper administration of the affairs of the Town. The manager shall have the power and shall be required to:

Sec. 502.1. Appoint department heads, subject to confirmation by the Town Council. The Town Manager shall establish performance criteria for each position of the Town. The Town Manager shall be responsible for the appointment and/or removal of all officers and employees of the Town except as otherwise provided in this Charter. The Town Manager may authorize the head of a department or office to appoint and/or remove subordinates. All removals shall be in accordance with the Personnel Policy.

Sec. 502.2. Prepare a proposed budget annually, submit it to the Town Council at least ninety (90) days prior to the commencement of each fiscal year, and be responsible for administration of the budget after adoption;

Sec. 502.3. Prepare and submit to the Town Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year, and cause such annual Town report to be published and made available to the public within ninety (90) days after the close of the fiscal year;

Sec. 502.4. Prepare and submit to the Town Council on a monthly basis a cumulative monthly report of the condition of all appropriation accounts

showing appropriations, income and anticipated income to each account, expenditures to date, balance remaining and anticipated expenditures for the remainder of the year.

Sec. 502.5. Attend the meetings of the Town Council, except when the Manager's removal is being considered, and keep the Town Council advised of the financial condition and future needs of the Town and make such recommendations as may seem desirable after consultation with respective department heads;

Sec. 502.6. See that all laws and ordinances governing the Town are faithfully executed;

Sec. 502.7. Act as purchasing agent for all departments of the Town, except the Department of Education;

Sec. 502.8. Prepare a Personnel Policy to be submitted annually to the Town Council and be responsible for its administration after adoption;

Sec. 502.9. Perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with this Charter.

Sec. 503. Absence of Town Manager.

The Manager may, with the consent of the Council, designate by letter filed with the Town Clerk, a qualified administrative officer of the Town to perform the Manager's duties during a period of temporary absence or disability. In the event or failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until the Manager shall return or the disability shall cease.

Sec. 504. Department of Public Works.

The Director of Public Works shall be appointed by the Town Manager, subject to confirmation by the Town Council, and shall exercise all of the powers and perform all of the duties conferred or imposed by law, including the powers and duties of road commissioners under state statute.

Sec. 505. Department of General Assistance.

The Director of General Assistance shall be appointed by the Town Manager, subject to confirmation by the Town Council, and shall exercise

all of the powers and perform all of the duties conferred or imposed by law on overseers.

Sec. 506. Department of Public Safety.

The Director of Public Safety shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Director of Public Safety shall report to the Town Manager. Any disciplinary action, including removal, demotion or suspension, taken by the Town Manager, against the Director of Public Safety shall be appealable to the Town Council, provided such appeal is made in writing within ten days of the Town Manager's decision. The decision of the Town Council, after notice and hearing, may be appealed to the Superior Court in accordance with M. R. Civ. P. 80B.

Sec. 507. Town Treasurer, Powers and Duties.

The Town Treasurer shall be appointed by the Town Manager subject to confirmation by the Town Council. The contract will be for a two (2) year term subject to removal for cause during such term by the Town Council, after notice and hearing, in accordance with the current contract. The powers and duties of the Town Treasurer shall be the same as provided for Town Treasurers under the general laws of the State of Maine and the ordinances duly adopted by the Council. The Town Manager shall not serve as the Town Treasurer.

Sec. 508. Recreation Department.

The Recreation Director shall be appointed by the Town Manager subject to confirmation by the Town Council.

Sec. 509. Planning Department.

The Town Planner and the Code Enforcement Officer shall be appointed by the Town Manager subject to confirmation by the Town Council.

Sec. 510. Waste Water Treatment Plant.

The Waste Water Treatment Plant Superintendent shall be appointed by the Town Manager subject to confirmation by the Town Council.

## **ARTICLE VI. SCHOOL BOARD/ DEPARTMENT OF EDUCATION**

### **Sec. 601. Qualifications.**

Members of the School Board shall be registered voters of the Town and shall have their principal place of residence in the Town during their terms of office. No member of the School Board shall hold any other compensated Town office or be employed in any Town department under the direct control of the School Board. If a School Board Member shall cease to possess any of these qualifications or shall be convicted of a crime which is punishable by imprisonment for more than six months, the office of that School Board Member shall immediately become vacant upon majority vote of the remaining members of the School Board. The School Board shall notify the Town Council of the vacancy immediately.

