

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 817

H. P. 1745 House of Representatives, April 4, 1929.

Reported by Mr. Taylor from Committee on Legal Affairs
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Grant a New City Charter to the City of Belfast.

Be it enacted by the People of the State of Maine, as follows:

ARTICLE I

GRANT OF POWERS TO THE CITY

Section I. *Corporate existence retained.* The inhabitants
2 of the city of Belfast shall continue to be a municipal cor-
3 poration under the name of the city of Belfast and as such
4 shall have, exercise and enjoy all the rights, immunities,
5 powers and privileges, and shall be subject to all the duties,
6 liabilities and obligations provided for herein, or otherwise
7 pertaining to or incumbent upon said city as a municipal
8 corporation; and may enact ordinances, by-laws, and regu-

9 lations not inconsistent with the constitution and laws of
10 the State of Maine.

ARTICLE II

CITY COUNCIL

Section 1. *Powers and duties.* All the powers granted
2 to the city by this charter and by the laws of this state, ex-
3 cept as otherwise provided by this charter, are hereby vested
4 in the city council, which shall exercise its powers in the
5 manner hereinafter provided; except that the general man-
6 agement, care and conduct of the schools shall be vested
7 in a school committee. The members of the city council
8 shall be the municipal officers of the city of Belfast for all
9 purposes required by statute or ordinance. The city council
10 is hereby constituted overseers of the poor of the city of
11 Belfast. As such they may authorize a clerk or agent to
12 sign and send the written notices and the written answers
13 referred to in sections thirty-five and thirty-six of chapter
14 twenty-nine of the revised statutes; and such written no-
15 tices and written answers shall have the same effect as if
16 signed and sent by the members of the city council them-
17 selves.

Sect. 2. *Composition, election, tenure of office, etc.* The
2 council shall be composed of the mayor and five other
3 members. The members other than the mayor shall be
4 elected one from each ward by and from the qualified voters
5 thereof. The mayor shall be ex-officio president of the
6 council. The members of the council shall hold office for

7 a term of two years or until their successors are elected
8 and qualified. Members of the council and the mayor shall
9 serve without compensation.

Sect. 3. *Vacancies; forfeiture of office.* In case of the
2 death, resignation, or removal from office of any member
3 of the council, more than six months prior to the next reg-
4 ular city election, the vacancy shall be filled by a special
5 election which shall be held in the ward from which the
6 vacancy occurs, the warrants for which shall be issued by
7 the mayor. Any member of the council who shall have
8 been convicted of a crime while in office shall thereby for-
9 feit his office.

Sect. 4. *Regular meetings and qualification.* The council
2 shall meet at the usual place for holding meetings, at ten
3 o'clock a. m. on the first Monday following the regular
4 city election, at which time the mayor-elect and the council-
5 men-elect shall be sworn to the faithful discharge of their
6 duties by a justice of the peace or by the city clerk. There-
7 after the council shall meet at such time and place as may
8 be prescribed by ordinance or resolution, except that it
9 shall meet regularly each month.

Sect. 5. *Special meetings.* Special meetings may be called
2 by the mayor, or by a majority of all the members of the
3 council. Notice of such meetings shall be served in person
4 upon, or left at the usual dwelling place of, each member
5 of the council and the city manager.

Sect. 6. *Quorum.* A majority of the members of the

2 council shall constitute a quorum for the transaction of busi-
3 ness, but a smaller number may adjourn from time to time
4 or compel attendance of absent members.

Sect. 7. *Procedure.* The council shall keep a record of
2 its proceedings and shall be the judge of the qualification
3 and election of its own members. The council may deter-
4 mine its own rules of procedure and punish members for
5 misconduct. The meetings of the council shall be open to
6 the public. The council shall act only by ordinance, order
7 or resolve; and all ordinances, orders, and resolves, except
8 resolves making appropriations, shall be confined to one
9 subject which shall be clearly expressed in the title. The
10 appropriation resolves shall be confined to the subject of
11 appropriations. No ordinance and no appropriation re-
12 solve shall be passed until it has been read on two separate
13 days, except when the requirement of a reading on two sep-
14 arate days has been dispensed with by a four-fifths vote of
15 the voting members of the council. The yeas and nays shall
16 be taken upon the passage of all ordinances and entered
17 on the record of the proceedings of the council by the clerk.
18 The yeas and nays shall be taken on the passage of any
19 order or resolve when called for by any member of the
20 council. Every ordinance shall require on final passage the
21 affirmative vote of the majority of the voting members of
22 the council. Every ordinance shall be published in full
23 within ten days after its final passage, and shall take effect

24 and be in force after its approval by some justice of the
25 supreme judicial court.

