

MAINE STATE LEGISLATURE

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

Legislative Document

No. 477

H. P. 430

House of Representatives, February 5, 1953.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fitanides of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT to Provide a New Charter for the City of Saco.

Emergency preamble. Whereas, acts passed by the legislature do not become effective until 90 days after adjournment of the legislature; and

Whereas, it is very desirable that the following act be voted upon by the inhabitants of the city of Saco at the annual city election in March, 1953; and

Whereas, it is vitally necessary that the charter provided for in the following act be put into operation as soon as possible; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

CHARTER FOR CITY OF SACO

ARTICLE I

Organization

The inhabitants of the city of Saco, in the county of York, shall continue to be a body politic and corporate by the name of the City of Saco;

and as such shall have, exercise and enjoy all the rights, powers, immunities, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent upon, said city or city government thereof; and may ordain and publish such ordinances, by-laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof not exceeding \$100 for any 1 offense, which may be recovered to the us of said city by an action of debt, or on complaint before the municipal court in said city.

ARTICLE II

Administration

The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in 1 principal magistrate, to be styled the mayor; and 1 council of 7 aldermen, all of whom shall be inhabitants of said city and legal voters thereof, which council shall constitute and be called the city council. The mayor and each member of the council shall be sworn to the faithful performance of the duties of their respective offices by the city clerk or a justice of the peace. The city council shall not vote, assess or appropriate any money for any object or purpose for which the city of Saco is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act; and provided further, that neither the city council nor any agent or officer for the city shall borrow or hire money for or on account of the city or the inhabitants thereof, except for the purposes for which the city of Saco is now by law authorized to raise money, except for such purposes as are authorized by this charter; and all notes, bonds, obligations, scrip or orders, given by the city council or any officer or agent thereof for money or property obtained for any other purpose, shall be void.

ARTICLE III

The Mayor

Sec. 1. Mayor; duties. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers and to cause their violations and neglect of duty to be punished.

Sec. 2. City marshal. The mayor shall appoint a city marshal, who shall have all the powers and exercise all the duties that now appertain to constables of towns, and who shall be chief of the city police, and as such shall enforce such ordinances and regulations under the direction of the

mayor as may be adopted by the city council for the government of the city of Saco.

Sec. 3. City clerk and subordinate officers. The mayor shall appoint a city clerk and such subordinate officers as he is now required by statute to appoint. In all cases where appointments to office have heretofore been directed or authorized to be made by the mayor and aldermen of cities, the mayor shall make such appointments in the city of Saco, by and with the advice and consent of the city council, and such officers may be removed by him with their concurrence.

Sec. 4. Special meetings. The mayor may call special meetings of the city council when, in his opinion, the interests of the city require it, by causing a summons or notification to be given in hand to, or left at the usual dwelling place of, each member of the council at least 24 hours before the time of said meeting. In the event of a catastrophe needing immediate attention, the 24-hour notice may be waived by the mayor, with the consent of 4 aldermen.

Sec. 5. Recommendations. The mayor shall from time to time communicate to the city council such information, and recommend such measures, as the business and interests of the city may, in his opinion, require.

Sec. 6. Presiding officer of city council. The mayor shall preside over the city council, but shall have only a casting vote. The presiding officer shall issue warrants to the city police to compel members of the council to attend meetings when there is not a quorum present.

Sec. 7. Chairman of superintending school committee. The mayor shall be chairman, ex officio, of the superintending school committee and shall have the right to vote in case of a tie.

Sec. 8. Salary. The salary and compensation of the mayor shall be \$1,500 per year, which shall not be increased or diminished during his continuance in office, nor shall he receive any other compensation from the city for services rendered by him in any other capacity or agency including his duties as purchasing agent.

Sec. 9. Action on appropriations. The mayor shall, upon presentation to him of any act, law, ordinance or bill appropriating money, sign it upon his approval; if he disapproves it, he shall return it within 7 days with his written objections to the city council for appropriate action as provided in section 5 of article IV of this charter.

Sec. 10. Purchases and sales. The mayor shall act as purchasing agent until and unless the city council by ordinance shall provide for the appoint-

ment of a purchasing agent. No purchase of supplies exceeding an amount set by the city council shall be made except through authorization of the city council, except school requirements, which shall be purchased according to regulations of the superintending school committee. Each department head shall make requisitions to the purchasing agent for their several needs and he shall be the only person authorized to make contracts or purchases for the city, subject to the above restrictions. The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the city which are authorized by the city council, subject to such restrictions as the city council may by ordinance provide.

