

**This Charter Enacted by the One-Hundred and Third Legislature
and
Adopted by the Voters of Gorham at a Special Town Election
November 7, 1967**

Amended

January 23, 1970
March 8, 1971
June 8, 1976
March 13, 1979
July 31, 1979
June 10, 1986
November 8, 1988
November 3, 1992
March 14, 1995
November 4, 1997
November 7, 2006
November 4, 2014
November 3, 2015
November 3, 2020
November 9, 2022

COUNCIL-MANAGER CHARTER OF TOWN OF GORHAM

ARTICLE I GRANT OF POWERS TO THE TOWN

Sec. 101. Incorporation. The inhabitants of the Town of Gorham, 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 Gorham, Maine.

Sec. 102. Powers of the Town. The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or the inhabitants or municipal authorities thereof; it may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof not exceeding \$100 in any one case, to be recovered to the use of said Town by appropriate action.

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

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

Sec. 201. Number, Election, Term. The Town Council shall be composed of 7 members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of 3 years and until his successor is elected and qualified. Except, that at the first election after the adoption of this Charter, the 3 members elect receiving the most votes shall serve 3 years, the two members-elect receiving the next highest number of votes shall serve 2 years, and the 2 members-elect receiving the next highest number of votes shall serve for one year. In the case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

Sec. 202. Qualifications. Council members shall be qualified electors of the Town and shall reside in the Town during their term of office. A Council member shall hold no other paid office or position of employment with the Town or the Department of Education (Gorham School District) during the term for which the Council member was elected to the Council. If a Council member shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his/her office shall immediately become vacant.¹

Pursuant to Section 202 of the Town Charter, if a member of the Town Council is convicted of a crime of moral turpitude, the Council member's office shall immediately become vacant upon conviction or a guilty plea of no contest. For purposes of this Section, a "crime of moral turpitude" shall include conviction of Murder or a Class A, B, C, or D crime, while in office, or a conviction of a similar crime if outside the State of Maine.²

¹ Amended by Town Referendum held on November 3, 2020.

² Amended by Town Referendum held on November 4, 2014.

Sec. 203. Enumeration of Powers. Without limitation of the foregoing, the Council shall have the power to:

204.1 Appoint and remove the Town Manager and the Town Clerk; appoint the Board of Assessment review, the Board of Appeals and The Town Planning Board, and provide for the manner of appointment and removal of the following officers: the Chief of the Fire Department, the Chief of Police, Tax Collector, Assessor, Treasurer and Town Attorney;

204.2 By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter but may not discontinue or 1 Amended by Town Referendum held on November 4, 2014 assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency. The Council may vest in the Manager all or part of the duties of any office except the Department of Education;

204.3 Make, alter and repeal ordinances. Included under this power shall be the power to enact ordinances regulating the following classes of persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees, and filing of such bonds as said Town Council may establish and make provisions for by ordinance, to wit: auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power; the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids; billiard halls; pool halls; bowling alleys; roller skating rinks; junk dealers; dealers in secondhand parts and salvage of automobiles; dealers in second-hand merchandise; hawkers and peddlers; employment agencies; itinerant vendors; public exhibitions and performances; theaters, moving picture houses; inns; victualers; pawnbrokers; lodging houses of 4 lodging rooms or more; trailer parks; abattoir; rendering plants, piggeries; public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks; dance halls, circuses; and the erection of signs, flags, banners, awnings, marquees, and all other things within the limits of the sidewalks, roads, ways and streets of said Town, and any such objects placed within said limits in accordance with such ordinances shall not be deemed defects in such sidewalks, roads, ways and streets;

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

204.5 Adopt plats and plot plans;

204.6 Adopt and modify the official map of the Town;

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

204.8 Create a housing authority;

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

204.10 Adopt, modify and carry out plans proposed by the Planning Board for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;

204.11 Create a Personnel Board;

204.12 To enter into agreements with the Federal or State Government in connection with any monetary or aid programs they may have to offer;

204.13 Determine the annual budget;

204.14 Provide for an audit at least annually;

204.15 Provide for payment and pay reasonable expenses of Councilmen, not to exceed \$1,000 per year in the aggregate. Such expense payments may be changed by ordinance;

204.16 Authorize and issue general obligation securities, provided that no such securities shall be issued to finance a proposed capital expenditure over \$500,000³ as adjusted for inflation in accordance with section 901, unless such proposed expenditure shall first have been approved by referendum vote pursuant to section 901;

204.17 Act as the legislative body of the Town and exercise all other powers now or hereafter given to inhabitants of Towns acting in Town meeting, subject to the provisions of Article IX.

