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Chapter 17: CITY OF WINOOSKI

§ 17-1.0. Corporate existence retained

Beginning at a concrete marker which marks the present Northwest corner of City of Winooski charter limits and being shown as Point "A" on a plan of survey entitled Winooski-Colchester Boundary lines dated November 12, 1975 and to be recorded with said charter revision, said point having plan coordinates of X = 319,314.30 and Y = 731,968.11 and being on State of Vermont Transverse Mercator Projection with reference being made to Colchester U.S.C. & G.S. Monument with plane coordinates of X = 321,653.13 and Y = 733,144.41 and also being referenced to a Vermont Department of Highways Control Point "Noyes" with plan coordinates of X = 328,844.37 and Y = 729,293.82; thence proceeding on a grid bearing of S 62 22/' 20" E a distance of 2867.62/' to a concrete marker set in the East line of U.S. Route No. 7 and being the Southwest corner of Parcel No. 1 record owners being L. & M. Bissonette and as recorded in W.D. Vol. 5, pg. 138 Colchester land records and also being the Northwest corner of Winooski High School property; thence proceeding on a bearing of S 62 19/' 00" E in and along the North line of aforesaid school property a distance of 2179.12/' to a concrete marker; thence proceeding on a bearing of S 610 40/' 00" E a distance of 138.02/' to a Vermont Department of Highway monument which marks the West side of interstate 189 R.O.W.; limits a distance of 322.97/' to a Vermont Department of Highway monument, thence proceeding a bearing of S 60 46/' 20" E along State of Vermont property and Winooski Reservoir property a distance of 218.47/' to a State of Vermont property line marker; thence proceeding on a bearing of North 30 20/' 50" East along the West line of Winooski reservoir property and lands of one Bernardini a distance of 860.64/' to a granite marker set at an old fence corner; thence proceeding on a bearing of North 31 06/' 40" East and along Winooski Reservoir property and land of one Ray Pecor a distance of 201.06/' to a granite marker set at an old fence corner; thence proceeding on a bearing of South 61 33/' 20" East and being in and along Winooski Reservoir property and land of one Pecor a distance of 709.21/' to a granite marker set at an old fence corner; thence proceeding on the same bearing of South 61 33/' 20" East and being an extension of last mentioned line a distance of 200.00/' to a granite marker set in State of Vermont Campground property; thence proceeding on a bearing of South 29 05/' 40" West and being in and along State of Vermont property a distance of 141.50/' to a granite marker; thence proceeding on a bearing of South 61 06/' 00" East and being along State of Vermont property a distance of 500.60/' to a granite marker; thence proceeding on a bearing of South 29 15/' 50" West and being along State of Vermont lands a distance of 200.00/' to a granite marker set by a fence corner; said point being also along Winooski Reservoir property; thence proceeding again on a bearing of South 29 15/' 50" West and being along Winooski Reservoir property and U.S. Government property a distance of 513.00/' to a steel pin set at the base of a steel fence post, said point being at the intersection of Winooski Reservoir property, U.S. Government property and St. Michael's College property: thence proceeding on a bearing of North 75 20/' 10" West and being along St. Michael's College property and Winooski Reservoir property a distance of 144.97/' to a granite marker set near the base of a 24/' Jack Pine; thence proceeding on a bearing of South 28 54/' 10" West and being along aforesaid college property and Winooski Reservoir property a distance of 178.43/' to a granite marker set at an old fence intersection and being shown as Point "B" on aforesaid plan of survey and having place coordinates of X = 325,537.83 and Y = 728,669.52; thence proceeding on a