ARTICLE IV

City Council and Aldermen

Sec. 1. Council meetings; ordinances, etc. The city council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the council shall be open to the public. The city council shall only act by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall clearly be expressed in the title.

Sec. 2. Appropriation resolve; ordinances. The appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation resolve shall be passed on until it has been read on 2 separate days, with a lapse of at least 3 days between readings. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the city council. Every ordinance before final passage shall be posted, marked "Proposed Ordinance," at the city hall and shall take effect and be in full force 30 days from and after it shall have received final passage by the city council. Within 10 days after the approval by said council, said ordinance shall be published in full, at the discretion of the city council, in 1 or more newspapers having a general circulation in the city of Saco.

No order or resolve shall take effect until 30 days after its passage, except that the city council may, by vote of majority of its members, pass emergency orders or resolves to take effect at the time indicated therein; but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

Sec. 3. Executive and administrative powers. The executive powers generally, and the administration of police, with all the powers of selectmen and municipal officers conferred by the statutes of the state of Maine, except as this charter may provide, shall vest in the mayor and city council as if the same had been herein particularly enumerated.

Sec. 4. Miscellaneous officers; election, tenure. It shall be the duty of the city council, immediately after their first organization, to elect by ballot all necessary city officers not otherwise specifically provided for in this charter, who shall hold their offices respectively for 1 year, except as otherwise specifically enumerated herein, unless sooner removed, or until others are chosen and qualified in their places.

Sec. 5. Appropriation resolves; procedures. Every act, bill, law or ordinance appropriating money, having passed the city council, shall be presented to the mayor; if he shall return it unapproved, as provided in section 9 of article III of this charter, the city council shall enter his objection at large on its records and proceed to reconsider said law, act, ordinance or bill appropriating money. If upon such reconsideration, $\frac{5}{7}$ of the whole number of the members of the city council shall agree to pass it, and so vote, it shall be the duty of the mayor to sign any warrant necessary to the execution of such law, act, ordinance or bill appropriating money; and in case of his refusal, the city council may order the treasurer to pay any expense incurred by the passage of any bill appropriating money and their order shall be sufficient authority and voucher for the treasurer to pay the same.

Sec. 6. Receipts; deposit in city treasury. All moneys received by any officer or agent of the city of Saco shall forthwith be paid into the city treasury.

Sec. 7. Bonds of certain officials. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; and shall secure a prompt and just accountability by requiring bonds, with sufficient penalties and sureties, from all persons trusted with the receipt or custody of public money.

Sec. 8. Public buildings and property. The city council shall have the care and superintendence of the city public buildings; and the custody and management of all the city property, with powers to let or sell what may be legally let or sold; and to purchase in the name of the city such real and personal property as they may deem of public utility, except as otherwise provided for by this charter.

Sec. 9. Annual statement. The city council shall as often as once a year cause to be published for the information of the inhabitants an account of receipts and expenditures, and a schedule of the city property for the preceding fiscal year.

Sec. 10. Payments from city treasury. No money shall be paid from the city treasury unless the same be appropriated by the city council and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

Sec. 11. Collection of taxes. It shall be lawful for the city council to establish further and additional provisions for the collection of taxes than are now prescribed by the laws of this state.

Sec. 12. Streets and ways; laying out, discontinuance, etc. The city council shall have exclusive power and authority to lay out any new street or public way, or widen or otherwise alter or discontinue any street or way in said city and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such rules and restrictions as are by law provided in this state for regulating the laying out of public highways and repairing streets. Any person aggrieved by the decision or judgment of said city council may, as far as related to damages, have them assessed by a committee or jury, as is now by law provided; and any highway or town way or bridge which has been or may hereafter be located in said city shall, nevertheless, be deemed to be legally located and established; provided that the county commissioners of York county shall have power to lay out, widen or otherwise alter or discontinue within said city, any part of any county road that has been or shall be by them laid out in any adjoining town or towns, passing thence into or through said city. All accepted streets and discontinuances thereof shall be noted by the city clerk in a separate book kept for this purpose. Action taken by the city council under this section shall not be final until such entry has been made.