Sec. 205. Compensation. Councilmen shall receive \$10 for each Council meeting upon attendance, not to exceed in the aggregate \$300 per year in full for their services. Such compensation may be changed by ordinance. The Town Council by order shall fix the salaries, determine and pay reasonable expenses, of Officials appointed by the Town Council, including the salary and said expenses of the Town Manager for his services as such and for all other services tendered by him. Salaries of the appointees of the Town Manager shall be fixed by the Town Manager, subject to approval by the Town Council.

Sec. 206. Induction of Council into Office. The Town Council shall meet at the usual place for holding meetings within 7 days following the regular Town election, and at said meeting Councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the Town Clerk.

Sec. 207. Council to Judge the Qualifications of its Members. The Council shall be the judge of the election and qualifications of its members 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.

Sec. 208. Regular Meetings. The Town Council shall, at its first meeting or as soon thereafter as possible, establish by ordinance or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the Town Council shall be open to the public in accordance with the Statutes of the State of Maine.

Sec. 209. Chairman. At its first meeting, pursuant to section 208 or as soon thereafter as practicable, the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Chairman and one of its members as Vice-Chairman, and the Council may fill, for an unexpired term, any vacancy in the office of Chairman or Vice-Chairman that may occur. The Chairman 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 he shall have no regular administrative duties. In the temporary absence or disability of the Chairman, the vice-Chairman shall exercise all the powers of Chairman during such temporary absence or disability of the Chairman.⁴

³ Amended by Town Referendum November 8, 2022.

⁴ Amended November 4, 1997.

Sec. 210. Quorum. A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 211. Vacancies in Council. If a seat in the Council becomes vacant more than 6 months prior to the next regular Town election, the vacancy shall be filled for the unexpired term within 60 days from the date that the vacancy occurred by a special election, the warrant for which shall, upon vote of the Town Council, be issued by a member of the Town Council, by vote designated for that duty.

Sec. 212. Rules of Procedure; Journal. The Council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection during established Town office hours.

Sec. 213. Public Hearing on Ordinances. At least one public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said Town and by posting a notice in a public place, shall be held by the Council before any ordinance shall be passed. The passage of such ordinance shall not be effective until 30 days after such publication.

213.1 Emergency Ordinances. The Council may, by vote of 5 of its members, pass emergency ordinances to take effect at the time indicated therein, to meet public emergencies affecting life, health, property or the public safety. Such emergency ordinances shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the Council shall be conclusive. Within 5 days after passage, such ordinance shall be posted at the Town office and such other places as the Council may designate, and a Statement of the general subject matter shall be published in a newspaper or newspapers having general circulation in the Town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted.

Sec. 214. Town Clerk. The Town Clerk shall act as Clerk of the Council and he shall keep a public record of all proceedings of the Council, including all roll call votes.

Sec. 215. Independent Annual Audit. Prior to the end of each fiscal year, the Council shall designate the State Department of Audit or private certified public accounts 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 their report to the Council, the Superintending School Committee and the Town Manager. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the Town Government.

Sec. 216. Appointment of Town Manager. The Council shall appoint an officer of the Town who shall have the title of Town Manager and shall have the powers and perform the duties in this Charter provided. No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of this term, nor shall any member of the Town Council act in that capacity.

Sec. 217. Removal of Town Manager. The Council shall appoint the Manager for an indefinite term and may remove him by a vote of at least 5 of its members. At least 30 days before such removal shall become effective, the Council shall by vote of at least 5 of its members, adopt a preliminary resolution stating the reasons for his removal. The Manager may reply in writing and may request a public hearing, which shall be held no earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing if one be requested, and after full consideration, the Council by vote of at least 5 of its members may adopt

a final resolution of removal. By the preliminary resolution, the Council may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid to him during the period of suspension. If removal is voted, the Council shall cause to be paid to the Manager forthwith any unpaid balance of his salary and his salary for the next 2 calendar months.

