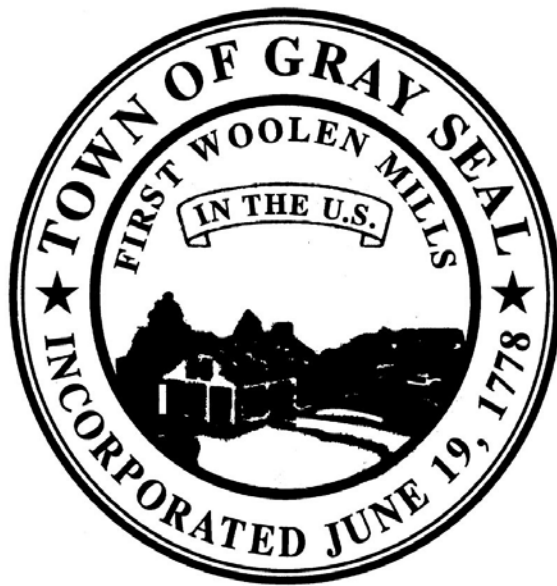


# TOWN OF GRAY

## TOWN CHARTER



Revised November 7, 2000

Effective July 1, 2001

Amendments Effective January 1, 2007

Amendments Effective January 1, 2010

# **TOWN OF GRAY**

## **COUNCIL-TOWN MANAGER CHARTER**

**Approved by the Governor of the State of Maine on May 14, 1969**

**Amended by Referendum, Town of Gray on March 3, 1979**

**Amended by Ordinance on May 3, 1983**

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**ARTICLE I**  
**GRANT OF POWERS TO THE TOWN**

**Section 1 - Incorporation:** The inhabitants of the Town of Gray, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation, by the name of the Town of Gray, Maine.

**Section 2. Powers and Duties.** The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided herein, or otherwise, pertaining to or incumbent upon said Town as a municipal corporation or to the inhabitants or municipal authorities thereof, and may enact reasonable bylaws, regulations and ordinances for municipal purposes, consistent with the constitution and laws of the State of Maine, and impose penalties for the breach thereof, to be recovered for such uses as said bylaws, regulations and ordinances shall provide.

The administration of all the fiscal and municipal affairs of said Town, with the government thereof, except the general management, care, conduct and control of the schools of said Town, which shall be vested in a Board of School Directors of School Administrative District No. 15 and also except as otherwise provided by this Charter, shall be and are vested in one body of five (5) members, which shall constitute and be called the Town Council, all of whom shall be inhabitants of said Town, and shall be sworn in the manner hereinafter prescribed.

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

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to State laws and to the provisions of the State Constitution.

**ARTICLE II**  
**TOWN COUNCIL**

**Section 1. Number, Election, Term.** The Town Council, hereinafter called the "Council", shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of three (3) years.

**Section 2. Qualifications.** Members of the Town Council shall be registered voters of the Town and shall reside in the Town during their term of office. Members of the Town Council shall not hold any other compensated Town office or Town employment, except as on-call emergency personnel, during their term of office.

**Section 3. Nominations.** Nominations for office of Town Councilor shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five (25), nor greater than fifty (50), registered voters of the Town of Gray. All nomination papers must contain the full name and address of the candidate, must specify the office for which the candidate is to be nominated and the term for which the candidate seeks nomination.

Nomination papers for the nomination of candidates for any elective office in the Town of Gray shall be filed with the Town Clerk at least forty-five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.

**Section 4. Enumeration of Powers and Duties.** Without limitation of the foregoing, the Council shall have power to:

- A. Appoint the Town Manager, Town Assessor, the members of the Planning Board, Zoning Board of Appeals, and Board of Assessment Review which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; appoint a Town Attorney and Town Auditor who shall serve at the will of the Council; and appoint members to committees created by the Council. Appointments shall be made by procedures adopted through rules of the Council.
- B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager, Tax Assessor, members of the Planning Board, Board of Assessment Review, the Zoning Board of Appeals and members of all other Town boards, commissions, and committees appointed by the Council. Said hearing may at either party's request include sworn testimony and the opportunity for cross-examination of witnesses.
- C. Create by ordinance, change and abolish offices, departments, agencies, and committees, other than the offices, departments and agencies established by the Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. The Council may, however, vest in the Town Manager all or part of the duties of any office under this Charter.
- D. Make, alter and repeal ordinances, including the power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations consistent with law and upon payment by the licensee of such fees as the Council may establish in such ordinance.
- E. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs.
- F. Deal with the administrative service solely through the Town Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