Sec. 13. Sidewalks. It shall be lawful for the city council, by a committee by them appointed or by instructions to the commissioners of streets, to appropriate, set off and reserve as sidewalks, such part or portion of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of pedestrians. It shall be lawful for the city council to permit or direct posts of stone or wood, or trees, to be placed along the edge of said sidewalk, next to the traveled part of the street, in such number and manner as they may deem necessary to protect said sidewalks and the persons

traveling thereon from damage or inconvenience from teams, carriages or motor vehicles, or for shade or ornament. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeable to the provisions of this charter, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriage, wagon or other vehicle, or any team or animal, striking against any of said sidewalks, or the posts or trees set or placed there to defend the same, or for the other purposes aforesaid; and they shall in no suit, prosecution or proceeding be regarded as an obstruction, or construed as in any way rendering the way or street defective so as to make the city in any way or manner liable for injuries or damage resulting in whole or in part therefrom to any person whatever, either in his person or property. The several sidewalks on the streets in said city, as at present established and used, shall be taken and deemed to be the proper and lawful reservation for that purpose until altered or otherwise established by the proper authority.

Sec. 14. Projections into streets and walks. The city council shall have power, on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street, sidewalk, cross-walk, bridge, water-course or drain, or for erecting, repairing or finishing any building or fences; provided that no more than $\frac{1}{3}$ of the width of the street shall be so occupied, and such materials so placed, by virtue of any license obtained as aforesaid, shall not be considered an incumbrance or nuisance in such street; and the city, or person or corporation so placing the same, shall not be liable for any damages occasioned by such materials.

Sec. 15. Compensation of aldermen. Each alderman shall receive the sum of \$250 annually for any and all services performed by him in his capacity. \$100 of said compensation shall be paid the 3rd Monday in December, and \$100 at the pleasure of the individual alderman but not before July 1 of the year in which he shall be elected, and \$50 at the completion of said term. Each alderman shall forfeit the sum of \$10 for each regular or special meeting that he fails to attend; provided that any illness confining any alderman to his home and failure to attend not more than 3 special meetings shall be excluded from said forfeiture. Said forfeiture shall be deducted from the compensation of said alderman. Members of the committee on accounts shall receive, in addition thereto, the sum of \$65, payable semi-annually.

Sec. 16. Measurement and sale of wood and bark. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by teams, motor vehicles or railroad, and may affix suitable penalties for the violations thereof, anything in the public laws of the state to the contrary notwithstanding.

Sec. 17. Building and zoning regulations. The city council is hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, also building and zoning regulations not inconsistent with the laws of the state, conducive to the public welfare.

Sec. 18. Traffic regulations. The city council may make and establish such ordinances or regulations as they may deem for the public good for the regulation of carts, drays, teams or motor vehicles in said city.

Sec. 19. Sidewalks required; payment of cost. The city council of Saco may require the owner of any lot of ground fronting on any street or way in said city to cause the foot-way or sidewalks in front of said lot to be paved with brick or flat stones, with suitable curbstones, or to be covered with plank or other suitable materials, as they may deem proper, the same to be done under the direction and to the approbation of the committee on streets. If the owner of such lot shall refuse or neglect to pave or cover such sidewalk or foot-way to the satisfaction of said committee for the space of 20 days after he or the tenant of such lot shall have been thereto required by the commissioner of streets, it shall then be the duty of said commissioner to procure the same to be done, and the city shall have a lien on the property for expense thereof, to be enforced as in the following section. The city council, before requiring any such sidewalk or foot-way to be paved or covered shall, by a general ordinance, assume a portion of said expense to an amount not less than $\frac{1}{3}$ thereof, to be paid by the city in money or materials.

Sec. 20. Drains and sewers. The city council of said city may lay out, make, maintain and repair all main drains or common sewers in said city, and the mayor and city council may assess upon the owners of the abutting lots and others benefited thereby, and who shall enter the same directly or indirectly, a proportional part of the charge of making and keeping in repair such main drain or common sewer, to be ascertained and assessed by the mayor and city council of said city and by them certified, after notice thereof given in writing to the party to be charged, or by advertisement for 7 days in at least 1 newspaper in said city; but not less than a $\frac{1}{3}$ of