### **Sec. 602. Induction of School Board Members into Office.**

The School Board shall meet at the usual place for holding meetings at 7:00 p.m. on the 3rd Monday in November following the regular Town election and at said meeting School Board Members-elect shall be sworn to the faithful discharge of their duties by a dedimus justice or by the Town Clerk and shall take office.

The School Board shall then elect a Chairperson and a Vice-Chairperson for the next 12 month period.

### **Sec. 603. School Board to Judge Qualifications of its Members.**

The School Board shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and to require production of records. The decision of the School Board in any such case shall be subject to review by the Maine Superior Court in accordance with state law.

### **Sec. 604. Meetings.**

The School Board shall, at its first meeting or as soon thereafter as possible, establish regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings and workshop meetings. Public notice shall be given for all meetings of the School Board in accordance with Section 1004 of this Charter and in accordance with state law. Meetings of the School Board shall be open to the public in accordance with 1 M.R.S.A. § 401 et seq. as amended and shall be recorded.

Sec. 605. Chairperson and Vice-Chairperson.

1. The Chairperson shall preside at meetings of the School Board and shall be entitled to vote on School Board matters.
2. The Vice-Chairperson shall act as Chairperson during the absence of the Chairperson.

Sec. 606. Quorum.

A majority of the School Board shall constitute a quorum for the transaction of business provided that three (3) affirmative votes shall be required in order for the School Board to take action. A smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 607. Rules of Procedure; Journal.

The School Board shall determine its own rules and order of business which shall not supersede the Town Charter. It shall keep a record of its proceedings and the record shall be open to public inspection.

Sec. 608. Powers and Duties.

The members of the School Board shall be and constitute the school board of the Town of Old Orchard Beach for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of School Board Members under the laws of this State.

Sec. 609. Enumeration of Powers.

Without limitation of the foregoing, the School Board shall have the following powers:

Sec. 609.1. Manage the Schools. The School Board Shall manage the schools and provide custody and care, including repair and insurance on school buildings and all school property within the school units in accordance with state law.

Sec. 609.2. Select the Superintendent. The School Board shall select a Superintendent of Schools in accordance with state law.

Sec. 609.3. Remove the Superintendent. The School Board shall have the power to remove the Superintendent of Schools in accordance with state law

Sec. 610. Vacancies in the School Board.

Any member of the School Board who misses three (3) consecutive regular meetings of the School Board without excuse may be removed from office after notice and hearing by a resolution duly adopted by the majority of the remaining members of the School Board. The office of the School Board [member] shall also become vacant upon resignation, death, recall, failure to qualify for the office within ten (10) days after written demand by the Town Council, forfeiture of office, or failure of the municipality to select a person to the office. If a seat on the School Board becomes vacant for any reason less than ninety (90) days prior to the next regularly scheduled municipal election, the vacancy shall not be filled and the School Board shall operate with the remaining members. If a seat on the School Board becomes vacant for any reason more than ninety (90) days prior to the next regularly scheduled municipal election, it shall be filled until the next municipal election by the affirmative vote of at least three members of the Town Council. Notwithstanding the foregoing, if a vacancy occurs for any reason other than recall during the first six months of a School Board member's term, such vacancy shall be filled for the unexpired term by that person who was a candidate for the School Board at the same election at which the School Board member whose office has become vacant was elected and who received the greatest number of votes among the unsuccessful candidates, and in the event that such person is unwilling or unable to serve, then the vacancy shall be filled as otherwise provided by this section.

Sec. 611. Budget.

The School budget shall be submitted to the Town Council at least ninety (90) days prior to the beginning of each fiscal year and the format of the School Budget shall be as follows:

- General Education--Elementary, secondary
  - Special Education
  - Undistributed--Attendance, Health Services, Curriculum Development, Fixed Charges, Office of the Superintendent, Operation and Maintenance, Pupil Transportation, Food Services, and Debt Service
- The school budget shall also include any articles required to be adopted by state law.

Sec. 612. Adult Education.

The Old Orchard Beach Department of Education shall act as fiscal agent for the Adult Education program. The School Board may enter into contracts, agreements, or other arrangements with other school administrative units for the purpose of providing joint adult education programs.

