

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 125

H. P. 172

House of Representatives, January 22, 1947.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Clements of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

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

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

CITY CHARTER

of the

City of Belfast, Maine.

ARTICLE I

Grant of Powers to the City

Sec. 1. Corporate existence retained. The inhabitants of the city of Belfast shall continue to be a municipal corporation under the name of the city of Belfast and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the constitution and laws of the state of Maine.

ARTICLE II

City Council

Sec. 1. Powers and duties. All the powers granted to the city by this charter and by the laws of this state, except as otherwise provided by this charter, are hereby vested in the city council, which shall exercise its powers in the manner hereinafter provided; except that the general management, care and conduct of the schools shall be vested in a school committee. The members of the city council shall be the municipal officers of the city of Belfast for all purposes required by statute or ordinance. The city council is hereby constituted overseers of the poor of the city of Belfast. As such they may authorize a clerk or agent to sign and send the written notices and the written answers referred to in the revised statutes of Maine; and such written notices and written answers shall have the same effect as if signed and sent by the members of the city council themselves.

Sec. 2. Composition, election, tenure of office, etc. The council shall be composed of the mayor and 5 other members. The voting members shall be qualified voters of the city of Belfast and shall be elected at large by and from the qualified voters thereof. The mayor shall be ex officio president of the council. The members of the council shall hold office for a term of 2 years, or until their successors are elected and qualified. The mayor and other members of the council shall serve without compensation.

Sec. 3. Vacancies; forfeiture of office. In case of the death, resignation, or removal from office of any member of the council, more than 6 months prior to the next regular city election, the vacancy shall be filled by a special election, the warrants for which shall be issued by the mayor. Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.

Sec. 4. Regular meetings and qualifications. The council shall meet at the usual place for holding meetings, at 10 A. M. on the 1st Monday following the regular city election, at which time the mayor-elect and the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. Thereafter the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

Sec. 5. Special meetings. Special meetings may be called by the mayor, or by a majority of all the members of the council. Notice of such meet-

ings shall be served in person upon each member of the council, and the city manager, by the city clerk or chief of police, unless said officer making service satisfies himself that said councilman or city manager is out of the city in which case notice may be left at his residence.

Sec. 6. Quorum. A majority of the members of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or compel attendance of absent members.

Sec. 7. Procedure. The council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and punish members for misconduct. The meetings of the council shall be open to the public. The council shall act by ordinance, order, resolve or oral motion; and all ordinances, orders, resolves and motions, except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance and no appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by a 4/5 vote of the voting members of the council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the council. Every ordinance shall be published in full within 10 days after its final passage, and shall take effect and be in force after its approval by some justice of the supreme judicial court. This provision for approval of ordinances by a justice of the supreme judicial court is directory only and not mandatory.

ARTICLE III

The Mayor

Sec. 1. Eligibility, election and tenure of office. A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

Sec. 2. Vacancy. In case of the death, resignation, or removal from office of the mayor more than 6 months prior to the next regular election,

the vacancy for the unexpired term shall be filled by a special election, the warrants for which shall be issued by the council. Whenever the office of mayor becomes vacant within 6 months prior to a regular city election, whenever the office of mayor is vacant pending an election, or whenever the mayor, for any reason, is unable to attend to the duties of his office, the council shall appoint one of its members to perform the duties of mayor.

Sec. 3. Powers and duties. The mayor shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may impose. He shall have no veto and no vote except in case of a tie. He shall be recognized as the official head of the city for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws of the state inconsistent with the provisions of this charter.

ARTICLE IV

Superintending School Committee

Sec. 1. Composition; eligibility; election; tenure of office; special provision. The superintending school committee shall consist of the mayor, ex officio; and 5 other members elected at large by and from the qualified voters of the city of Belfast. They shall be elected for a term of 2 years and shall hold office until their successors are elected and qualified. The mayor as ex officio member shall have no vote. The members of the present school committee whose terms of office do not expire at the first election under this charter shall continue in office until the next city election.

Sec. 2. Organization; qualification; quorum. The superintending school committee shall meet for organization on the 1st 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.

Sec. 3. Powers and duties. The superintending school committee shall have all the powers, and shall perform all the duties in regard to the care and management of the public schools of this city which are now conferred and imposed upon the superintending school committee by the laws of this state, except as otherwise provided in this charter.

Sec. 4. Vacancies. Whenever from any cause a vacancy in the superintending school committee shall occur, the remaining members, by a majority vote, shall fill the vacancy from the qualified voters of the city of Belfast.