ARTICLE III

THE MAYOR

Section 1. *Eligibility, election and tenure of office.* A may-
2 or shall be elected by and from the qualified voters of the
3 city. He shall hold office for a term of two years or until
4 his successor is elected and qualified, except that when
5 elected to fill a vacancy he shall hold office only for the
6 unexpired term or until his successor is elected and qual-
7 ified.

Sect. 2. *Vacancy.* In case of the death, resignation, or
2 removal from office of the mayor more than six months
3 prior to the next regular election, the vacancy for the unex-
4 pired term shall be filled by a special election, the warrants
5 for which shall be issued by the council. Whenever the
6 office of mayor becomes vacant within six months prior to
7 a regular city election, whenever the office of mayor is va-
8 cant pending an election, or whenever the mayor, for any
9 reason, is unable to attend to the duties of his office the
10 council shall appoint one of its members to perform the
11 duties of mayor.

Sect. 3. *Powers and duties.* The mayor shall preside at
2 all meetings of the council and shall perform such other
3 duties, consistent with his office, as the council may impose.
4 He shall have no veto and no vote except in case of a tie.
5 He shall be recognized as the official head of the city for

6 ceremonial purposes, and for all purposes of military law.
7 The title of mayor shall not be considered as conferring
8 upon him any functions of a mayor under the general laws
9 of the state inconsistent with the provisions of this charter.

ARTICLE IV

SUPERINTENDING SCHOOL COMMITTEE

Section 1. *Composition, eligibility, election, tenure of office, special provision.* The superintending school committee shall consist of the mayor, ex-officio, and ten other members elected two from each ward by and from the inhabitants thereof. No person shall be ineligible to membership on the superintending school committee on account of sex. They shall hold office for a term of four years or until their successors are elected and qualified.

One member of the committee shall be elected from each ward at the first election held under this charter. The members of the present school committee whose offices do not expire in nineteen hundred and thirty shall continue in office until the following city election.

Sect. 2. *Organization, qualification, quorum.* The superintending school committee shall meet for organization on the first Monday following the regular city election. The members-elect shall be sworn by a justice of the peace to the faithful discharge of their duties. A majority of the whole number elected shall be a quorum.

Sect. 3. *Powers and duties.* The superintending school committee shall have all the powers, and shall perform all

3 the duties in regard to the care and management of the
4 public schools of this city which are now conferred and
5 imposed upon the superintending school committee by the
6 laws of this state, except as otherwise provided in this
7 charter.

Sect. 4. *Vacancies.* Whenever from any cause a vacancy
2 in the superintending school committee shall occur, the city
3 council by a majority vote of all the members shall appoint
4 for the unexpired term, a resident of the ward where the
5 vacancy exists.

ARTICLE V

NOMINATIONS AND ELECTIONS

Section 1. *Date of elections and procedure as to deter-*
2 *mining result.* On the second Monday in March in the year
3 nineteen hundred and thirty and biennially thereafter the
4 qualified voters of each ward shall ballot for a mayor, a
5 councilman, a member of the superintending school com-
6 mittee, a warden and a ward clerk; all the votes cast for
7 the several officers shall be sorted, counted, declared and
8 registered in open ward meeting, by causing the names of
9 the persons voted for and the number of votes given for
10 each to be written on the ward record at length. The ward
11 clerk shall forthwith deliver to the persons elected warden
12 and ward clerk certification of their election, and shall
13 forthwith deliver to the city clerk a certified copy of the
14 record of such election.

In the year nineteen hundred and thirty, the board of

2 aldermen, and thereafter the city council, shall, as soon as
3 conveniently may be, examine the copies of the records of
4 the several wards certified as aforesaid and shall cause
5 the persons who shall have been elected mayor, councilmen,
6 and members of the superintending school committee to
7 be notified in writing of their election; but if it shall appear
8 that no person shall have been elected to any office, or if
9 the person elected shall refuse to accept the office, war-
10 rants for another election shall be issued forthwith. At any
11 election the person receiving the highest number of votes
12 for an office shall be deemed and declared elected to such
13 office.