- G. Adopt an annual budget and recommend same to the Town Meeting for approval.
- H. Provide for an Annual Audit.
- I. Establish, appoint and maintain a finance committee of which at least one (1) member shall be chosen from among its members, and any and all other members chosen by appointment of citizens registered to vote in the Town of Gray. The Council shall also establish a charge for the committee and a fiscal policy to be followed.

**Section 5. Vacancies.** The Town Council shall select an interim Councilor to serve until the next annual municipal election. The Interim Councilor shall serve until a successor is elected to fill the unexpired term.

**Section 6. Compensation.** Compensation for the Councilors shall be fixed each year at the annual Town meeting and shall be voted upon as a separate article in the Warrant.

**Section 7. Induction of Council into Office;** Councilors-elect shall be sworn to the faithful discharge of their duties by a notary public or by the Town Clerk at or before the next regular Council meeting.

**Section 8. Council to Judge Qualifications of its Members.** The Council shall be the judge of the election and qualifications of its members as prescribed in Article II Section 2 and for such purpose shall have power to subpoena witnesses and require production of records, but the decision of the Council in any such case shall be subject to review by the courts.

**Section 9. Forfeiture of Office.** A Councilor shall forfeit office if, after notice and hearing, during the term of office three (3) members of the Council determine the Councilor:

- A. Lacks at any time any qualifications for the office prescribed in this Charter, or
- B. Willfully violates any express prohibition of this Charter, or
- C. Is convicted of a crime for which the Councilor may be imprisoned for one year or longer, or
- D. Fails to attend three consecutive regular meetings of the Council without being excused for cause by the Town Council.

Said hearing may at either party's request include sworn testimony and the opportunity for cross-examination of witnesses.

**Section 10. Regular Meetings.** The Council shall, at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings.

The Town Council shall post an agenda at least seven (7) days prior to regularly scheduled Town Council meetings.

**Section 11. Rules of Procedure; Journal.** The Council shall determine its own rules of business. A record of the Council's proceedings shall be kept and the records shall be open to public inspection.

**Section 12. Chairperson.** At the next meeting following the Annual Town Meeting the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Chair and the Council may fill, for the unexpired term, any vacancy in the Office of Chair that may occur. The Chair shall preside at the meetings of the Council, and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Chair shall be entitled to vote, and that vote shall be counted upon all matters and things as a vote of other members of the Council. The Council shall elect a Vice Chair from among its members to serve in the absence or disability of the Chair.

**Section 13. Quorum.** A majority of the Council shall constitute a quorum for the transaction of business. At least three (3) votes shall be required for passage of any ordinance, order or resolution. A smaller number may adjourn from time to time or may compel attendance of absent members. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Section 14 - Ordinances in General:**

- A. Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Town of Gray hereby ordains..."
- B. Procedure: At least seven (7) days prior to its First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and shall be published in a newspaper of local distribution. After passage on First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one Public Hearing, notice of which shall be given at least seven (7) days prior, shall be held by the Council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for Public Hearing and Second Reading at the next regular meeting of the Council, immediately after the First Reading of the same, but all ordinances may, at the discretion of said Council, be tabled from time to time. After such Public Hearing and Second Reading the Council may adopt the ordinance with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional Public Hearing.
- C. Effective Date: Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.
- D. Emergency Ordinances: To meet a public emergency affecting life, health, property or the public safety, the Council may adopt one or more emergency ordinances. Said emergency ordinances shall contain a section in which the emergency is set forth and defined. Except as otherwise required by state law, no public hearing or notice thereof shall be required prior to the adoption of an emergency ordinance. Within five (5) days after adoption, said ordinance shall be posted at the Town office and other such places as the Council may designate and shall be submitted for publication, at least in summary, in a newspaper having general circulation in the Town. Every emergency ordinance except one authorizing the issuance of emergency tax anticipation notes shall stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

**Section 15. Clerk of the Council.** In addition to the statutory duties required of the Town Manager, the Town Manager shall act as clerk of the Council and shall keep a public record of all proceedings of the Council, including all votes.