Sec. 218. Council Not to Interfere in Appointments or Removals. Neither the Council nor any of its members shall direct the appointment of any person to or his removal from office by the Manager or by any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

ARTICLE III TOWN MANAGER

Sec. 301. Town Manager, Qualifications. The Town Manager shall be chosen by the Council on the basis of his character and his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of accepted practice in respect to the duties of his office as hereinafter set forth. He need not be a resident of the Town.

Sec. 302. Town Manager; Chief Administrator. The Town Manager shall be the Chief Administrative Officer and the head of the administrative branch of the Town Government, and shall be responsible to the Council for the proper administration of all affairs of the Town. He shall have the power and shall be required to:

302.1 Appoint, prescribe the duties of, and, when necessary for the good of the Town, remove all officers and employees of the Town, except as otherwise provided herein, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;

302.2 Prepare the budget annually and submit it forthwith to the Council;

302.3 Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year, and cause such annual report to be published and made available to the public as promptly as possible after the close of the fiscal year;

302.4 Attend the meetings of the Council, except when his removal is being considered, and keep the Council advised of the financial condition and future needs of the Town and make such recommendations as may seem to him desirable;

302.5 See that all laws and ordinances governing the Town are faithfully executed;

302.6 Act as purchasing agent for all Departments of the Town, except the School Department, and provide in the case of the School Department for the cooperative arrangements for purchasing and services where feasible;

302.7 Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter;

302.8 Prepare an Administrative Code, submit it to the Council and be responsible for its administration after adoption.

Sec. 303. Cooperate with Institutions of Higher Education. The Town Manager shall be authorized, with the advice and consent of the Town Council, to cooperate with institutions of higher education in providing internship opportunities in public administration.

Sec. 304. Absence of Town Manager. To perform his duties during his temporary absence or disability, the Manager may, with the advice and consent of the Council, designate by letter filed with the Town Clerk a qualified administrative officer of the Town. In the event of failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until he shall return or his disability shall cease.

Sec. 305. Administrative Departments. There shall be a Department of Education and such other departments as may be established by ordinance upon the recommendation of the Manager.

Sec. 306. Health Officer. The Manager shall appoint for a period of 2 years a Health Officer, who shall exercise such powers and perform such duties as may be conferred or imposed by law. The health officer shall meet such qualification and may be specified generally for such positions by the State Commissioner of Health and Welfare.

ARTICLE IV DEPARTMENT OF EDUCATION

Sec. 401.⁵ Board of Education. The Department of Education shall be administered by a Board of Education, hereinafter referred to as the Superintending School Committee, which shall consist of 7 duly qualified electors of the Town of Gorham, who shall be nominated and elected by the registered voters of the entire Town according to the provisions of Article VIII of this Charter for a term of 3 years and who shall serve until their successors are elected and qualified. At the regular municipal election in 1987, 3 members shall be elected for three (3) year terms, and thereafter 2 members shall be elected for three year terms in 1988 and 2 members to three (3) year terms in 1989. In the case of members receiving an equal number of votes, their relative positions shall be determined by lot.

Sec. 402. Qualifications. Members of the Superintending School Committee shall be qualified electors of the Town and shall reside in the Town during their term of office. They shall hold no office of emolument or profit under the Town Charter or ordinances. If a member of the Superintending School Committee shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

Sec. 403. Vacancy. If for any reason a vacancy shall exist in the membership of the Superintending School Committee, it shall be filled by a majority vote of the remaining members of said Committee until the next municipal election.

Sec. 404. Organization; Qualification; Quorum. The members of the Superintending School Committee shall meet for organization 7 days from the date of their election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the Town Clerk, and a record made thereof. The majority of the whole number of the Superintending School Committee shall be a quorum and they shall elect their own Chairman.