Sect. 2. *Warden and ward clerk; eligibility, tenure, qual-*
ification, powers and duties, vacancies; ward meetings; how
3 *called.* The warden and the ward clerk chosen as provided
4 in the preceding section shall be residents of the wards for
5 which they are elected, and shall hold their offices for two
6 years from the first Monday following the regular city
7 election, or until others have been chosen and qualified in
8 their stead; the warden and the ward clerk shall be sworn
9 to the faithful performance of their duties by the person
10 presiding in the ward meeting, or by the clerk thereof, or
11 by a justice of the peace, and a certificate of such oath
12 shall be entered by the clerk on the records of said ward.
13 The warden shall preside at all ward meetings with the
14 powers of moderators of town meetings, and if at any
15 meeting the warden shall not be present, the clerk of the

16 ward shall call the meeting to order and preside until a
17 warden pro tempore shall be chosen. If neither the warden
18 nor the clerk shall be present, any legal voter in the ward
19 shall preside until a clerk pro tempore shall be chosen and
20 qualified. The clerk shall record all the proceedings and
21 certify the votes given, and deliver over to his successor
22 in office all such records and journals together with all doc-
23 uments and papers held by him in the capacity of clerk.
24 All ward meetings shall be notified and called by the city
25 council in the manner provided in the laws of this state for
26 notifying and calling town meetings by the selectmen of
27 the several towns.

Sect. 3. *Nominations for elective offices to be made by*
2 *petition.* The nomination of all candidates for elective of-
3 fices provided for by this charter shall be by petitions. The
4 petition of candidates for mayor shall be signed by not less
5 than seventy-five nor more than one hundred and twenty-
6 five qualified voters of the city. The petitions of candidates
7 for councilman, for the superintending school committee,
8 for warden and for ward clerk shall be signed by not less
9 than fifteen nor more than twenty-five qualified voters of
10 the ward wherein the candidates are to be elected. No
11 voter shall sign petitions for more than one candidate for
12 office to be filled at the election, and should he do so his
13 signature shall be void as to the petition or petitions last
14 filed.

Sect. 4. *Form of nomination paper.* The signatures to

2 the nomination petition need not all be appended to one
 3 paper, but to each separate paper there shall be attached an
 4 affidavit of the circulator thereof, stating the number of
 5 signers of such paper and that each signature appended
 6 thereto was made in his presence and is the genuine signa-
 7 ture of the person whose name it purports to be. With
 8 each signature shall be stated the place of residence of the
 9 signer, giving the street and number or other description
 10 sufficient to identify the same. The form of the nomination
 11 petition shall be substantially as follows:

We, the undersigned electors of the city of Belfast, hereby
 nominate, whose residence is,
 for the office of, to be voted for at the election
 to be held in the city of Belfast on the day of
, 19 ; and we individually certify that we are
 qualified to vote for a candidate for the above office and that
 we have not signed more nomination petitions of candidates
 for this office than there are persons to be elected thereto.

Name Street and Number

(Space for signatures)

..... being duly sworn, deposes and says
 that he is the circulator of the foregoing petition paper con-
 taining signatures, and that the signatures ap-
 pended thereto were made in his presence and are the signa-
 tures of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day of

....., 19

Justice of the Peace
(or Notary Public.)

This petition, if found insufficient by the election authorities,
shall be returned to at No.
Street

Sect. 5. *Filing of nomination paper; must be accompanied
2 by acceptance.* The nomination papers comprising a peti-
3 tion shall be assembled by the city clerk, as one instrument,
4 not earlier than twenty-eight nor later than fourteen days,
5 exclusive of Sundays, before the day of the election. No
6 nomination shall be valid unless the candidate shall file with
7 the city clerk in writing his acceptance of the nomination,
8 not later than fourteen days before the day of the election.

Sect. 6. *List of candidates to be published.* The city clerk
2 shall certify the list of candidates, and shall cause to be
3 published in one or more newspapers, circulating in the city,
4 the names and residence of the candidates who have duly
5 filed the above mentioned petitions.

Sect. 7. *Ballots, etc., to be furnished by city clerk.* Speci-
2 men ballots and official ballots for use in all city elections
3 shall be provided by the city clerk.