## **ARTICLE VII. FINANCIAL PROCEDURE/ BUDGET**

### **Sec. 701. Fiscal Year.**

The fiscal year of the Town government shall be established by ordinance. Such fiscal year shall constitute the budget and accounting year as used in this Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

### **Sec. 702. Preparation and Submission of the Budget.**

The Town Manager, at least ninety (90) days prior to the beginning of each budget year, shall submit to the Council a budget and an explanatory budget message. With respect to the Department of Education only, the budget authority of the Council shall be limited to the final determination of the total appropriation to be made to that Department. The proposed budget prepared by the Manager, and the Department of Education budget, shall be reviewed by the Town Council which shall approve such budgets with or without amendment. The Town Council shall fix the time and place for holding a public hearing on such budgets, and shall give a public notice of such hearing. The Council shall thereafter review the budgets and adopt them, with or without change, no later than the day before the beginning of the fiscal year. In the event the Council shall fail to adopt the budgets before the beginning of the fiscal year, the budgets as presented by the Manager and the Department of Education shall automatically become the budgets for the fiscal year. The budget shall be compiled from detailed information furnished by the administrative officers and boards on such forms as may be designated by the Manager, and shall contain:

**Sec. 702.1.** An exact statement of the financial condition of the Town including all dedicated and undedicated fund balances;

**Sec. 702.2.** An itemized statement of appropriations recommended for current expenses, and for permanent improvements with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the two preceding fiscal years. An increase or decrease in any items shall be indicated;

Sec. 702.3. An itemized statement of estimated revenue from all sources, other than taxation; a statement of taxes required and comparative figures from the previous and next fiscal year;

Sec. 702.4. Such other information as may be required by the Town Council.

Sec. 703. Budget Establishes Appropriations.

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies, departments and purposes therein named.

Sec. 704. Budget Establishes Amount to be Raised by Property Tax, Certification to Town Assessor.

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Manager and filed with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding year. A copy shall also be filed with the Town Clerk.

Sec. 705. Budget Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax. The budget summary shall also be itemized by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

Sec. 706. Expenditures and Departmental Revenue.

The budget for all departments, including the Department of Education, shall include all proposed expenditures. The Town Council shall make a gross appropriation for each department, including the Department of Education, for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the Council and subject to the provisions of Section 708. The Department of Education budget shall be expended under the direction and control of the School Board.

Sec. 707. Work Program, Allotments.

Before the beginning of the budget year, the head of each office, department or agency shall submit when requested by the Town Manager a work program for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Sec. 708. Transfer of Appropriations.

At the request of the Manager the Council may by resolution transfer an unencumbered appropriation balance or portion thereof including surplus between the general accounts.

Sec. 709. Appropriations Lapse at End of Fiscal Year.

Except as otherwise provided by law, all appropriations shall lapse at the end of the fiscal year, and all surpluses shall be appropriated by the Town Council during the ensuing fiscal year.

Sec. 710. Borrowing in Anticipation of other Revenues.

In any fiscal year, in anticipation of the collection or receipt of taxation and of other revenues of that fiscal year, the Council may, by resolution, authorize the borrowing of money by the issuance of negotiable notes of the Town, each of which shall be designated "Special Revenue Note for the Year . . . ." Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year in which the original note shall have been issued.

## **ARTICLE VIII. TAX ADMINISTRATION**

Sec. 801. Assessor.

There shall be established a Division of Assessment, the head of which shall be the Town Assessor. The Assessor shall be appointed by the Town Council for a two year term subject to removal for cause during such term by the Town Council after notice and hearing. The powers and duties of the Assessor shall be the same as provided for Town Assessors under the general laws of the State of Maine and the ordinances duly adopted by the Council.

## **ARTICLE IX. MUNICIPAL DEVELOPMENT**

### **Sec. 901. Planning Board.**

There shall be a Town Planning Board composed of five (5) members and two (2) alternates which shall be appointed by the Town Council, have such powers and perform such duties as are provided by laws of the State of Maine and the ordinances duly adopted by the Council. Each member of the Planning Board and each alternate shall be appointed for a term of two (2) years and shall serve until a successor has been appointed and qualified.

Sec. 901.1. Subject to confirmation by the Council, the Town Manager shall appoint a Town Planner and a Code Enforcement Officer for a six (6) month probationary period during which they may be removed by the Manager with or without cause. After the probationary period, and subject to confirmation by the Council, the Town Planner and the Code Enforcement Officer shall be given two (2) year contracts subject to removal for cause by the Town Manager during the term of the contract, after notice and hearing. The Town Planner and the Code Enforcement Officer shall be given at least 60 days notice of nonrenewal of contract. The Town Planner and Code Enforcement Officer shall attend all meetings of the Planning Board and the Zoning Board of Appeals, or send a designee or request the Town Attorney to advise and assist these Boards, when they are unavailable.