**Section 16. Independent Annual Audit.** Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant to serve as Town Auditor, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit the Auditor's report to the Council and the Town Manager within ninety (90) days of the end of the fiscal year. An extension may be granted by the Town Council for cause. Such accountant shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town government.

**ARTICLE III**  
**TOWN MANAGER**

**Section 1. Appointment; Qualifications.**-The Town Manager shall be chosen by the Council solely on the basis of character and executive qualifications. No Councilor shall receive appointment to the office of Town Manager. No member of the Council shall act in that capacity during, or within one (1) year after, the expiration of his or her term. The Town Manager shall be required to reside in the Town within one (1) year after appointment, unless this provision be waived by majority vote of the Council.

**Section 2. Powers and Duties:** The powers and duties of the Town Manager shall be as follows:

- A. The Town Manager shall be Town Clerk, Tax Collector, Town Treasurer, Administrator of General Assistance, and Road Commissioner. The Town Manager shall have and exercise all powers and responsibilities conferred or imposed by law upon such respective offices.
- B. The Town Manager shall give bond for the faithful discharge of all duties to the Town of Gray in such sum as the Council shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Council. The premium on the bond shall be paid by the Town.
- C. The Town Manager shall be administrative head of the Town and shall be responsible to the Council for the administration of all departments assigned. The Manager shall appoint, remove and fix the compensation of all Town officers or agents whose elections or appointments have not been otherwise provided for by this Charter. All such offices shall serve under the direction of the Town Manager.
- D. Prepare the annual budget, submit it to the Council and be responsible for its administration after adoption.
- E. Prepare and submit to the Council after the completion of the required annual fiscal audit a complete report on the finances and administrative activities of the Town for the preceding year. The Manager shall cause such annual Town report to be published and made available to the public as promptly as possible after the close of the fiscal year.
- F. Attend the meetings of the Council, except when the Manager's removal is being considered. Keep the Council advised of the financial condition and future needs of the Town and make such recommendations as may seem desirable.
- G. See that all laws, provisions of this Charter, acts of the Council and ordinances governing the Town are faithfully administered.
- H. Act as purchasing agent for all departments of the Town, and submit to competitive bids any transaction in excess of an amount to be determined on an annual basis by the Town Council. The bidding process shall be defined in the Town Administrative Code. All accounts for the purchase of supplies and materials and work performed for said Town shall bear the approval of the Town Manager.
- I. Perform such other duties as may be prescribed by this Charter or required by the Council, consistent with this Charter.
- J. Be responsible for the administration of the Town Administrative Code as adopted by the Council.

**Section 3. Removal.** The Town Manager may be removed for cause by the Council in accordance with the provisions of the statutes of the State of Maine relating to the removal of a Town Manager.

**Section 4. Vacancy in the Office of Town Manager.** During any vacancy in the office of the Town Manager, and during the absence or disability of the Town Manager, the Council shall designate a properly qualified person, not a

member of the Council, to perform the duties of the Manager and the Council shall fix the compensation. The acting Manager shall have the same powers and duties as those given to and imposed on the Town Manager. Before entering upon the duties, the acting Manager shall give bond to the Town of Gray in a sum and with surety or sureties to be approved by the Council. The premium on said bond shall be paid by the Town.

**ARTICLE IV**  
**SCHOOL ADMINISTRATIVE DISTRICT**

**Section 1. The Management of Public Schools.** The management of the public schools of the Town of Gray shall be vested in the School Administrative District No. 15, in accordance with the statutes of the State of Maine.

**Section 2. Qualifications for the Board of School Directors.** The members of the Board of School Directors of School Administrative District No. 15, representing the Town of Gray, shall be registered voters of the Town and shall reside in the Town during their term of office. A School Board Director or the spouse of a School Board Director may not be an employee or a volunteer with primary responsibility for any programs or activities who report to an administrator of MSAD #15.