Sec. 405.⁶ Powers and Duties. The Superintending School Committee shall have all the powers conferred and shall perform all the duties imposed by law upon Superintending School Committees in regard to the care and management of the public Schools of the Town, except as otherwise provided in this Charter. The School Committee, on or before the 70th day prior to the first day of the fiscal year, shall submit to the Town Manager for incorporation into the Town Budget, its recommended budget for school purposes for the next

⁵ Amended June 10, 1986.

⁶ Amended March 13, 1979.

fiscal year. The school budget shall include an itemized statement of revenue from sources other than municipal taxation together with comparative figures from the current and first preceding School budget year, and the budgeted and actual expenditures for the second preceding School year. The Town Council, after reviewing the proposed budget, may change the total appropriation prior to approving the final budget.⁷

ARTICLE V BUDGET⁸

Sec. 501. Fiscal Year. The fiscal year of the Town Government shall be the calendar year unless otherwise determined by the Town Council.

Sec. 502.⁹ Departmental Work Programs and Budget Requests. Budget requests of all Departments, offices and agencies of the Town, except the School Department, shall be submitted to the Manager at least sixty calendar days prior to the beginning of the fiscal year. The Manager may require that budget requests be accompanied by a work program.

The School Department budget request, as approved by the School Committee, shall be submitted to the Manager by the Superintendent of Schools on or before 70 days prior to the first day of each fiscal year. This budget request shall be presented in both summary and in detailed analysis. The summary shall be compatible for incorporation into the Town budget.

Sec. 503¹⁰. Review and Organization by the Manager. The Manager shall review the work programs and budget requests of each Department, office and agency (except School Department) and, after consulting with each, may revise, alter or change such budget requests before incorporation into the Manager's budget. The Manager shall then direct the preparation of a Town budget for presentation to the Town Council. The Town budget shall be submitted by the Manager to the Council on or before 60 days prior to the first day of each fiscal year and shall include the following:

- A. Budget message.
- B. Statement of financial condition of the Town.
- C. Budget summary, a simple and clear presentation to the public.
- D. Detailed analysis of expected income and planned expenditures

Sec. 504. Review and Enactment by the Council. Upon receipt of the Town budget from the Manager in accordance with section 503 above, the Council shall promptly set a time and place for a public hearing on the Town budget as received by the Council. Notice of such hearing shall be the same as for referenda under the Charter (Sec. 905). Copies of the budget summary shall be printed and available at least seven days prior to the public hearing.

The budget summary shall consist of:

- A. A statement of the principal sources of anticipated revenue other than by levy.
- B. A statement of the amounts to be raised by levy.
- C. A list of the planned expenditures of the current budget, compared to the actual expenditures during the fiscal year just closed, tabulated by Departments and/or major divisions of Departments.

Following the public hearing, the Council shall consider all relevant information received and adopt a budget for the fiscal year. In the event that the Council fails to adopt a budget on or before the first day of each fiscal year, the Town budget as submitted by the Manager shall become the adopted budget of the Town for the fiscal year.

⁷ Amended November 8, 1988.

⁸ Entire Article V repealed and replaced March 8, 1971.

⁹ Amended June 8, 1976.

¹⁰ Amended June 8, 1976.

Sec. 505. Certification of Appropriations. As of the date of adoption of the budget, the appropriations therein shall be credited to the accounts of the several departments, offices and agencies. The Town Clerk shall certify two copies of the adopted budget, file one copy with the Town Treasurer, and the other with the Town Assessor.

Sec. 506. Transfer of Appropriations. Within the last three months of each fiscal year, on request of the Manager, the Council may transfer any unencumbered balance of an appropriation or portion thereof to another account, department, office, or agency of the Town, unless such funds were derived from income restricted to the specific purpose for which they were originally appropriated.

Sec. 507. Interim Expenditures. In the period between the beginning of a fiscal year and the time of adoption of a budget for that year, the Council may authorize expenditures for usual and necessary departmental functions. Such expenditures are chargeable against whatever appropriation is included in the budget ultimately adopted for that Department or account.