### **Sec. 902. Zoning Board of Appeals.**

There shall be a Zoning Board of Appeals composed of five (5) members and two (2) associate members which shall be appointed by the Town Council, have such powers and perform such duties as are provided by the laws of the State of Maine and ordinances duly adopted by the Council. The members of the Zoning Board of Appeals shall serve staggered three (3) year terms and shall serve until a successor has been appointed and qualified.

### **Sec. 903. Conservation Commission.**

There shall be a Conservation Commission composed of five (5) members, and two (2) Alternates who shall be appointed by the Council. Members of the Conservation Commission shall serve staggered three (3) year terms under 30-A M.R.S.A. § 3261 and shall serve until a successor has been appointed and qualified. The Conservation Commission shall be responsible for the care and superintendence of the public parks and shall have such

powers and perform such duties as are provided by the laws of the State of Maine and the ordinances duly adopted by the Council, including the powers and duties of tree wardens. The Conservation Commission shall have the power to form subcommittees and/or advisory boards as they deem necessary.

Sec. 904. Recreation.

There shall be a Recreation Board composed of five (5) members who shall be appointed by the Town Council, with representation consisting of one (1) resident of the Town over age 55, one (1) representative of the Old Orchard Beach School Department, one (1) student enrolled in a public school operated by the Old Orchard Beach School Department, and two (2) community members at large. Members of the Recreation Board shall serve staggered three (3) year terms, excluding the student who shall be appointed annually, and shall serve until a successor is appointed and qualified. The Recreation Board shall be responsible for recommending, overseeing, and maintaining recreation programs. The Recreation Board shall be responsible for the maintenance of recreation equipment and facilities.

## **ARTICLE X. GENERAL PROVISIONS**

Sec. 1001. Repealing clause.

Upon the effective date of this Charter, all acts and parts of acts of the private and special laws of Maine relating to the Town of Old Orchard Beach, inconsistent in whole or in part with the provisions of this Charter and all previous charters of the Town of Old Orchard, are hereby repealed.

Sec. 1002. Separability clause.

If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portion thereof.

Sec. 1003. Conflicts of Interest.

No elected Town official shall hold appointed office in the Town unless the law or ordinance creating the appointed office so requires or allows. Any elected official, employee or member of a Town board, commission or committee who violates or causes a violation of state law relating to conflicts of interest shall be guilty of malfeasance in office or position and shall forfeit said office or position. Violation of this section with the knowledge of the person or corporation contracting with or making a purchase or sale to the Town shall, at the option of the Town, render the contract or sale voidable.

Sec. 1003.1. No appointed department head shall hold any other elected or appointed office, or position of employment with the Town.

Sec. 1004. Public Bulletin Board.

There shall be a public bulletin board located in the Town Hall. The agenda of each meeting of the Town Council, the School Board and all other boards, committees, and commissions shall be posted on this bulletin board at least three (3) working days prior to the meeting and a copy of the agenda shall be printed as a legal advertisement in a newspaper of general circulation in the Town at least 24 hours prior to the meeting. No action shall be taken on agenda items which have not been posted and published in accordance with this section, unless the Council, School Board, commission or board determines that an emergency exists. The declaration of emergency by the Council, School Board, commission or board shall be conclusive. Dates, times, and meeting places of all regular and special meetings, public

hearings and workshops shall also be posted on the bulletin board in accordance with the section.

Sec. 1004.1. Public Access to Meetings.

All regularly scheduled meetings of the Town Council and of the School Board shall be videotaped and broadcast on a local cable access channel pursuant to federal laws governing local access. Additionally, in the event an issue arises causing significant public interest or significant community changes which will be discussed at a meeting other than a regularly scheduled meeting, all reasonable attempts will be made by the Town Council Members or School Board Members, as appropriate, to have the meeting videotaped and shown as soon as possible on a local public cable channel.

Sec. 1005. Minutes of Meetings, Workshops and Public Hearings.

All minutes taken at Town Council, School Board, Planning Board, Zoning Board of Appeals, and Conservation Commission meetings shall be turned in to the Town Clerk's office within seven (7) days after the meeting. Minutes from all other boards, committees or commissions, whether appointed or elected, shall be turned in to the Town Clerk's office within thirty (30) days.

Sec. 1006. Secretary.

The Town Council and each elected or appointed board, committee and commission shall appoint a secretary to take minutes for the public record, who shall be sworn into office by the Town Clerk.

Sec. 1007. [Running as Candidate for Two or More Elective Offices.]

No person may run for two (2) or more elective offices at the same election.