bearing of 28 54/' 10" West and being in and along the West line of St. Michael's College property and also being the East line of Florida Avenue subdivision as recorded in Vol. 20, pg. 11-12 of Winooski City Land Records a distance of 1594.37/' to a concrete marker set in the North line of Vermont Route No. 15 and being also the point of intersection with the East line of Florida Avenue and being the most Southeasterly corner of Lot No. 1 as recorded in Vol. 20, pg. 11 City of Winooski Land Records, said point having coordinates of X = 324,767.13 and Y = 727,274.89; thence proceeding on a bearing of S 12 38/' 10" West and crossing Vermont Route No. 15 a distance of 78.65" to an iron pin set in the South line of Route No. 15 and being the Northeast corner of Barber property as recorded in Vol., 20, pg. 95 of City of Winooski Land Records and also located in the Westerly line of the so-called Gorge Road, thence proceeding on a bearing of S 06 49/' 50" W in and along the West line of the Gorge Road a distance of 187.50/' to a concrete marker which is the Southeast corner of Barber property; thence proceeding on a bearing of S 07 55/' 50" W in and along the West line of the so-called Gorge Road a distance of 969.42/' to an iron pin set in the center line of Central Vermont Railroad tracks, said point having coordinates of X = 324,593.82 and Y = 726,051.82, thence continuing on the same bearing of S 07 55/' 50" W a distance of approximately 550/' to a point in mid-stream main channel of the Winooski River; thence proceeding in a down stream channel of aforesaid river to a point on mid-stream channel where the existing West boundary line of the City of Winooski extended in a Southwesterly direction and having a grid bearing of N 28 47/' 20" E a distance of 200/' more or less to a spike set at rivers edge in a 30" poplar tree; thence proceeding on the same bearing N 28 47/' 20" E in and along the aforesaid West boundary line of the City of Winooski and crossing over Malletts Bay Avenue a distance of 3395.24/' to a concrete marker set in the West line of "Champlain Acres" subdivision and being located 71.52 feet Southwesterly of the Northwest corner of Lot No. 13 as recorded in Colchester Land Records Office Misc. Vol. 22, pg. 236 thence proceeding in a Southwesterly, Southeasterly, Northeasterly, Northwesterly direction and being in and along aforesaid "Champlain Acres" subdivision line to a point of intersection with the West boundary line of the City of Winooski; thence proceeding again on a bearing of N 28 47/' 20" E a distance of 1537.90/' to a concrete marker and point of beginning. Reference is made to a plan of survey by Warren A. Robenstien Reg. Land Surveyor dated November 12, 1975 and entitled Winooski-Colchester Boundary to be recorded with said charter change. All bearings are referenced to grid north and all plan coordinates to State of Vermont Transverse Mercator Projection.

§ 17-1.2. Powers of the city

The City of Winooski shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

§ 17-1.3. Construction

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

§ 17-1.4. Intergovernmental relations

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

§ 17-1.5. Power over water resources

(a) No citizen, association of citizens, domestic corporation, or municipality, or any combination thereof, may develop, conserve, or utilize in whole or in part, the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the city council of the City of Winooski in addition to any other necessary state or federal agency approvals.

(b) The City of Winooski may make, amend, repeal and enforce any ordinances, regulations, rules and by-laws not contrary to the laws of the state of Vermont or of the United States as it may deem necessary to carry into effect the powers and duties conferred and imposed by this section.

§ 17-2.1. Composition, eligibility, election and terms

(a) Composition. There shall be a city council consisting of a mayor and four councilmen elected by the qualified voters of the city at large.

(b) Eligibility. Only qualified voters of the city shall be eligible to hold the office of mayor or councilman. A legal voter must actually live in the city and not merely maintain a voting residence therein to be eligible to the office of mayor or councilman.

(c) Election and terms. At the annual city meeting, said city shall elect four councilors, as hereinafter set forth, who shall hold office for two years and until their successors are chosen. Two councilors shall be elected at the annual city meeting to be held on the first Tuesday of March, following adoption of this charter, who shall hold office for two years. At each succeeding annual city meeting two councilors shall be elected for two years. A councilor in office on the effective date of this charter shall continue to serve the term balance until a successor is chosen.

§ 17-2.2. Compensation, expenses

The mayor and councilmen shall receive as compensation for official services such sums, if any, as the legal voters of the city present and voting at an annual or special meeting duly warned and held for that purpose shall order paid. The mayor and councilmen shall receive their actual and necessary expenses incurred in the performance of their duties in office as approved by the city council.

§ 17-2.3. Mayor and deputy mayor, election, terms, and duties

At the annual city meeting to be held on the first Tuesday of March, following adoption of this charter, and every two years thereafter, the mayor shall be elected for a term of two years, and until the mayor's successor is chosen. The mayor in office on the effective date of this charter shall continue to serve the term balance until a successor is chosen. The mayor shall be the chief legislative officer of the city. The council shall elect from its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs in the office of the mayor, the deputy mayor shall become mayor for the remainder of the unexpired term if the vacancy occurs less than 180 days prior to the termination of the original term: otherwise a special election shall be called as provided in this charter, to elect a successor for the unexpired term.