the cost of making and repairing such main drain or common sewer shall be paid by the city, and not more than $\frac{2}{3}$ of the same shall be charged to the abutters; and in case the mayor and city council shall adjudge any lot of land, situated so as to be connected with any main drain or common sewer so constructed, to require drainage in order to preserve or promote the health or welfare of the city, it shall be competent for them to give reasonable notice thereof to the owner of such lot, who shall cause the same to be drained, and assess the cost of such drainage upon the owner of such lot. If the owner of any lot thus directed to be drained deems such order unreasonable, he may appeal to the county commissioners, and their decision in such cases shall be final; and the cost of such appeal shall be borne by the party making the appeal if the order of the city council is sustained, otherwise by the city. All assessments made under the provisions of this section shall constitute a lien on the real estate so assessed for 2 year after they are laid. They shall be certified by the mayor and city council, under their hands, to the treasurer and collector of said city and his successors, with directions to collect the same according to law, and may, with all incidental costs and expenses, be levied by sale of the real estate, by him or them, if the assessment is not paid within 3 months after a written demand of payment made by him or them, either upon the persons assessed or their agent, or in case neither can be found in said city upon any person occupying the estate, such sale to be conducted in like manner as sales for non-payment of taxes on land of resident owners, and with a similar right of redemption. Any person, who may feel himself aggrieved by any such assessment, may appeal to the county commissioners and their decision as to the sum which the appellant should pay shall be final; and in case the assessment made as aforesaid shall not be reduced on such appeal, the city shall recover costs, but otherwise shall pay costs. Any person who shall directly or indirectly enter such main drain or common sewer, without first obtaining a permit from the mayor therefor, shall be subject to a fine not exceeding \$100.

Sec. 21. Members of council and mayor to hold no other office. Neither the mayor nor any member of the city council of Saco shall, during the term for which he was elected to that position, be chosen by the city council to any office of emolument, the salary of which is payable from the city treasury or in which the city has any pecuniary interest.

Sec. 22. President pro tempore of council. The city council in, absence of the mayor, shall choose from the board of aldermen a president pro tempore, who shall preside at their meeting.

Sec. 23. Vacancies in council, how filled. The city council may order new elections in the case of a vacancy in said council created by death, resignation or otherwise.

Sec. 24. Necessary departments established. The city council may establish such departments for the transaction of city business as it may deem necessary.

ARTICLE V

Ordinances; Orders; Resolves

The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, (except as herein otherwise provided), to be voted upon at any municipal election; and should such proposition receive a majority of the votes cast thereon at said election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Upon completion of the 2nd reading of any ordinance and the vote taken thereon, the city clerk shall at the request of any citizen of Saco prepare a petition with the title and the ordinance at the top thereof, which he shall make available for any interested citizen to sign at the city clerk's office during the regular office hours.

If, before the ordinance becomes effective as hereinbefore provided, at least 300 qualified voters of Saco shall sign the said petition, the ordinance shall immediately be suspended and the city council, upon their warrants for the next annual election, shall provide for said ordinance to go to referendum. Upon a majority of the votes cast in the affirmative for said ordinance, it shall take effect immediately.

ARTICLE VI

Elections

Sec. 1. Mayor, aldermen and school board. The mayor and the members of the school board shall be elected from the citizens at large by the inhabitants of the city, voting in their respective wards. One alderman shall be elected by each ward and shall be a resident in the ward where elected. All said officers shall be elected by ballot by a majority of the votes and shall hold their offices for 1 year from the 4th Monday in January and until others shall be elected in their places; provided, however, that if the city shall be divided into less than 7 wards, then 1 or 2, as the case may be, of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than 7, as provided in article II of this charter.

Sec. 2. Date of election; procedure; board of aldermen. On the 2nd Monday in January, annually, the qualified electors of each ward shall ballot for a mayor, 1 alderman, warden, ward clerk and 1 member of the school board. All the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written on the ward record at length. The ward clerk, within 24 hours after such election, shall deliver to the city clerk a certified copy of the record of such election; provided, however, that if the choice of alderman cannot be conveniently effected on that day, the meeting may be adjourned from day to day, but not more than 1 week from the election day, to complete such election. If on the 2nd balloting for any alderman, warden, clerk or member of school board, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall continue from day to day until a choice is effected. 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 person who shall have been elected mayor by a majority of votes given in all the wards to be notified in writing of his election; but if it shall appear that no person shall have been elected or if the person elected shall refuse to accept the office, the said council shall issue their warrants for another election; and in case the citizens should fail on a 2nd ballot to elect a mayor, the said council shall again issue their warrants for a 3rd election, to be held not less than 3 nor more than 7 days thereafter; at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid; if no one shall then have such number, further elections shall in the same manner be ordered, until a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner hereinbefore provided for the choice of said officer; and in the meantime, the president pro tempore of the city council shall perform the duties of mayor. The oath prescribed by this charter shall be administered to the mayor by the city clerk or any justice of the peace in said city. The alderman elect shall, on the 4th Monday of January, at 7:30 P. M., assemble and the oath required by article II of this charter shall be administered to the members of the city council by the city clerk or any justice of the peace.