Sect. 8. *Form of ballot; candidates' names to be arranged
2 by lot.* The names of the candidates nominated as provided
3 in the preceding section shall be arranged according to lot
4 under the title of the office to be filled. Lot shall be drawn
5 by the city clerk, at which drawing the candidates or their

6 representatives shall be entitled to be present. The ballots
 7 shall be without party mark or designation. The full name
 8 and residence of each candidate shall be given. At the left
 9 of each name shall be a square within which the voter shall
 10 place a cross to designate his choice. Blank spaces shall
 11 be left at the end of the list of the candidates for each of-
 12 fice, in which the voter may insert the name of any person
 13 not printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

CITY OF BELFAST

Ward ()

REGULAR (OR SPECIAL) CITY ELECTION

(Date)

OFFICIAL BALLOT

INSTRUCTIONS TO VOTERS

To vote for any candidate mark a cross (X) in the square
 at the left of the name.

If you wrongly mark, tear or deface the ballot return it and
 obtain another.

For MAYOR

	John Doe (Res.)
	Richard Roe (Res.)
 (Res.)

For COUNCIL

	John Smith(Res.)
	William White(Res.)
(Res.)

For SUPERINTENDING SCHOOL COMMITTEE

	Charles Brown(Res.)
	Joe Jones(Res.)
(Res.)

For WARDEN

	William Doe(Res.)
	Charles Roe(Res.)
(Res.)

For WARD CLERK

	John Jones(Res.)
	Charles White(Res.)
(Res.)

Mark a cross (X) in the square at the left of your answer.

Yes	Shall
No?
Yes	Shall
No?

Sect. 9. *Specimen ballots to be published and posted.* The
 2 city clerk shall cause specimen ballots to be posted in pub-
 3 lic places and advertised in the newspapers not later than
 4 ten days prior to the city election. Such specimen ballots
 5 shall be printed on colored paper and marked specimen
 6 ballot, and shall contain the names of the certified candi-
 7 dates with the residence of each, instructions to voters, and
 8 such measures as may be submitted to the voters. Such
 9 ballots shall be without party mark or designation.

Sect. 10. *State laws not inconsistent applicable.* The pro-
 2 visions of the laws of the State of Maine relating to the
 3 qualification of electors, registration, the manner of voting,
 4 the duties of election officers, and all other particulars in
 5 respect to the management of elections, so far as they may
 6 be applicable, shall govern all municipal elections except as
 7 otherwise provided in this charter.

ARTICLE VI

ADMINISTRATIVE OFFICERS

Section 1. *Enumeration.* There shall be the following

2 administrative officers and boards.

(a) The following officers and boards shall be appointed
2 by ballot by a majority vote of the voting members of the
3 council: city manager, clerk, city solicitor, treasurer and tax
4 collector, auditor, Belfast water commissioners, assessors
5 of taxes, planning board, health officer, and all other boards
6 and officers the appointing of whom is not otherwise pro-
7 vided for by this charter.

(b) The following officers and boards shall be appointed
2 by the city manager, subject to confirmation by the city
3 council: superintendent of streets, city electrician, plumb-
4 ing inspector, inspector of buildings, city physician, city
5 marshal, chief of the fire department, all other department
6 heads whose position may be from time to time created by
7 ordinance, and, upon recommendation of heads of depart-
8 ments, all minor officers and employees.

Sect. 2. *Scope of ordinance or resolve.* The council shall
2 have power by ordinance or resolve:

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign
2 the duties of two or more offices to one officer.

(c) To divide the duties of any office between two or
2 more offices.

(d) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. *Civil service; exception.* The city council may
2 provide by ordinance for a system of civil service rules for

3 the appointment, promotion, lay-off, reinstatement, suspen-
4 sion, and removal of the members of the police department
5 and the fire department, except that the chief of the fire
6 department and the city marshal shall be appointed or re-
7 moved as hereinbefore provided.

Sect. 4. *Appointive officers; tenure, removal.* All ap-
2 pointive officers and boards, whose terms are not specified
3 in this charter, shall hold office at the pleasure of the ap-
4 pointing power, except that the city manager, in case the
5 city council proceeds to remove him, after six months of
6 service, may demand and be entitled to written charges and
7 a public hearing before the council, upon the question, prior
8 to the date of his removal, but pending such hearing the
9 council may suspend him from office. Appointive officers
10 and boards, whose terms are specified in this charter, may
11 be removed by the council upon written charges and after
12 a public hearing on the same.