§ 17-2.4. General powers and duties

(a) General Powers. All powers of the city shall be vested in the council, except as otherwise provided by law or this charter and the council shall provide for the exercise thereof for the performance of all duties and obligations imposed on the city by law.

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the city, by the action of its legislative body (council) or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including but not limited to:

(1) To acquire property within or without its corporate limits for any lawful purpose, and by any lawful means including condemnation when such power exists under the Constitution and laws of this state, in fee simple or any lesser interest or estate, by purchase, gift device, lease, or other means of transfer, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

(A) In addition to and not in limitation of the powers set forth in subdivision (1) of this subsection, the power to acquire lands for the purpose of eventual rental, lease or resale to industrial or to commercial users or purchasers, or for the purpose of erecting thereon and with the further right and power by the city to erect thereon one or more speculative industrial or commercial buildings and to rent, sell or lease the same to others, with or without option to purchase, as the city council may find to be necessary in the public interest and to issue its bonds or other evidence of debt therefore in an amount not to exceed one million dollars and not to exceed the city's authorized bonded limit. However, no such indebtedness shall be authorized unless the city council by two-thirds vote shall determine first that the value of such lands and buildings together with the amount of the sale agreement if sold or the rents accruing there from if rented and the purchase option (if any) thereto appertaining will be reasonably sufficient from time to time to cover the payment of bonds or other debt outstanding issued to defray the cost of any such lands or buildings; and provided further no such expenditure shall be made or indebtedness incurred

unless authorized by a majority vote of the legal voters voting on such question at an annual or at a special meeting duly warned and held for that purpose.

(B) All monies received from the sale, rental or lease of any such lands and buildings shall be kept in a separate fund to be used solely to pay any such expenditure or indebtedness as the same becomes due and payable. In the event the amount in the fund shall have become more than sufficient to meet such expenditures or indebtedness, the legal voters may authorize the transfer of any surplus to the general fund of the city.

(C) The city of Winooski shall be exempt from the provisions of 32 V.S.A. chapter 233 in the erection of any speculative commercial or industrial building authorized herein.

(2) To adopt, amend, repeal, and enforce ordinances relating to the construction of improvements, including without limitation, curbs, sidewalks, and storm drains; to the installation of curbs, sidewalks, and storm drains; in a manner specified under the ordinance as a condition precedent to the issuance of a building permit, to the assessment of part or all of the expenses of such improvements against property owners benefited thereby in proportion to respective frontage upon highways or to respective values of property or by such standard, as determined from time to time by the city council, and to provide for violation or nonperformance.

(3) To adopt, amend, repeal and enforce ordinances relating to the regulation or prohibition of the location, construction, and appearance of signs, billboards, and other outdoor advertising, and to provide for the enforcement of penalties for violation or nonperformance.

(4) To adopt, amend, repeal and enforce ordinances relating to the regulation or prohibition of the possession and use of dangerous objects and substances, and of firearms, air rifles, and other weapons and devices having a capacity to inflict personal injury, and to provide for the enforcement of penalties for violation or nonperformance.

(5) To adopt, amend, repeal, and enforce ordinances relating to the regulation of traffic, both vehicular and pedestrian including, but not limited to, parking, operating, and speed of motor vehicles within the city, the operation and regulation of skateboards, bicycles, and other recreational vehicles, and to provide for the enforcement of penalties for violation or nonperformance.

(6) To adopt, amend, repeal, and enforce ordinances relating to the regulation, licensing, or prohibition of the storage, accumulation, removal and disposal of garbage, ashes, rubbish, refuse, and waste materials, and to the collection and removal of such materials by the city either by contract or as a municipal service, and to the establishment of rates to be paid for such services, and to provide for the enforcement of penalties for violation or nonperformance.

(7) To adopt, amend, repeal, and enforce ordinances relating to the construction, alteration, maintenance, improvement and repair of public and private buildings, structures, and premises, and to the use thereof, including without limitation, the establishment of minimum standards for plumbing, heating, ventilation, wiring, and dwellings and dwelling premises, so as to make the same safe, sanitary, and fit for human habitation and use, and to provide for the enforcement of penalties for violation or nonperformance.