ARTICLE V

Nominations and elections

Sec. 1. Date of elections and procedure as to determining result. On the 2nd Monday in March in the year 1948 and biennially thereafter the qualified voters of each ward shall ballot for a mayor, 5 councilmen, 5 members of the superintending school committee, (except that no members of the superintending school committee shall be elected in 1948) a warden and a ward clerk; all the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certification of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

In the year 1948, and thereafter the city council, shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid and shall cause the persons who shall have been elected mayor, councilmen, and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if any person or persons elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election the person or persons receiving the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

Sec. 2. Warden and ward clerk; eligibility, tenure; qualification; powers and duties; vacancies; ward meetings, how called. The warden and the ward clerk chosen as provided in the preceding section shall be residents of the wards for which they are elected, and shall hold their offices for 2 years from the first Monday following the regular city election, or until others have been chosen and qualified in their stead; the warden and the ward clerk shall be sworn to the faithful performance of their duties by the person presiding in the ward meeting, or by the clerk thereof, or by a justice of the peace, and a certificate of such oath shall be entered

by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk pro tempore shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in the capacity of clerk. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sec. 3. Nominations for elective offices to be made by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petitions of candidates for mayor, councilmen and members of the superintending school committee, shall be signed by not less than 40 nor more than 60 qualified voters of the city. The petitions of candidates for warden and for ward clerk shall be signed by not less than 15 nor more than 25 qualified voters of the ward wherein the candidates are to be elected. No voter shall sign petitions for a greater number of candidates for each office than there are offices to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed.

Sec. 4. Form of nomination paper. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination 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 containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day of

.....

Justice of the Peace
(or Notary Public)

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

Sec. 5. Filing of nomination paper; must be accompanied by acceptance.

The nomination papers comprising a petition shall be assembled by the city clerk, as one instrument, not earlier than 28 nor later than 14 days, exclusive of Sundays, before the day of the election. No nomination shall be valid unless the candidate shall file with the city clerk in writing his acceptance of the nomination, not later than 14 days before the day of the election.

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

Sec. 7. Ballots, etc., to be furnished by city clerk. Specimen ballots and official ballots for use in all city elections shall be provided by the city clerk.

Sec. 8. Form of ballot; candidates' names to be arranged by lot. The names of the candidates nominated as provided in the preceding section shall be arranged according to lot under the title of the office to be filled. Lot shall be drawn by the city clerk, at which drawing the candidates or their representatives shall be entitled to be present. The ballots shall be

without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of candidates for each office, in which the voter may insert the name of any person 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 right of the name.

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

For MAYOR

John Doe	(Res.)	()
Richard Doe	(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 right of your answer.

Yes Shall	()
No	()
Yes Shall	()
No	()

Sec. 9. Specimen ballots to be published and posted. The city clerk shall cause specimen ballots to be posted in public places and advertised in the newspapers not later than 10 days prior to the city election. Such specimen ballots shall be printed on colored paper and marked specimen ballot, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

Sec. 10. State laws not inconsistent applicable. The provisions of the laws of the state of Maine relating to the qualification of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

ARTICLE VI

Administrative Officers

Sec. 1. Enumeration. There shall be the following administrative officers and boards:

(a) **Officers elected by council.** The following officers and boards shall be elected by ballot by a majority vote of the voting members of the

council: city manager, city solicitor, city treasurer, city tax collector, city auditor, Belfast water commissioners, Belfast airport commissioners, Belfast cemetery trustees, Belfast free-library trustees, Belfast and Moosehead Lake railroad trustees, city assessors of taxes, city planning board, city health officer, and all other boards and officers, the electing of whom is not otherwise provided for by this charter.

(b) **Officers appointed by city manager.** The following officers and boards shall be appointed by the city manager, subject to confirmation by the city council: city clerk, superintendent of streets, city electrician, plumbing inspector, inspector of buildings, city physician, city marshal, chief of the fire department, all other department heads whose position may be from time to time created by ordinance. The city manager shall also appoint, upon recommendation of heads of departments, all other minor officers and employees.

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

- (a) To create any new appointive office.
- (b) To assign or authorize the city manager to assign the duties of two or more offices to one officer.
- (c) To divide the duties of any office between two or more offices.
- (d) To authorize the appointment of assistants or deputies in any office.

Sec. 3. Civil service; exception. The city council may provide by ordinance for a system of civil service rules for the appointment, promotion, lay-off, reinstatement, suspension, and removal of the members of the police department and the fire department, except that the chief of the fire department and the city marshal shall be appointed or removed as hereinbefore provided.