ARTICLE VI TAX ADMINISTRATION

Sec. 601. Assessor. There shall be established a division of assessment, the head of which shall be the Town Assessor. The Assessor, appointed as hereinbefore provided, 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 may now or hereafter be subject to, under the laws of the State.

Sec. 602. Board of Assessment Review; Appointments; Vacancies. There shall be a Board of Assessment Review to consist of 3 members who shall be appointed by the Town Council for a term of 3 years, except that of those first appointed one shall be for a term of 2 years and one for a term of one year. Compensation, if any, to such members shall be determined by the Town Council. Vacancies in the membership of such Board shall be filled by appointment by the Council for the unexpired term.

Sec. 603. Board of Assessment Review; Powers and Duties. The Board of assessment review shall have the power to:

603.1 Review on behalf of the Assessor written applications of taxpayers for abatement and make recommendations relative thereto to the Assessor.

603.2 Adopt regulations regarding the procedure for assessment review.

ARTICLE VII MUNICIPAL DEVELOPMENT

Sec. 701. Planning Board. There shall be a Town Planning Board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Sec. 702.¹¹

Sec. 703. Zoning Ordinance. There shall be a zoning ordinance as provided by State law.

Sec. 704. Board of Appeals. There shall be a Board of Appeals which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

¹¹ School Planning and Building Committee deleted June 8, 1988.

ARTICLE VIII NOMINATIONS AND ELECTIONS

Sec. 801.¹² **Municipal Elections**. The regular election for the choice of members of the Town Council and the superintending School Committee shall be held on the Tuesday following the first Monday of November. In order to accomplish the change of date of municipal election year, those Officials whose terms are to expire in March shall each have their terms extended approximately eight months to expire as soon as their successors are elected and sworn in following the next municipal election. The Council may, by resolution, order a special election at any time to fill vacancies in the Council or the superintending School Committee.¹³

Sec. 802. Nomination. Any qualified elector of the Town may be nominated for the Council or superintending School Committee in accordance with the laws of the State of Maine.

Sec. 803. Municipal Elections. Provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duets of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

Sec. 804. Voting Places. Municipal elections shall be held at the voting places established for State elections, and such elections shall be by secret ballot.

Sec. 805. Election Officials. The Town Council shall, 10 days before any election, appoint a warden and a Clerk, in addition to the regular ballot Clerks, for each voting place.

ARTICLE IX INITIATIVE AND REFERENDUM

Sec. 901.¹⁴ **Capital Expenditures over \$500,000**. Any proposed capital expenditure over \$500,000 except emergency ordinances as previously defined in Article II, Section 213.1, shall be submitted to a referendum vote on the proposed expenditure. The Council shall fix the time and place for such referendum. A majority of the electors present and voting at the referendum shall determine the result. Notwithstanding the above, no referendum vote shall be required for any expenditure where (A) it is fully paid for by a third party grant award or gift fully covering the expenditure or where (B) the Town's share of the expenditure does not exceed \$500,000, as long as, in either instance, the Town Council, after a public hearing on the same, determines there will be no directly related costs accompanying such expenditure. The Council's determination on that issue shall be conclusive unless challenged by an action filed in Superior Court within thirty (30) days of such Council determination.

The \$500,000 capital expenditure threshold, as set forth in this section, shall be adjusted for inflation beginning on January 1, 2023, and on January 1 of each year thereafter. As used in this paragraph, "inflation" means the Consumer Price Index for Urban Consumers New England (CPI-U, New England) compared to the previous year, or a successor index that is tied to the annual rate of inflation in the New England region.

Sec. 902. Petition for Overrule of Action of Council. All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a referendum as follows:

¹² Amended June 8, 1976.

¹³ Amended March 14, 1995.

¹⁴ Amended by Town Referendum November 8, 2022.

If, within 14 days, excluding legal holidays and Sundays, after publication of any such ordinance, resolution or vote, a petition signed by not less than 10% of the registered voters of the Town of Gorham, as of the last previous annual Town election, and where each such signature to be counted is supported by the petition circulator's affidavit that he or she personally circulated the petition, that all such signatures were affixed in his or her presence and that he or she believes the signatures to be the genuine signatures of the voters they purport to be¹⁵, is filed with the Town Clerk requesting its reference to a referendum, the Council shall fix the time and place of such referendum which shall be within 21 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. An ordinance, resolution or vote so referred shall take effect upon conclusion of such referendum, unless a majority of those voting thereon, shall have voted in the negative; and provided that the total number of votes cast for and against equals or exceeds 20% of the total number of registered voters in the Town of Gorham as of the last previous annual Town election¹⁶.