Sect. 5. *Salaries.* The council shall fix by order the sala-
2 ries of the appointees of the council. Salaries of the ap-
3 pointees of the city manager shall be fixed by the city man-
4 ager subject to the approval of the council.

Sect. 6. *City manager; eligibility.* The city manager shall
2 be chosen by the council solely on the basis of his executive
3 and administrative qualifications, and need not be a resi-
4 dent of the city of Belfast or the State of Maine at the
5 time of his appointment.

Sect. 7. *Powers and duties of city manager.* The city

2 manager shall be the administrative head of the city govern-
3 ment, and shall be responsible to the council for the admin-
4 istration of all departments. The powers and duties of the
5 city manager shall be as follows:

(a) To see that the laws and ordinances are enforced.

(b) To exercise control over all departments and divi-
2 sions created herein, or that may hereafter be created.

(c) To make appointments and removals as provided in
2 this charter.

(d) To attend meetings of the council, except when his
2 removal is being considered, and recommend for adoption
3 such measures as he may deem expedient.

(e) To keep the council fully advised as to the business,
2 financial condition, and future needs of the city.

(f) To perform such other duties as may be prescribed
2 by this charter or required by ordinance of the council.

Sect. 8. *Vacancy in office of city manager.* During the
2 vacancy in the city manager's office, and during the ab-
3 sence or disability of the manager, the council may desig-
4 nate a properly qualified person to perform the duties of
5 manager and fix his compensation.

Sect. 9. *Duties of administrative officers prescribed by*
2 *council.* Duties of administrative officers other than the
3 manager may be prescribed by the council. Such duties
4 shall not be inconsistent with the provisions of this charter.

Sect. 10. *Assessors of taxes; appointment, tenure of of-*
2 *fice, vacancies, powers and duties.* At its first meeting in

3 March, nineteen hundred and thirty, or as soon thereafter
4 as may be, the city council shall appoint an assessor of
5 taxes for a term of three years, and annually thereafter
6 there shall be appointed by the city council one assessor for
7 a term of three years. The two members of the present
8 board of assessors of the city of Belfast whose terms do
9 not expire in nineteen hundred and thirty shall continue to
10 hold office until their present terms expire. If for any rea-
11 son, a vacancy occurs in the membership of the board of
12 assessors, the vacancy shall be filled forthwith by the
13 council, for the unexpired term. The assessors thus ap-
14 pointed shall exercise the same powers and be subject to
15 the same duties and liabilities that similar officers of the
16 several towns and cities in the state may exercise, and are
17 subject to, under the laws of the state.

Sect. 11. *City planning board.* The city planning board
2 shall consist of three members, each to serve three years,
3 except that at the first appointment under this charter one
4 shall be appointed for one year, one for two years, and one
5 for three years, and thereafter one shall be appointed each
6 year.

Sect. 12. *Powers and duties of planning board; health of-*
2 *ficer to submit recommendations.* It shall be the duty of
3 the city planning board to keep itself informed of the
4 progress of city planning in this and other countries, to
5 make studies and recommendations for the improvement
6 of the plan of the city with a view to the present and fu-

7 ture movement of traffic, the convenience, health, recrea-
8 tion, general welfare, and other needs of the city dependent
9 on the city plan; to consider and report upon the designs
10 and their relations to the city plan, of all new public ways,
11 lands, buildings, bridges, and all other public places and
12 structures, of additions to and alterations in those already
13 existing, and of the layout or plotting of new sub-divisions
14 of the city. All acts of the council or of any other branch
15 of the city government affecting the city plan shall be sub-
16 mitted to the board for report and recommendations. The
17 council may at any time call upon the board to report with
18 recommendations, and the board of its own volition may
19 also report to the council with recommendations on any
20 matter which, in the opinion of either body, affects the
21 plan of the city.

Any matter referred by the council to the board shall be
2 acted upon by the board within thirty days of the date of
3 reference, unless a longer or shorter period is specified by
4 the council. The board shall submit to the council an an-
5 nual report summarizing the activities of the board for the
6 fiscal year, the recommendations made by it to the council
7 during the year and the action of the council during the
8 year on any and all recommendations made by the board
9 in that year.