Sec. 4. Appointive officers; tenure; removal. All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power, except that the city manager, in case the city council proceeds to remove him, after 6 months of service, may demand and be entitled to written charges and a public hearing before the council, upon the question, prior to the date of his removal but pending such hearing the council may suspend him from office. Appointive officers and boards, whose terms are specified in this charter, may be removed

by the council upon written charges and after a public hearing on the same.

Sec. 5. Salaries. The council shall fix by order the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

Sec. 6. City manager; eligibility. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and need not be a resident of the city of Belfast or the state of Maine at the time of his appointment.

Sec. 7. Powers and duties of city manager. The city manager shall be the administrative head of the city government, and shall be responsible to the council for the administration of all departments. The powers and duties of the city manager shall be as follows:

- (a) To see that the laws and ordinances are enforced.
- (b) To exercise control over all departments and divisions created herein, or that may hereafter be created.
- (c) To make appointments and removals as provided in this charter.
- (d) To attend meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (e) To keep the council fully advised as to the business, financial condition, and future needs of the city.
- (f) To purchase all supplies and equipment for the city and for the several officers and boards thereof, except supplies for the schools which he shall purchase only if requisition is made by the superintending school committee.
- (g) To see to the delivery of supplies to each department, other than the school department, and take and file receipts therefor. He shall conduct all sales of property unfit or unnecessary for the city's use, including school property, after such sales have been authorized by the council.
- (h) To perform such other duties as may be prescribed by this charter or required by ordinance of the council.

Sec. 8. Vacancy in office of city manager. During the vacancy in the city manager's office, and during the absence or disability of the manager, the council may designate a properly qualified person to perform the duties of manager and fix his compensation.

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

Sec. 10. Assessors of taxes; election; tenure of office; vacancies; powers and duties. The board of assessors shall consist of 3 members to be elected by the city council. Each member to serve for a term of 3 years. At its first meeting in March, 1948, or as soon thereafter as may be, the city council shall elect an assessor of taxes for a term of 3 years, and annually thereafter there shall be elected by the city council, 1 assessor for a term of 3 years. The 2 members of the present board of assessors of the city of Belfast whose terms do not expire in 1948 shall continue to hold office until their terms expire. If for any reason, a vacancy occurs in the membership of the board of assessors, the vacancy shall be filled forthwith by the council, for the unexpired term. The assessors thus elected shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and are subject to, under the laws of the state. The assessors shall meet at least once each week for the purpose of conference with taxpayers.

Sec. 11. The city planning board. The city planning board shall consist of 3 members to be elected by the city council, each to serve 3 years. At its first meeting in March, 1948, or as soon thereafter as may be, the city council shall elect 1 member for a term of 3 years, and annually thereafter there shall be elected by the city council a member of the city planning board for a term of 3 years. The 2 members of the present city planning board whose terms do not expire in 1948 shall continue to hold office until their terms expire. If for any reason a vacancy occurs in the membership of the city planning board, the vacancy shall be filled forthwith by the council for the unexpired term.

Sec. 12. Powers and duties of planning board; city engineer to be chief engineer of board; board of health officer to submit recommendations. It shall be the duty of the city planning board to keep itself informed of the progress of city planning in this and other countries, to make studies and

recommendations for the improvement of the plan of the city with a view to the present and future movement of traffic, the convenience, health, recreation, general welfare, and other needs of the city dependent on the city plan; to consider and report upon the designs and their relations to the city plan, of all new public ways, lands, buildings, bridges, and all other public places and structures, of additions to and alterations in those already existing, and other layout or plotting of new subdivisions of the city. All acts of the council or of any other branch of the city government affecting the city plan shall be submitted to the board for report and recommendations. The council may at any time call upon the board to report with recommendations, and the board of its own volition may also report to the council with recommendations on any matter which, in the opinion of either body, affects the plan of the city.

Any matter referred by the council to the board shall be acted upon by the board within 30 days of the date of reference, unless a longer or shorter period is specified by the council.

The board shall submit to the council an annual report summarizing the activities of the board for the fiscal year, the recommendations made by it to the council during the year and the action of the council during the year on any and all recommendations made by the board in that year.

The health officer of the city shall advise the planning board from time to time of any municipal improvements within the scope of the planning board which, in the opinion of the health officer, would improve the healthfulness of the city.

Sec. 13. Planning board to act as park commissioners. The planning board shall be a board of park commissioners and as such shall have the powers and duties of park commissioners provided for by section eighty-four of chapter four of the Revised Statutes.