Sec. 903.¹⁷ **Petition for Enactment of Orders, Ordinances and Resolves.** Subject to the provisions of section 902, including the petition circulator's affidavit requirement for each signature¹⁸, not less than 10% of the registered voters of the Town of Gorham, as of the last previous annual Town election, may at any time petition over their personal signatures for the enactment of any proposed lawful order, ordinance or resolve by filing such petition, including the complete text of such order, ordinance or resolve, with the Town Clerk. The Council shall call a referendum, to be held within 60 days from the date of such filing, unless prior to such referendum such order, ordinance, or resolve shall be enacted by the Council. The call for such referendum shall state the proposed order, ordinance or resolve in full and shall provide for a "Yes" or "No" vote as to its enactment. Such order, ordinance, or resolve shall take effect on the 10th day after conclusion of such referendum provided that a majority of those voting thereon, shall have voted in the affirmative; and provided that the total number of votes cast for and against equals or exceeds 30% of the total number of registered voters in the Town of Gorham as of the last previous Town election. Any such proposed order, ordinance or resolve shall be examined by the Town attorney before being submitted to referendum. The Town attorney is authorized to correct the form of such proposed order, ordinance, or resolve for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect¹⁹.

Sec. 904.²⁰

Sec. 905. Notice of Referenda. Notice of the time, place and purpose of any referendum held pursuant to this Article shall be given by posting such notice in at least 2 conspicuous public places in the Town or by publication in a newspaper of general circulation in the Town, such posting or publication to be not less than 7 nor more than 14 days before the day of the referendum.

ARTICLE X GENERAL PROVISIONS

Sec. 1001. Repealing Clause. All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Gorham, formerly The Inhabitants of the Town of Gorham, inconsistent with the provisions of this Charter, are repealed.

Sec. 1002. 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.

¹⁵ Amended November 7, 2006.

¹⁶ Amended November 4, 1997.

¹⁷ Amended July 31, 1979.

¹⁸ Amended November 7, 2006.

¹⁹ Amended November 7, 1997.

²⁰ Amended November 7, 1997.

Sec. 1003. Short Title. This Charter shall be known and may be cited as the "Council-Manager Charter of Town of Gorham". The Clerk shall cause it to be printed and made available to the public promptly.

Sec. 1004. Expiration Term of Present Elected Officials. The term of the present Town Officials and of the Superintending School Committee shall expire at the time, date and place of the induction of the newly elected Town Officials and Superintending School Committee following the acceptance of this Charter.

Sec. 1005. 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 not inconsistent wherewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1006. Summons Before Town Council. The Clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the Town Council for the Town of Gorham at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint of failure to obey summons to the District Court located in the City of Portland, Maine, which court is expressly given jurisdiction to hear such complaints, and if said court finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both. All rights of appeal are to be available as exist in the general laws of the State of Maine.

Sec. 1007. Oath of Office. Every officer of the Town shall, before entering upon the duties of his 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 Gorham, and will faithfully discharge the duties of the office of ".

Sec. 1008. Ordinances Not Inconsistent Continue in Force. All ordinances of the Town of Gorham 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. 1009. Removal of Officers and Employees. Any Officer or Employee to whom the Town Manager, or a head of any office, Department or agency may appoint a successor, may be removed by the Manager, or other appointing officer at any time. The decision of the Manager, or other appointing officer, shall be final.

Sec. 1010. 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 therewith for the performance of such duties or the discontinuation of such office.

Sec. 1011. Bonding. The Town Manager, Town Clerk and any other persons as determined by the Town Council shall give bond for the faithful discharge of their duties to the Town of Gorham in such sum as the Council shall determine and direct, and with surety or sureties to be approved by the Council. The premium on said bonds shall be paid by the Town.