The health officer of the city shall advise the planning
2 board from time to time of any municipal improvements
3 within the scope of the planning board which, in the opinion

4 of the health officer, would improve the healthfulness of
5 the city.

Sect. 13. *Planning board to act as park commissioners.*
2 The planning board shall be a board of park commissioners
3 and as such shall have the powers and duties of park com-
4 missioners provided for by section eighty-four of chapter
5 four of the revised statutes.

Sect. 14. *Health officer; appointment and tenure of office;*
2 *vacancies.* At its first meeting in nineteen hundred and
3 thirty, or as soon thereafter as may be, and annually there-
4 after, the city council shall appoint a health officer.

The health officer shall hold office until his successor is
2 appointed and qualified. If for any reason a vacancy oc-
3 curs in the office of health officer, the vacancy shall be filled
4 forthwith by the council for the unexpired term.

ARTICLE VII

BUSINESS AND FINANCIAL PROVISIONS

Section 1. *Accounts to be audited; report to be submitted.*
2 Accounts shall be kept by the treasurer showing the finan-
3 cial transactions of all departments of the city. Forms for
4 all such accounts shall be prescribed by the city manager.
5 Accounts shall be kept in such a manner as to show fully
6 at all times the financial condition of the city. The treas-
7 urer shall furnish to the city manager, prior to the regular
8 meeting of the council in each month, a report containing
9 in detail the receipts and disbursements of the city on all
10 accounts, the expenditures made and the obligations in-

11 curred during the preceding calendar month, and a balance
12 sheet showing the financial condition of the city, of the sev-
13 eral funds, and the total unexpended balance to the credit
14 of each department.

Sect. 2. *Annual audit.* All the accounts of the city shall
2 be audited annually by the city auditor.

Sect. 3. *Reports of administrative officers.* Each of the
2 administrative officers and boards shall annually, on such
3 a date as may be fixed by the council, render to the man-
4 ager a full report of the transactions of his department for
5 the year. On the basis of these reports, the manager shall
6 prepare and publish an annual report. In addition to a
7 summary of the services rendered by the various depart-
8 ments the report shall show:

1. Receipts classified according to sources.

2. Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report
3 shall conform in general to the classification in the auditor's
4 books.

3. Balance sheets.

4. Such other financial information as may be required
2 by the council.

Sect. 4. *Budget estimates to be submitted by city manager.*
2 Not later than one month before the end of the fiscal year
3 the city manager shall submit to the council budget esti-
4 mates for the ensuing fiscal year. This budget shall be
5 compiled from detailed information furnished by the ad-

6 ministrative officers and boards on blanks, the forms of
7 which shall be designated by the city manager; and shall
8 contain:

(a) Exact statement of the financial condition of the city.

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements,
3 with comparative statements in parallel columns of ex-
4 penditures for the current and next preceding fiscal year.
5 An increase or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and the
4 next preceding year.

(d) Such other information as may be required by the
2 council.

The budget shall be published not later than two weeks
2 after its submission to the council. The council shall fix
3 a time and place for holding a public hearing upon the
4 budget, and shall give the public notice of such hearing,
5 which shall be at least ten days before the final passage of
6 the appropriation resolve.

Sect. 5. *Annual appropriation resolve.* Not later than one
2 month after the beginning of the fiscal year the council
3 shall pass an annual appropriation resolve, which shall be
4 based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the esti-
2 mated revenue of the city.

Before the annual appropriation resolve has been passed
2 the council may make appropriations for current depart-
3 mental expenses, chargeable to the appropriations of the
4 year when passed, to an amount sufficient to cover the
5 necessary expenses of the various departments until the
6 annual appropriation resolve is in force.

Sect. 6. *Reserve fund.* The council in the appropriation
2 resolve shall provide for a reserve fund from which trans-
3 fers may be made only by vote of the council, and no trans-
4 fer of any money shall be made from any fund other than
5 this reserve fund until the end of the fiscal year, at which
6 time, after all warrants have been paid out of the various
7 funds, there shall be transferred to this reserve fund any
8 remaining balance or balances in these various funds, ex-
9 cept balances in the school fund; the council may then
10 authorize a transfer from the reserve fund to any other
11 fund in which there is an overdraft created by any actual
12 emergency.