Sec. 14. Belfast airport commission. The Belfast airport commission shall consist of 3 members to be elected by the city council, each to serve 3 years, except that at the first election under this charter 1 member shall be elected for 1 year, 1 member for 2 years, and 1 member for 3 years, and thereafter one shall be elected each year. If for any reason a vacancy occurs in the membership of the Belfast airport commission the vacancy shall be filled forthwith by the council for the unexpired term.

Sec. 15. Powers and duties of the Belfast Airport Commission. It shall be the duty of the Belfast airport commission to supervise the maintenance

and the management of the Belfast airport, and the grounds appurtenant thereto. All appropriations made by the city council for the benefit of the airport, as well as all receipts therefrom, shall be expended under the direction of the airport commission. The airport commission shall have the power to grant a lease, or leases, on said airport, or the grounds appurtenant thereto, subject, however to the approval of the city council but only after a public hearing, notice of which shall be published 2 consecutive weeks in a newspaper having general circulation in the city of Belfast. The airport commission shall render a report in writing to the council annually, and the council may at such other times as it deems necessary call upon the board to report with recommendations, and the board of its own volition may also report to the council at such other times as it deems necessary with recommendations on any matter which, in the opinion of either body, affects the welfare or the development of said airport.

Sec. 16. Belfast and Moosehead Lake Railroad trustees. The said railroad trustees shall consist of three members to be elected by the city council, each to serve 3 years, except that at the first election under this charter one shall be elected for 1 year, one for 2 years, and one for 3 years, and thereafter one shall be elected each year. If for any reason a vacancy occurs in the membership of the railroad trustees, the vacancy shall be filled forthwith by the council for the unexpired term.

Sec. 17. Powers and duties of the said railroad trustees. The said railroad trustees are authorized by this charter to represent the said city of Belfast at all stockholders meetings of the said Belfast and Moosehead Lake railroad, and vote all shares of such stock owned by and standing in the name of the said city of Belfast at any meeting of shareholders of said railroad, and votes so cast by the trustees shall be cast in accordance with the will of the majority thereof.

Sec. 18. Health officer; election and tenure of office; vacancy. At its first meeting in March, or as soon thereafter as may be, and annually thereafter, the city council shall elect a health officer. The health officer shall hold office until his successor is elected and qualified. If for any reason a vacancy occurs in the office of health officer, the vacancy shall be filled forthwith by the council for the unexpired term.

ARTICLE VII

Business and Financial Provisions

Sec. 1. Accounts to be audited; report to be submitted. Accounts shall be kept by the treasurer showing the financial transactions of all depart-

ments of the city. Forms for all such accounts shall be prescribed by the city manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The treasurer shall furnish to the city manager, prior to the regular meeting of the council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department.

Sec. 2. Fiscal year and annual audit. The fiscal year of the city shall terminate the last Saturday before the 3rd Monday of each March and all of the accounts of the city shall be audited at least once during each fiscal year as provided by the revised statutes of Maine.

Sec. 3. Reports of other administrative officers. Each of the administrative officers and boards shall annually, on such a date as may be fixed by the council, render to the manager a full report of the transactions of his department for the year. On the basis of these reports, the manager shall prepare and publish an annual report. In addition to a summary of the services rendered by the various departments, the report shall show:

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.
3. Balance sheets.
4. Such other financial information as may be required by the council.

Sec. 4. Budget estimates to be submitted by city manager. Not later than 1 month before the end of the fiscal year, the city manager shall submit to the council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the city manager; and shall contain:

- (a) Exact statement of the financial condition of the city.
- (b) Itemized statements of appropriations recommended for current expenses, and for permanent improvements, with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. An increase or decrease in any item shall be indicated.

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

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

The budget shall be published not later than 2 weeks after its submission to the council. The council shall fix a time and place for holding a public hearing upon the budget, and shall give the public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation resolve.

Sec. 5. Annual appropriation resolve. Not later than 1 month after the beginning of the fiscal year the council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the city manager.

Before the annual appropriation resolve has been passed the council may make appropriations for current departmental expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Sec. 6. Reserve fund. The council in the appropriation resolve shall provide for a reserve fund from which transfers may be made only by vote of the council, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time, after all warrants have been paid out of the various funds, there shall be transferred to this reserve fund any remaining balance or balances in these various funds, except balances in the school fund, public library fund, and cemetery fund. The council may then authorize a transfer from the reserve fund to any other fund in which there is an overdraft created by any actual emergency.

Sec. 7. Borrowing power limited; suitable provisions to be made for support of poor. The borrowing of money by and for the city shall be limited as to form and purpose according to the provisions of sections 8 and 9 of article VII of this charter. The credit of the city shall not in any manner be loaned to, or in aid of, any individual, association or corporation, except that suitable provisions may be made for the aid and support of the poor of the city.