**Section 3. Nominations.** Nominations of School Directors of School Administrative District No. 15 shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five (25), nor greater than fifty (50), registered voters of the Town of Gray. All nomination papers must contain the full name and address of the candidate, must specify the office for which the candidate is to be nominated and the term for which the candidate seeks nomination.

Nomination papers of candidates for any elective office in the Town of Gray shall be filed with the Town Clerk at least forty-five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.

**Section 4. Vacancies.** The Town Council shall select an Interim SAD 15 Director to serve until the next annual municipal election. The Interim Director shall serve until a successor is elected and qualified to fill the unexpired term.

**Section 5. Forfeiture of Office.** After notice and hearing, a member of the Board of School Directors of School Administrative District No. 15 shall forfeit office if, during that term of office, three (3) members of the Council determine the director:

- A. Lacks at any time any qualifications for the office prescribed in this Charter, or
- B. Willfully violates any express prohibition of this Charter, or
- C. Is convicted of a crime for which the director may be imprisoned for one year or longer, or
- D. Fails to attend three consecutive regular school board meetings without being excused for cause.

Said hearing may at either party's request include sworn testimony and the opportunity for cross-examination of witnesses.

**ARTICLE V**  
**BUDGET**

**Section 1. Fiscal Year.** The fiscal year of the Town government shall begin the first (1st) day of July and shall end on the thirtieth (30<sup>th</sup>) day of June of each year. The fiscal year may be changed by the Council. Said fiscal year shall constitute the budget and accounting year as used in this Charter. The term “budget year” shall mean the fiscal year for which any participating budget is adopted and in which it is administered.

**Section 2. Preparation and Submission of the Budget.** The Town Manager, at least ninety (90) days prior to the annual Town meeting, shall submit to the Council a budget and an explanatory budget message. The budget authority of the Council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town.

This budget message shall contain:

- A. Exact statement of the financial condition of the Town which shall include but not be limited to a description and breakdown of bonded indebtedness and estimated funds to be borrowed in anticipation of tax receipts to meet the proposed budget.
- B. An itemized statement of recommended appropriations for operating expenses and capital improvements with comparative statements in parallel columns of estimated and year-to-date actual expenditures for the current fiscal year and actual expenditures for the three (3) preceding fiscal years. An increase or decrease in any item shall be indicated.
- C. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, estimated mil rate, and comparative figures from the current and next preceding years.
- D. Such other information as may be required by the Council.

**Section 3. Procedure to be Followed.**

- A. The proposed budget prepared by the Manager shall be reviewed by the Council which shall approve the preliminary budget with or without amendments.
- B. The complete Town budget as approved by the Council shall be printed and distributed, and the Council shall fix the time and place for holding a public hearing on the budget, and shall give public notice pursuant to State law.
- C. The Council shall then review the budget and recommend it with or without amendment to the annual Town Meeting. The reviewed budget shall be made available to the public at least ten (10) days prior to the annual Town meeting.

**Section 4. Budget Establishes Appropriation.** From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several offices, departments and agencies and purposes therein named. The budget for all departments shall include all proposed expenditures. The Council shall make a gross appropriation for each department, office and agency for the ensuing year.

- A. Exceptions:
  - 1. The gross appropriation for each department, office or agency shall not be exceeded except by consent of the Council.
  - 2. If there is a period between the beginning of the fiscal year and the appropriation of funds, the Council may authorize expenditures for proposed departmental expenses chargeable to the appropriations for the year when made in amounts sufficient to cover the necessary expenses of the various departments, offices, and agencies not to exceed the prior fiscal year’s budget amount

3. Following the close of the fiscal year, the Council may also continue unexpended balances in capital accounts.
4. Within the last three (3) months of the fiscal year the Manager may transfer, without Council approval, any unencumbered appropriations or portion thereof between general classifications of expenditures within a department, office or agency not to exceed an amount to be determined by the Council on an annual basis. Transfers in excess of this amount must be approved by the Council.

**Section 5. Budget Establishes Amount to be Raised by Property Tax; Certification to Town Assessor.** From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of tax for the purposes of the Town in the corresponding fiscal year. A copy of the budget as finally adopted shall be certified by the Town Manager and filed with the Town Assessor, whose duty it shall be to set the mil rate for the corresponding fiscal year.