Sect. 7. *Borrowing power limited; suitable provisions to*
2 *be made for support of poor.* The borrowing of money
3 by and for the city shall be limited as to form and pur-
4 pose according to provisions eight and nine of article seven
5 of this charter. The credit of the city shall not in any
6 manner be loaned to, or in aid of, any individual, associa-
7 tion, or corporation except that suitable provisions may be
8 made for the aid and support of the poor of the city.

Sect. 8. *Bond issue not to be made without public notice;*

2 *purposes.* Money may be borrowed by the issue and sale
3 of bonds and notes, pledged on the credit of the city, for
4 the acquisition of land, the construction and equipment of
5 buildings, and other permanent public improvements, and
6 the payment or refunding of bonds, notes and certificates
7 of indebtedness previously issued. No order providing for
8 the issue of bonds shall be passed without public notice by
9 posting a notice of the same in two public places in the
10 city of Belfast and advertising same in one newspaper cir-
11 culated in Waldo county at least two weeks before final
12 action by the council, and the approval of four-fifths of all
13 the members of the council. Every issue of bonds shall be
14 payable within a term of years, not to exceed the period of
15 the useful life of the improvement for which they are is-
16 sued, and in no case to exceed thirty years. Bonds issued
17 after the adoption of this charter shall be payable in equal
18 annual serial instalments, including principal and interest.
19 Every order for the issue of bonds shall provide for a tax
20 levy for each year to meet the annual serial instalment of
21 principal and interest, and such amounts shall be included
22 in the tax levy for each year until the debt is extinguished.

Sect. 9. *Temporary loans.* Money may be borrowed in
2 anticipation of receipts from taxes during any fiscal year,
3 but the aggregate amount of such loan at any time shall
4 not exceed eighty per cent of the revenue from taxes re-
5 ceived during the preceding fiscal year. All such loans
6 shall be paid out of the receipts from taxes for the fiscal

7 year in which they are issued. Money may also be bor-
8 rowed in anticipation of revenue from bond issue in case
9 such bond issue has been authorized.

Sect. 10. *Sinking fund to be established; how invested.*
2 Until the bonded indebtedness of the city of Belfast, in
3 force at the time of the adoption of this charter, is paid,
4 the city council shall raise and set apart each year for a
5 sinking fund, a sum equivalent to two per cent of the total
6 appropriation for that year. The sinking fund shall be
7 applied only to the payment of the bonded indebtedness of
8 the city.

The sinking fund shall be invested in the bonds of the city
2 or in such other bonds as savings banks in this state may
3 from time to time be authorized to hold for investment, or
4 may be deposited in any bank or banks located in the State
5 of Maine.

Sect. 11. *Money to be paid out only on warrants; pro-*
2 *visions.* Money shall be paid out only on warrants on the
3 city treasury issued by the city manager.

The auditor shall examine all pay rolls, bills and other
2 claims and demands against the city and shall issue no
3 warrant for payment unless he finds that the claim is in
4 proper form, correctly computed and duly certified, and
5 legally payable.

The city manager may require any claimant to make oath
2 to the validity of a claim, may investigate any claim, and

3 for such purpose or purposes may examine witnesses under
4 oath.

Sect. 12. *Bonds to be required of certain officers.* The
2 city council shall require bonds, with sufficient sureties,
3 from all persons trusted with the collection, custody, or
4 disbursement of the public moneys.

Sect. 13. *All receipts to be paid into city treasury.* All
2 moneys received by any officer, employee, or agent of the
3 city for, or in connection with, the business of the city
4 shall forthwith be paid into the city treasury, and shall be
5 deposited with such responsible banking institution as the
6 council may determine. All interest from such deposits
7 shall accrue to the benefit of the city.

Sect. 14. *City manager to make all purchases.* The city
2 manager shall purchase all supplies and equipment for the
3 city and for the several officers and boards thereof, except
4 supplies for the schools which he shall purchase only upon
5 requisition by the superintending school committee.

The city manager shall see to the delivery of supplies to
2 each department and take and file receipts therefor. He
3 shall conduct all sales of property unfit or unnecessary for
4 the city's use, after such sales have been authorized by the
5 council.