Sec. 8. Bond issue not to be made without public notice; purposes. Money may be borrowed by the issue and sale of bonds and notes, pledged on the credit of the city, for the acquisition of land, the construction and equipment of buildings, and other permanent public improvements, and

the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice by posting a notice of the same in 2 public places in the city of Belfast and advertising same in 1 newspaper circulated in Waldo county at least 2 weeks before final action by the council, and the approval of four-fifths of all the members of the council. Every issue of bonds shall be payable within a term of years, not to exceed the period of the useful life of the improvement for which they are issued, and in no case to exceed 30 years. Bonds issued after the adoption of this charter shall be payable in equal annual serial instalments, including principal and interest. Every order for the issue of bonds shall provide for a tax levy for each year to meet the annual serial instalment of principal and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished.

Sec. 9. Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loan at any time shall not exceed 80% of the revenue from taxes received during the preceding fiscal year. All such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued. Money may also be borrowed in anticipation of revenue from bond issue in case such bond issue has been authorized.

Sec. 10. Money to be paid out only on warrants; provisions. Money shall be paid out only on warrants on the city treasury issued by the city manager.

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

The city manager may require any claimant to make oath to the validity of a claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

Sec. 11. Bonds to be required of certain officers. The city council shall require bonds, with sufficient sureties, from all persons trusted with the collection, custody or disbursement of the public moneys.

Sec. 12. All receipts to be paid into city treasury. All moneys received by any officer, employee or agent of the city for, or in connection with, the business of the city shall forthwith be paid into the city treasury, and shall be deposited with such responsible banking institutions as the

council may determine. All interest from such deposits shall accrue to the benefit of the city.

ARTICLE VIII

Public Utilities

Sec. 1. Public utility franchises; how granted. All public utility franchises, and all renewals, amendments and extensions thereof shall be granted or made only by a 4/5 vote of the voting members of the council. No franchise and no renewal or amendment thereof shall be granted or made within 3 months after the application therefor is filed with the city clerk, nor within 30 days after the publication in full of the proposed franchise in its final form, nor until a public hearing has been held thereon. No public franchise shall be transferable except with the approval of the council.

Sec. 2. City to reserve certain rights. All orders providing for grants, renewals, amendments or extensions of public utility franchises shall remain to the city the following rights:

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

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

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

(d) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

Nothing contained in Article VIII of this chapter is intended to repeal, or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the Revised Statutes of 1944, and all acts amendatory thereof or additional thereto.

ARTICLE IX

Miscellaneous Provisions

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

Sec. 2. City officers and employees not to accept favors. No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract for work or materials, or the purchase thereof, to be furnished or performed for the city under terms more favorable to said office or employee than those granted to the public generally. No city officer or employee of city, elected or appointed, shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket or free services, or accept directly or indirectly from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply however to any free service now or hereafter provided for by contract, franchise, or ordinance.

Sec. 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 2nd Monday in September in the year 1947 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 forty-seven 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 voting at said ward meetings shall approve, then this act shall take effect as herein provided.

Sec. 4. Date when effective. So much of this act as authorizes the submission of the acceptance of this charter to the electors of the city of Belfast shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of the city of Belfast as hereinbefore provided. If accepted by the electors of the city,

then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the electors, and for all other purposes this act shall take effect on the 2nd Monday in March in the year 1948.

Sec. 5. Ordinances not inconsistent continued in force. All ordinances 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. 6. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 7. Inconsistent statutes repealed when act becomes effective. In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 8. Persons holding elective offices to be residents. All persons holding elective office under this charter shall be inhabitants of the said city of Belfast during their term of office and for want of such inhabitation the city council may declare such office vacant.

Sec. 9. Ward revision. The said city shall continue to be divided into 5 wards with the now existing boundaries, except that the city council may from time to time review, and if deemed advisable, alter the ward lines of said city. The city council shall have the power to enact an ordinance decreasing or increasing the number of wards, provided that there shall be at all times at least one ward. Any such revision shall become effective however, only after having been submitted for approval or rejection to the qualified voters of the city of Belfast at a regular city election.

Sec. 10. Fines for violation of zoning ordinances. Any fine or fines levied by any court of competent jurisdiction as provided by any zoning ordinance of the city of Belfast for any violation thereof shall be turned over by said court to the treasurer of the city of Belfast.

Sec. 11. Separability clause. If any portion of this act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.