ARTICLE VII**School Committee**

Sec. 1. Superintending school committee; membership; term. The superintending school committee shall consist of the mayor, *ex officio*, who shall be chairman and who shall have a vote only in case of a tie, and 3 other members elected at large from the qualified voters of the city for a term of 3 years and until their successors are elected and qualified. One member is to be elected each year at the annual election, except as hereinafter provided in case of vacancies. No person, however, shall be ineligible to membership on the superintending school committee on account of sex. Any member of the school board, serving before the ratification of this charter, shall complete his term on said board.

Sec. 2. Organization. The superintending school committee shall meet for organization on the 1st Tuesday in February following the regular city election. The members-elect shall be sworn by a justice of the peace to the faithful discharge of their duties and a record thereof made. A majority of the whole number to be elected shall be a quorum. The mayor shall be chairman and the superintendent of schools shall be secretary of said committee.

Sec. 3. Powers and duties. The superintending school committee shall have all the powers and shall perform all the duties in regard to 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. Compensation; budget estimate; jurisdiction. No member of the school committee shall receive any compensation for his services. They shall annually, as soon after the organization of their committee as practicable, furnish to the city council an estimate in detail of the several sums required during the ensuing year for the support of the public schools. This estimate shall be considered by the city council in connection with the total appropriation bill of the city and the amount finally settled upon the school department shall be appropriated in a lump sum to the school committee for the support of the public schools for the ensuing municipal year, and such appropriation shall not be exceeded except by consent of the city council; but the expenditure of such appropriation shall be under the direction and control of the school committee. The school committee shall have exclusive jurisdiction over the care and maintenance of the school buildings and property.

ARTICLE VIII**Assessors**

Sec. 1. Board of assessors; appointment, term, vacancies. The board of assessors shall consist of 3 members, 1 member to be appointed on the 4th Monday of January, annually, or as soon thereafter as practicable, by the city council for a term of 3 years. The assessors in office upon ratification of this charter shall serve the remainder of their unexpired terms. Each assessor shall continue in office until his successor shall have been appointed and shall have qualified in his place. The 3 assessors comprising the board shall perform the duties prescribed for assessors by the laws of the state; provided, however, that the city may appoint 1 person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward. The board of assessors and the ward assistants shall be sworn or affirmed to the faithful performance of their duties. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state.

The city council shall fix the salary of each member of the board of assessors, having regard for the duties to be performed by each.

Whenever for any cause a vacancy in the board of assessors shall occur, the city council shall appoint a member to serve the unexpired term.

Sec. 2. Executive secretary; term, duties. The board of assessors shall hire an executive secretary for a term of 3 years whose duty it shall be to be in attendance at the assessors' office during the regular hours of every business day (except when doing assessors' work at the registry of deeds or elsewhere), to exercise general supervision over the office work of the department and to perform such duties in connection with the department as may be necessary in absence of the assessors from the office. This appointment shall be confirmed by the city council and the salary thereof shall be set by the said council.

ARTICLE IX**Business and Financial Provisions**

Sec. 1. Bonds and notes. Money may be borrowed by the issue and sale of bonds or notes, pledged on the credit of the city, for the acquisition of land, the construction and equipment of buildings, the paving of roads, and other public improvements having a useful life of not less than 5 years, and the payment of refunding of bonds, notes and certificates of indebtedness issued prior to the acceptance of this charter. No order providing for the issue and sale of bonds or notes, except notes issued in anticipa-

tion of taxes, shall be passed without public notice being given by publishing notice of said order in a daily newspaper published in York county and having a general circulation in the city of Saco at least 2 weeks before the final action of the council. The council, upon approval of the issuance of said bonds or notes, shall take all necessary legal steps to submit their action to the people of Saco at the next general municipal election for ratification or rejection. No bond or note issue shall be valid unless the council's action has been ratified by the voters of Saco as above provided; except, in the event of an emergency or catastrophe, the mayor and city council by unanimous action may vote to issue and sell serial bonds in a sufficient amount to meet said emergency. The unanimous vote of the mayor and council shall be the sole determinant of the term "emergency."

Every issue of bonds or notes shall be payable within a term of years, not to exceed the period of useful life of the improvement for which they are issued, and the action of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof, in no case to exceed 30 years.