ARTICLE VIII

PUBLIC UTILITIES

Section 1. *Public utility franchises, how granted.* All
2 public utility franchises, and all renewals, amendments, and

3 extensions thereof shall be granted or made only by a four-
4 fifths vote of the voting members of the council. No fran-
5 chise and no renewal or amendment thereof shall be granted
6 or made within three months after the application therefor
7 is filed with the city clerk, nor within thirty days after the
8 publication in full of the proposed franchise in its final
9 form, nor until a public hearing has been held thereon. No
10 public utility franchise shall be transferable except with the
11 approval of the council.

Sect. 2. *City to reserve certain rights.* All orders provid-
2 ing for grants, renewals, amendments or extensions of pub-
3 lic utility franchises shall retain to the city the following
4 rights:

(a) To repeal the same by order at any time for non-
2 use, or for failure to begin construction within the time
3 prescribed, or otherwise to comply with the terms pre-
4 scribed;

(b) To require proper and adequate extension of plant
2 and service, and the maintenance of the plant and fixtures
3 at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and
2 quality of products and prevent unjust discrimination in
3 service or rates;

(d) To impose such other regulations as may be con-
2 ducive to the safety, welfare, and accommodation of the
3 public.

Nothing contained in Article VIII of this chapter is in-

2 tended to repeal, or shall be construed as repealing the whole
3 or any part of any existing statute, and all the rights and
4 duties herein mentioned shall be exercised and performed
5 in accordance with all the applicable provisions of chapter
6 fifty-five of the revised statutes, and all acts amendatory
7 thereof or additional thereto.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. *Offices incompatible.* No member of the city
2 council shall during the term for which he was chosen be
3 eligible for any other office the salary of which is payable
4 by the city, or shall during such term hold any such office.

Sect. 2. *City officers and employees not to be personally*
2 *interested in contracts for labor, materials, etc.; not to ac-*
3 *cept favors from firm or corporation holding city franchise;*
4 *exceptions.* No officer or employee of the city, elected or
5 appointed, shall be interested directly or indirectly in any
6 contract for work or materials, or the purchase thereof, to
7 be furnished or performed for the city. No such officer or
8 employee, except a policeman or fireman, shall accept or
9 receive from any person, firm, or corporation acting under
10 a franchise or license from the city, any frank, free pass,
11 free ticket, or free service, or accept directly or indirectly
12 from any such person, firm, or corporation, any service
13 upon terms more favorable than those granted to the public
14 generally. This provision shall not apply however to any
15 free service now or hereafter provided for by contract,

16 franchise, or ordinance.

Sect. 3. *Referendum provision, date of meeting, form of question, procedure.* This act shall be submitted for approval or rejection to the qualified voters of the city of Belfast at an election to be held the second Monday in September in the year nineteen hundred and twenty-nine and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the legislature in the year nineteen hundred and twenty-nine, approved (insert date) entitled ‘An Act to Grant a New Charter to the City of Belfast’ be accepted,” otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law, for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors

15 voting at said ward meetings shall approve, then this act
16 shall take effect as herein provided.

Sect. 4. *Date when effective.* So much of this act as
2 authorizes the submission of the acceptance of this charter
3 to the electors of the city of Belfast shall take effect as pro-
4 vided in the constitution of the state, but it shall not take
5 further effect unless accepted by the electors of the city of
6 Belfast as herein before provided. If accepted by the
7 electors of the city, then this act for the purpose of nomi-
8 nating and electing officers hereunder shall take effect on
9 the date of its adoption by the electors, and for all other
10 purposes this act shall take effect on the second Monday in
11 March in the year nineteen hundred and thirty.

Sect. 5. *Ordinances not inconsistent continued in force.*
2 All ordinances in force at the time when this charter takes
3 effect, not inconsistent with the provisions of this charter,
4 shall continue in force until amended or repealed.

Sect. 6. *Existing contracts not invalidated, unless incon-*
2 *sistent.* All rights, actions, proceedings, prosecutions, and
3 contracts of the city or any of its departments, pending or
4 unexecuted when this charter goes into effect and not in-
5 consistent therewith shall be enforced, continued or com-
6 pleted in all respects as though begun or executed here-
7 under.

Sect. 7. *Inconsistent statutes repealed when act becomes*
2 *effective.* In case this act is approved in the manner here-

3 inbefore provided, all acts and parts of acts inconsistent
4 herewith are hereby repealed.