

AN AMENDMENT

TO THE

PRESENT BANGOR CITY CHARTER

Beal



1913

AMENDMENT TO BANGOR CITY CHARTER.

Be it enacted by the Senate and House of Representatives in Legislature assmbled. The charter of the City of Bangor is hereby amended so that same shall read, as follows:

Section 1. That the inhabitants of the Town of Bangor shall continue to be a body politic and corporate by the name of the City of Bangor, and, as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent on said town, as a municipal corporation, or appertaining to or incumbent upon the inhabitants or officers thereof; and may ordain and establish such acts, 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 fifty dollars for any offense, to be recovered by action of debt, in the name of the city treasurer, or upon complaint of the police officer as for a criminal offense.

Section 2. That the administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate to be styled the mayor, and one council of twenty-one called the city council, all of whom shall be inhabitants of said city, and shall be sworn to the faithful performance of the duties of their respective offices. And no person elected to the office of councilman and who has accepted said office shall hold any other office to which any pay is attached, or from which any profit is derived, in or under the administration of the government of said city, or in the management of the affairs or interests thereof during the time for which he is so elected; excepting that two street engineers may be taken from the council.

Section 3. That 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 of law or neglect of duty to be punished. He may call special meetings of the council, when, in his opinion, the interest of the city requires it, by a notice in two or more newspapers printed in the city, or by causing a summons of notification to be left at the usual dwelling place of each member of the council to be convened. He shall, from time to time, communicate such information and recommend such measures, as the business and interests

of the city may in his opinion require. He shall preside at the meetings of the council, but shall have the right to vote only in the case of a tie. He shall receive for his services, a salary to be fixed by the city council, the salary to be payable at stated periods, and shall receive therefor no other compensation; and the same shall not be increased nor diminished during the period for which he is so elected; provided, however, that the city council may appoint the mayor commissioner of streets and allow him a suitable compensation for such services, except those members constituting the board of municipal officers who shall receive such compensation as the council shall vote.

Section 4. Every order, resolve, ordinance, by-law or regulation which shall have passed the council, shall, before it be in force, be presented to the mayor. If he approve, he shall sign it; but if not, he shall return it with his objections to the city clerk, who on the reassembling of the council shall present it with his objections to the council. The council shall then proceed to its reconsideration. If after such reconsideration, two-thirds of the council shall agree to pass it, it shall be in force. But in all cases the votes of the council shall be determined by yeas and nays, and the names of the councilors voting for and against it shall be entered on the journal of the council; provided, however, if such objections are not filed within seven days after their first passage, the measure shall be in force without the approval of the mayor.

Section 5. That the executive power of said city and the administration of police, with all the powers of selectmen of Bangor, shall be vested in the mayor and council as fully as if the same had been particularly enumerated herein. And all other powers now vested in the inhabitants of said town, and all other powers granted by this act shall be vested in the mayor and council of said city. The following subordinate city officers shall be elected by a majority vote of the city council, the mayor having no vote except in case of a tie, and shall hold office for the term of one year and until others are elected in their places, viz:—City clerk, city treasurer and collector, city solicitor, overseers of the poor, chief of police, city purchasing agent, street commissioner, city engineer, superintendent of city farm, superintendent of sewers, school agent, chief engineer of fire department, city physician, harbor master, inspector of buildings, superintendent of clocks, truant officer and health officer, inspector of milk, sealer of weights and measures. Such officers may be removed for cause by the city council upon a two-thirds vote of its members. The city council is hereby empowered to create such boards and departments from time to time and to unite or abolish existing boards as it may deem best for the public interest.

The city council shall take care that money shall not be paid from the treasury unless granted or appropriated, and shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties from all persons entrusted with the receipt, custody or disbursement of money, and shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let or sell when directed by the council, what may be legally let or sold, and to purchase and take in the name of the city when directed by the council such real and personal property, not exceeding in value the sum of **five** hundred thousand dollars, as they may think useful to the public interest. And the city council, as often as at least once in each year, shall cause to be published for the use of the citizens, a particular account of receipts and expenditures and a schedule of city property.

Section 6. There shall be a city auditor who shall be elected by the voters for a term of three years. The city council is hereby empowered to enact such ordinances and regulations for the administration of this department as it may deem wise from time to time. The nomination and election of the auditor shall be held in accordance with the general election requirements.

Section 7. A municipal election shall be held in the city on the second Monday in March next after the adoption of this charter, and on the second Monday in March in each and every year thereafter, which shall be known as the regular municipal election. All other municipal elections that may be held shall be known as special elections.

At the first regular election held as provided herein, there shall be elected from each ward in the city, three members of the city council, one of whom shall be elected for a term of three years, one for two years, and one for one year, and thereafter annually at the regular municipal election there shall be elected in each ward, one member of the city council for a term of three years.

The members so elected in the first instance for a term of one year, shall, with the mayor, constitute the board of municipal officers of said city, and as such board shall transact all business required by law to be transacted by municipal officers, or aldermen, or board of mayor and aldermen. The mayor shall preside in the meetings of the municipal officers and shall have only a casting vote.

The members elected in the first instance for a term of two years, shall, in the second year of their term, with the mayor constitute said board of municipal officers.

The members elected in the first instance for a term of three years, shall, in the third year of their term of service, with the mayor, constitute the said board of municipal officers, and thereafter in each year, the members of the city council serving in the third year of their terms (or those elected to fill vacancies in such terms) shall constitute said board of municipal officers.