Sec. 1008. Accessible Meeting Place.

All regular and special meetings, workshops, public hearings, budget meetings of the Town Council and all elected and appointed boards, committees and commissions shall be held in a place that is accessible to persons with disabilities.

Sec. 1009. Comprehensive Plan and Zoning Ordinance.

There shall be a comprehensive plan and zoning ordinance as required by state law.

Sec. 1010. Summons before Town Council.

The Clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the Town Council for the Town of Old Orchard Beach at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint of failure to obey summons to the Maine Superior Court which court is expressly given jurisdiction to hear such complaints, said court[,] if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than thirty (30) days, or by both. All rights of appeal are to be available as exist in the general laws of the State of Maine.

Sec. 1011. Oath of Office.

Every officer of the Town shall, before entering upon the duties of office, take and subscribe to the following oath, to be filed and kept in the office of the Town Clerk.

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will in all respects observe the provisions of the Town Charter and ordinances of the Town of Old Orchard Beach and that I will support the Constitution and will obey the laws of the United States and of this State so long as I shall continue a citizen thereof, so help me God."

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully discharge all the duties incumbent upon me as a \_\_\_\_\_ according to the Constitution and laws of the State, so help me God."

Provided that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

Sec. 1012. Ordinances not inconsistent continue in force.

All ordinances of the Town of Old Orchard Beach in force at the time when this charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Sec. 1013. Removal of officers and employees.

Any officer or employee to whom the Town Manager, or a head of any office, department or agency, may appoint a successor, may be removed by the Manager, or other appointing officer at any time. The decision of the Town Manager, or other appointing officer, shall be final. Removal of the

fire chief, the police chief and the senior rescue operations facilitator shall be by the Town Manager, for cause, with the right of appeal to the Town Council.

## **ARTICLE XI. TRANSITIONAL PROVISIONS**

### **Sec. 1101. Validity.**

The following sections of this Article may be omitted in any printed copies of this Charter after it has become effective, but this shall not impair the validity of acts under these sections.

### **Sec. 1102. First Election.**

Notwithstanding the provisions of Section 202, there shall be no regular municipal election in November 1998 and the first regular municipal election under this Charter shall be held on the first Tuesday following the first Monday of November 1999. Notwithstanding anything to the contrary in Section 201.1, at the November 1999 election, three members of the Town Council shall be elected for terms of one year each and two members of the Town Council shall be elected for terms of two years each. Candidates for Council in the November 1999 election shall specify on their nomination papers whether they are seeking election for a one year term or a two year term and may be elected only for the term so specified. Notwithstanding anything to the contrary in Section 201.2, at the November 1999 election, three members of the School Board shall be elected for terms of one year each and two members of the School Board shall be elected for terms of two years each. Candidates for School Board in the November 1999 election shall specify on their nomination papers whether they are seeking election to a one year term or a two year term and may be elected only for the term so specified. Notwithstanding anything to the contrary in Section 201.3, at the November 1999 election, the Town Clerk shall be elected for a term of one year.

### **Sec. 1103. Time of Taking Full Effect.**

This Charter shall take effect for all purposes on July 1, 1998.

### **Sec. 1104. Terms of Current Officials.**

The terms of members of the Town Council, members of the School Board, and the Town clerk elected at the regular municipal election on November 4, 1997 shall expire on the third Monday in November, 1999.

Sec. 1105. Continuance of Officers and Employees.

(a) Rights and privileges preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of its adoption.

(b) Town Manager. The person holding the position of Town Manager on the date this Charter takes effect may continue to hold that position for the remainder of the term of his then existing contract (subject to removal for cause under Section 409.2), and may be appointed for up to two additional two-year contract terms under Section 409.1 without possessing the qualifications specified by Section 501 of this Charter, but may not be reappointed thereafter if he has not attained those qualifications.

Sec. 1106. First Budget.

The budget adopted for the fiscal year beginning July 1, 1998 shall remain in effect until the end of the then current fiscal year subject to modification in accordance with the terms of this Charter.

Sec. 1107. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

Sec. 1108. Municipal Laws.

All ordinances, resolutions, orders and regulations in force at the time that this Charter takes effect, not inconsistent with this Charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the Town of Old Orchard Beach in force at the time that this Charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

CHARTER COMPARATIVE TABLE REFERENDUM

This table shows the location of the sections of the basic Charter and any amendments thereto.

TABLE INSET:

Referendum

Date	Section	Section
11- 4-1997(Ref.)	arts. I--XI	Arts. I--XI