**Section 6. Budget Summary.** At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, it shall be itemized also by departments, offices and agencies and kinds of expenditures, in such manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

**Section 7. Work Program; Allotments.** Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town Manager, when required by the Town Manager, a work program, of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

**Section 8. General Fund Balance Level and Restriction of Use**

**Crisis Fund.** The Town Treasurer shall maintain a Crisis Fund which shall be separately invested in a propriety account with interest to be retained therein. The Crisis Fund shall be maintained at a level not less than one twelfth (1/12) of approved appropriation for the municipal budget, the Town's portion of MSAD #15 local assessment, county tax and overlay.

At any time in any budget year the Town Council may, after notice, call a special Town Meeting for the purpose of making appropriations from the Crisis Fund. The expenditures shall meet an essential municipal need to protect the public health, safety and welfare. The needs may be caused by severe economic decline, any natural disaster or sudden event outside the control of the Town Council. Said appropriations shall be adopted by a favorable vote of a special Town Meeting. Said resolution shall specifically identify the public necessity and contain the precise use of the funds. The resolution shall also contain a plan not to exceed a five (5) year period to restore the Crisis Fund to the prescribed level.

Whenever the Crisis Fund is less than the prescribed level, the Town Council shall be required to formulate a plan within ninety (90) days to restore the crisis fund to the prescribed level. The restoration of the Crisis Fund shall not exceed a five (5) year period.

**Undesignated Fund Balance.** Subject to Town Meeting approval, the Town Council may utilize the undesignated fund balance of the General Fund to reduce the tax commitment of any ensuing fiscal period.

**ARTICLE VI**  
**TAX ADMINISTRATION**

**Section 1. Tax Assessor.** There shall be established a Department of Assessment, the head of which shall be the Town Assessor. The Assessor, appointed as hereinbefore provided, shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine.

**Section 2. Board of Assessment Review; Appointment; Vacancies.** There shall be a Board of Assessment Review to consist of three (3) registered voters of the Town who shall be appointed by the Council for a term of three (3) years. Members may be removed for cause after notice and hearing by the Council. Compensation, if any, to such members shall be determined by the Council. Vacancies in the membership of such board shall be filled by appointment by the Council for the unexpired term.

**Section 3. Board of Assessment Review; Powers and Duties.** The Board of Assessment Review shall have the power to:

- A. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Town Assessor;
- B. Administer oaths;
- C. Take testimony;
- D. Hold hearings; and
- E. Adopt regulations regarding the procedure of assessment review consistent with statutory provisions.

**ARTICLE VII**  
**MUNICIPAL ELECTIONS**

**Section 1 Elections.** The regular elections for the choice of members of the Council and representatives to the Board of School Directors shall be held on the second (2<sup>nd</sup>) Tuesday in June. All such elections shall be conducted on a nonpartisan basis and without party designation.

**Section 2. Conduct of Elections.** The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conduct and management of elections, so far as they may be applicable, shall govern all elections, except as otherwise provided in this Charter.

**Section 3. Voting Places.** The voting places for municipal elections shall be those which have been or may hereafter be established for State elections.

**Section 4. Election of Officials.** The Town Council shall annually, appoint an Election Warden, an Election Deputy Warden and a pool of elections clerks, for each voting place.

**ARTICLE VIII**  
**THE TOWN MEETING**

**Section 1. Annual and Special Town Meeting.** An annual Town Meeting for the consideration of the budget and the transaction of other Town business which voters are authorized to vote upon shall be held on the second Tuesday in the month of June starting at a time fixed by the Town Council. Special Town Meetings may be called by the Council. All registered voters of the Town are eligible to vote at annual or special Town Meetings.

All warrant articles shall be placed on the ballot for referendum voting on the municipal Election Day in June, as otherwise provided for in Article VII, at which time, as well as by absentee ballot as otherwise provided by law, the warrant articles shall be voted upon at the polls. If the voters fail to approve any budget warrant articles required by law or otherwise necessary, in the judgment of the Council, for the operation of the Town government for the up-coming municipal year, then the Council shall call, as provided by law, for such further Town Meeting(s) as are required to address the same, provided, that any such special Town Meeting shall be conducted solely as an open floor Town Meeting and not by referendum voting.