Bonds or notes issued after the adoption of this charter shall be payable in equal serial installments as to principal. Every order for the issue of bonds or notes shall provide for a tax levy for each year to meet the annual serial installment of principal and such interest as may accrue in each respective year, and such amounts shall be included in the tax levy for each year until the debt is extinguished.

Sec. 2. Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of 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 on the receipts from taxes for the fiscal year in which they are issued. Money may also be borrowed in anticipation of revenue from bond or note issues in case such bond or note issues have been authorized.

Sec. 3. Accounts and records. Accounts shall be kept by the auditor showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the mayor. Accounts shall be kept in such manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the mayor, and each alderman, prior to the regular meeting of the city council in each month, a report 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 or appropriation account.

Sec. 4. Fiscal year. The fiscal year for the city of Saco shall extend from the 1st day of January to the last day of December.

ARTICLE X

Miscellaneous Provisions

Sec. 1. Powers and duties of the city clerk. The city clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have care of all journals, records, papers and documents of the city, and shall deliver all journals, records, papers, documents and other things, entrusted to him as city clerk, to his successor in office. He shall be clerk of the city council and do such acts in said capacity as the city council may lawfully and reasonably require of him. He shall perform all the duties, and exercise all the powers by law incumbent upon or vested in the city clerk of the city of Saco. He shall attend all meetings of the city council and keep a journal of its acts, votes and proceedings. He shall engross all of the ordinances passed by the city council in a book provided for the purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall notify every person who is appointed or elected to any office of such appointment or election. He shall give notice, in one or more of the papers printed in said county with a general circulation in Saco, of the time and place of regular ward meetings. The place of regular ward meetings, the day and the hour, when not fixed by laws, shall be determined by the city council. In case of the temporary absence of the city clerk, the city council may elect a clerk, pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified. The city clerk may, when the city council so votes, appoint assistants and deputies as provided by law.

Sec. 2. General meetings of voters. General meetings of the citizens qualified to vote in city affairs may, from time to time, be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances according to the rights secured to the people of the state by the constitution of this state; and such meeting shall be duly warned by the mayor and city council upon request of 50 qualified voters. The city clerk shall act as clerk of such meeting, and record the proceedings upon the city records.

Sec. 3. Wards. It shall be the duty of the city council of the city of Saco, for the year 1955 and every 10th year thereafter, to cause a division

of said city into 7 wards, in such manner as to include as nearly and as conveniently as may be consistent with well defined limits to each ward, an equal number of inhabitants in each ward and submit their findings in a referendum question to be submitted to the voters of the city of Saco at the next annual election for confirmation or rejection.

Sec. 4. Officers to appear before city council to give information when requested. Every officer of the city, including the mayor, shall, at the request of the city council, appear before the council and give such information as may be required and answer any question that may be asked by the council in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

Sec. 5. Laws and regulations now in force. All laws and regulations now in force in said city shall, notwithstanding this charter, be and remain in force until they shall expire by their own limitations or be revised or repealed by the city council; and prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses in such laws or regulations named, and according to law.

Sec. 6. Inconsistent acts repealed. All acts and parts of acts inconsistent with this act are hereby repealed; from and after the time when this act shall have been accepted as aforesaid and the city government shall have been organized as herein provided.

Sec. 7. Priority of certain acts. The rights, duties and liabilities conferred under an act relating to the "Board of Police and Fire Commissioners" and an act relating to the "Saco Sanitary District" shall, upon passage by the 96th legislature and an affirmative vote of the people of the city of Saco at a referendum, supersede and have priority over sections in this charter which may conflict therewith.

Sec. 8. Lucia Kimball Deering bequest. Chapter 95 of the private and special laws of 1917, relating to the bequest of Lucia Kimball Deering, is hereby incorporated into this charter by reference.

Sec. 9. Effective date of charter. Upon approval of this revised charter by the inhabitants of the city of Saco at a referendum vote, the provisions of this charter shall become effective the 1st day of the calendar month immediately following its approval by the inhabitants of the city of Saco.

Emergency clause; referendum; effective date; certificate to secretary of state. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the city of Saco at the next annual city election to be held in March, 1953, or at a special election to be held not later than 4 months after approval of this act. Such election shall be called, advertised and conducted according to the law relating to municipal elections and as provided in the charter of the city of Saco. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the act to Provide a New Charter for the City of Saco, passed by the 96th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters, voting at said election; but only if the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election. The result of the vote shall be declared by the municipal officers of the city of Saco and due certificate thereof filed by the city clerk with the secretary of state.