The mayor shall be elected from the citizens at large, by the qualified voters of the city voting in their respective wards, and shall hold his office for one year from the third Monday of March. All officers shall be elected by ballot by a plurality of the votes given in, and shall hold their respective offices for the full term thereof and until others are elected and sworn in their places.

Section 8. On the third Monday of March annually the mayor and members of the city council elect, shall assemble at 10 o'clock in the forenoon in the City Hall, at which time and place the oath of office shall be administered to each, as required by this act. On the fourth Monday in March the city council shall assemble at 7.30 o'clock in the afternoon and elect all subordinate city officers for the ensuing municipal year, define their duties and fix their compensation in cases where the duties and compensation shall not have been defined and fixed by the city council or by law prior thereto.

Section 9. That the city council shall have exclusive authority and power to lay out and establish any new street or public way, or widen or otherwise alter any street or public way in said City of Bangor, and to estimate the damage any individual may sustain thereby. And in all other respects the city council shall be governed by and be subject to the same rules and restrictions as are provided by the laws of this State, regulating the laying out and repairing streets and public highways. And any person aggrieved by the decision of the city council, may, so far as relates to damages, appeal therefrom to the Supreme Judicial Court within the County of Penobscot, which may be held within six months from and after such decision, which court is hereby empowered to hear and determine the same by a committee, if the parties agree thereto, or by a jury, and to render judgment and issue execution upon the report of such committee, or verdict of the jury, with costs to the prevailing party.

Section 10. That for the purpose of holding elections for city officers, said city shall be divided into seven wards, to contain as near as conveniently may be, an equal number of voters. And it shall be the duty of the city council, if needful, to alter such wards in such manner as to preserve, as nearly as may be, an equal number of voters in each. At an annual municipal election, the qualified electors in each ward shall, by written ballot elect a

warden and clerk, who shall enter on the duties of their respective offices on the Monday next following their election, and shall hold their offices for one year therefrom, and until others shall have been chosen and qualified in their places, and shall be sworn or affirmed to the faithful performance of their respective duties, by any justice of the peace of said city; and a certificate of such oaths or affirmations having been administered shall be entered on the records of said ward. The warden shall preside at all ward meetings, with the powers of a moderator of town meetings. And if, at any meeting, the warden shall be absent, the clerk of such ward shall call the meeting to order, and preside until a warden, pro tempore, shall be chosen. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity.

Section 11. That on the second Monday of March, annually, the qualified electors of each ward shall ballot for a mayor, one member of the city council for three years, one warden and one ward clerk; 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 the persons voted for, and the number of votes given for each, to be written in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected councilmen, warden and ward clerk, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election. The board of municipal officers shall examine the copies of the records of the several wards, certified as aforesaid, as soon as conveniently may be, and shall cause the person whom they shall determine to have been elected mayor by a plurality of the legal 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 so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrant for another election; and, if the citizens shall fail on a second ballot to elect a mayor, the city council, in convention, from the four highest candidates voted for and returned, shall elect a mayor for the ensuing year. 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. The oath or affirmation prescribed by this act, shall be administered by the city clerk or the mayor, or any justice of the peace in said city.

The members of the city council elect, on the third Monday of March, at ten o'clock in the forenoon, shall meet in the City

Hall, when the oath or affirmation required by this act, shall be administered to the members of the city council present, by the mayor, or any justice of the peace within the city.

Section 12. That the city clerk shall be clerk of the city council. He shall perform such duties as shall be prescribed by the city council of Bangor and by the laws of the State. He shall give notice in two of the newspapers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and the day and hour, when not fixed by law, shall be determined by the municipal officers. Whenever the mayor shall be absent from the city, or be prevented by sickness or any other cause, from attending to the duties of his office, the city council may choose a president pro tempore, who shall possess all the rights and powers of the mayor during such absence or disability. The city council shall keep a record of its proceedings, and judge of the election and qualifications of its own members, and in case of failure of election, or of vacancy by death, resignation or otherwise, may order new elections; may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of three-fourths, expel a member, but not a second time for the same cause; a majority shall constitute a quorum for doing business, but a smaller number may adjourn, and may compel the attendance of absent members, in such manner, and under such penalties, as the city council shall provide.

Section 13. That the mayor shall have power, in the case of any riot or other disturbance within the city, of so violent a nature that the police or civil authority of the city cannot restrain or quell the same, to call out one or more of the companies of militia organized within the limits of the city, to restrain and quell such riot or disturbance; and the commanding officer of such company or companies, when thus called out, shall be subject to the orders of the mayor.

Section 14. That 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 right secured to the people by the constitution of this State; and such meetings may and shall be duly warned by the municipal officers, upon the request in writing, of thirty qualified voters of said city.

Section 15. On petition of not less than 25 per cent. of the qualified voters of the City of Bangor, based upon the number of votes given in for Governor in said city at the next previous election for Governor, amendments of the city charter may be pro-

posed, and such amendments shall be submitted to a vote of the people at the next regular election, or at a special election called for the purpose, and if a majority of the votes shall favor such amendment, then the charter shall stand so amended and the amendment take effect immediately.

Section 16. The salary of aldermen and councilmen shall be as stated, unless otherwise fixed by the city council.

The salaries of the members serving as municipal officers shall be three dollars each (\$3.00) for each meeting attended; and, the salaries for the other councilmen will be two dollars (\$2.00) each for each meeting attended.

This act to take effect when approved by a majority of the voters of the City of Bangor, voting on it at any municipal election, regular or special.