**Section 2. When Action by Town Meeting Required.** A Town Meeting is required for the following actions:

- A. Approval of the annual budget;
- B. Approval of any appropriation in addition to or supplementary to the annual budget appropriation, if such additional or supplemental appropriation exceeds a cumulative amount equal to one (1) percent of the annual municipal budget as approved at the preceding Annual Town Meeting;
- C. Approval of the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued.

All actions by Town Meeting shall become effective immediately.

The Town Meeting shall not increase the amount of any appropriation above the amount recommended by the Council and shall not increase the amount of any bond issue above the amount recommended by the Council.

**Section 3. Restrictions.** At Town meeting the voters are not authorized to vote on any matters that apply to appointments of officers, of members of commissions or of boards made by said Town Council, or to the appointment or designation of officers of the Town Council or to rules governing the procedure of the Town Council.

**Section 4. Method of Abolishing the Town Meeting.** At any time, not less than fifteen percent (15%) of the registered voters of the Town may petition over their personal signatures for a referendum to vote upon the question abolishing the Town Meeting. The Council shall call such a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk. The proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose. If at such general election or special election a majority of the electors of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Gray, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Town Council.

**ARTICLE IX**  
**INITIATIVE AND REFERENDUM**

**Section 1. Petition for Enactment of Ordinances.** After consultation with municipal officials, the registered voters of the Town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance. Said petition shall be issued by the Town Clerk to include the complete text of the proposed ordinance, shall be signed by not less than fifteen percent (15%) of the registered voters of the Town and must be filed with the Town Clerk within one hundred twenty (120) days from issue.

The Council shall call a public hearing to be held within thirty (30) days from the date of the filing of said petition with the Town Clerk. The Council shall submit the proposed ordinance to a referendum vote at the next regular election at least thirty (30) days following the public hearing, unless prior to the call for said referendum said ordinance is enacted by the Council. Said ordinance shall take effect thirty (30) days after the certification of said referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the Town attorney before being submitted to a referendum. The Town Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy, clearness and precision of wording, but the attorney shall not materially change its meaning and effect.

**Section 2. Petition for Overrule of Action of Council.** All ordinances, resolutions or orders, except those making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a citizen referendum as follows:

After the adoption of an ordinance, resolution or vote by the Council, the voters may file a petition requesting that such ordinance, resolution or order be put to a referendum vote. Such petition shall be issued by the Town Clerk and be signed by not less than fifteen percent (15%) of the registered voters of the Town and filed with the Town clerk within thirty (30) days of the Council's action.

The Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk, and shall submit the ordinance, resolution or order to a referendum vote at the next regular election at least thirty (30) days after the public hearing.

The said ordinance, resolution, or order shall not be enacted until it has received an affirmative vote of the majority of the voters voting on said question.

**Section 3. Form of Ballot.** The form of ballot for the proposed ordinance, resolution or vote shall be substantially as follows:

"Shall the proposed ordinance (resolution or vote), a copy of which is printed herein or attached hereto, be adopted?"

The voter shall indicate "yes" or "no" on their ballot, in the manner instructed on the ballot.

**Section 4 - Council not to Reenact or Reject.** The Council shall not reenact ordinances, orders, or resolutions rejected by voters at referendum elections for a period of at least one (1) year. The Council shall not modify or abolish ordinances adopted by voters at initiative elections for a period of at least one (1) year.

**ARTICLE X**  
**RECALL**

**Section 1. Applicability.** Any elected municipal or school official may be recalled and removed from office by the registered voters of Gray, as hereinafter provided.

**Section 2. Procedure for Recall.** Five (5) or more registered voters may begin the proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the recall committee. All copies of the petition shall be uniform in size and style and shall contain a statement of the reason or reasons for recall and the names of the recall committee. Each petition shall be limited to the recall of a single individual.

The recall committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by fifteen percent (15%) of the registered voters of the Town.

Each registered voter who signs a petition shall include place of residence, providing either the street and number or a description sufficient to identify the place. The petition shall be signed in the presence of a registered voter of the Town who shall certify to the validity of the signatures collected.

Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than fifteen percent (15%) of the registered voters of the Town. Should less than fifteen percent (15%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.

Otherwise, upon receipt of certification, the Town Council shall within forty-five (45) days submit to the voters the question of recall. The form of the question to be submitted shall, as nearly as possible be:

"Shall (name of official and official's title) be recalled?"

The voters shall indicate "yes" or "no" on their ballot in a manner as instructed on the ballot. The elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

**ARTICLE XI**  
**GENERAL PROVISIONS**

**Section 1. Oath of Office.** Every officer of the Town shall, before entering upon duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Gray and statutes of the State of Maine, and will faithfully discharge the duties of the office of\_\_\_\_\_."

**Section 2. Subpoena Before Council.** The clerks of the Supreme Judicial and Superior Courts may issue a subpoena for witnesses to attend and produce books, documents and papers at any meeting of the Council for the Town of Gray at which a hearing is had in any matter regarding any alleged dereliction of duty by Town officers or employees. On complaint of failure to obey a subpoena filed with any Justice of either Court, if said justice finds failure to obey such subpoena to be without reasonable excuse, the Justice shall impose a fine of not less than one hundred (100) dollars nor more than one thousand (1000) dollars.

**Section 3. Ordinances Consistent Continue in Force.** All ordinances of the Town of Gray in force at the time when this Charter takes effect, consistent with the provisions of this Charter, shall continue in force until amended or repealed.

**Section 4. Existing Contracts not Invalidated, Unless Inconsistent.** All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments, pending or unexecuted when this Charter goes into effect and consistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Section 5. Continuance of Present Administrative Officers.** All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office.

**Section 6. Expiration Term of Present Elected Officials and Applicability.** The terms of the present elected municipal or school officials shall continue until the annual municipal elections of the year in which their terms were to have expired. All provisions of this Charter, including the recall and forfeiture of office provisions, shall apply to elected municipal or school officials, including those in office at the time of adoption of this Charter.

**Section 7. Charter Amendments.** Amendments, modifications and revisions to this Charter may be made pursuant to the applicable provisions of State law. The following questions shall be put to the voters every ten (10) years from the effective date of this Charter, at the respective November election:

1. "Shall a Charter Commission be established for the purpose of revising the municipal Charter or establishing a new Charter?" The voters shall indicate "yes" or "no" on their ballot in a manner as instructed on the ballot.
2. "Indicate the six (6) candidates you wish to serve on the Commission." The candidates shall be listed on the ballot alphabetically by last name. The voters shall indicate their selections in a manner indicated on the ballot.

**Section 8. Referendum; Effective Date; Certification to Secretary of State.** This Charter shall be placed before the voters at an election as determined by the Council, and warrants shall be issued for such elections in a manner now provided by law, notifying and warning the registered voters of said Town to meet and cast their ballots on the approval or rejection of the same.

The Town Clerk shall prepare the ballots pursuant to the laws of the State of Maine, on which the clerk shall reduce the subject matter to the following question:

"Shall the municipality approve the Charter revision recommended by the Charter Commission?"

The voters shall indicate "yes" or "no" in the manner instructed on the ballot.

The results of the election shall be duly certified by the municipal officers of the Town of Gray and such certification

shall be filed with the Secretary of State.

The passed revision shall take effect July 1, 2001.

**Section 9. Recording.** Pursuant to state law, within three (3) days of the results of the election being declared, certified copies are to be filed with the Secretary of State, the State Law and Reference Library and the Office of the Town Clerk. Additionally, certified copies shall be stored in the Town Library and the Office of the Town Attorney. Electronic copies of the revised Charter shall also be kept in the Town Clerk's office, the Town Library and the Town Attorney's Office. Electronic copies must be protected so that they may not be altered or changed.

**Section 10. Short Title.** This Charter shall be known and may be cited as the "Council-Manager Charter of the Town of Gray". The Town Clerk shall cause it to be printed and made available to the public promptly.

**Section 11. Separability Clause.** If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

**Section 12. Repealing Clause.** All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Gray, inconsistent with the provisions of this Charter, are repealed.

*Electronic version updated November 18, 2009.*