(8) To adopt, amend, repeal, and enforce ordinances relating to the regulation or prohibition of the pollution of water or air, and to provide for the enforcement of penalties for violation and nonperformance.

(9) To adopt, amend, repeal, and enforce ordinances relating to the regulation, licensing or prohibition of eating or drinking establishments, and of taxis and to provide for the enforcement of penalties for violation or nonperformance.

(10) To adopt, amend, repeal, and enforce ordinances relating to the prevention of riots, noises, nuisances, disturbances, and disorderly assembly, and to provide for the enforcement of penalties for violation and nonperformance.

(11) To establish, maintain, merge or discontinue departments and divisions within departments.

(12) To establish and maintain an electric power system and/or control power line installations to the extent authorized under applicable law.

(13) To adopt and amend an administrative code.

(14) To provide for citizen participation in appropriate departments, and especially in the parks and recreation department.

(15) To fix, demand, impose and enforce such items, conditions and regulations for the excavation of any street or highway in the City of Winooski by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, cable television, utility or private contractor, or other company or any person representing the company, or exercising the functions of any such company aforesaid, as shall be just and reasonably related to the city's reconstruction and maintenance costs, including any sum or sums of money to be paid to the city for the damages resulting from excavation of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street railway therein, or for the purpose of therein erecting and maintaining any poles, wires or any other apparatus in or under the surface of said street; and to prohibit the use of any above-described street by any such company or person until such terms have been complied with. However, any utility subject to regulation under the provisions of 30 V.S.A. § 203 shall have the right to appeal such ordinance or any fee levied hereunder to the public service board which shall determine, de novo, if the ordinance or fee is reasonably and in the public interest as to that utility and its ratepayers. Any other party performing excavations shall have the right to appeal such ordinance or any fee levied hereunder to the superior court, which shall determine, de novo, if the ordinance or fee is reasonably and in the public interest.

§ 17-2.5. Prohibitions

(a) Holding other office. Except where authorized by law, no councilor shall hold any other city office or city employment during the term of election to the council. Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the fire department, other than an officer or member of said department appointed directly by the city manager, may serve as a member of the city council.

(b) Appointments and removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint, but the council may express its views and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with administration. Except for the purpose of inquiries and investigations under this charter, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 17-2.6. Vacancies, forfeiture of office: filling of vacancies

(a) Vacancies. The office of a councilor shall become vacant upon the death, resignation, removal from office in any manner authorized by law or forfeiture of office.

(b) Forfeiture of office. A councilor shall forfeit office if at any time during the term of office, the councilor:

- (1) Lacks any qualification for the office prescribed by this charter or by law;
- (2) Violates any express prohibition of this charter;

- (3) Is convicted of a crime involving moral turpitude; or
- (4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) Filling vacancies. A vacancy in the office of councilor shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to appoint within 30 days following the occurrence of the vacancy, the city clerk shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of subchapter 7 of this charter. Should the city clerk fail to call a special election as aforesaid, this duty shall be performed by the mayor.

§ 17-2.7. Judge of qualification

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of this office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

§ 17-2.8. Clerk of the city council

The city council shall designate the city clerk as the clerk of the council who shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are prescribed by law and assigned by this charter or by an administrative code adopted by the city council.

§ 17-2.9. Investigations

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than \$500.00.

§ 17-2.10. Independent audit

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may designate such accountant or firm annually or for a period not exceeding three years, provided that the designation of any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

§ 17-2.11. Procedure

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may

be held on the call of the mayor or of three or more members, and, whenever practicable upon no less than 12 hours' notice to each member. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda.

(b) Rules and journal. The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in this charter, shall be valid or binding unless adopted by the affirmative vote of three or more members of the council.

§ 17-2.12. Action requiring an ordinance

In addition to other acts required by law or by specific provisions by this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes, except as otherwise provided in subchapter 5 of this charter with respect to the property tax levied by adoption of the budget;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the city;
- (7) Adopt with or without amendment ordinances proposed under the initiative power;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in subchapter 8 of this charter with respect to repeal of ordinances reconsidered under the referendum power. Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution; and
- (9) Establish, amend, or repeal a fee.

§ 17-2.13. Ordinances in general

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Winooski hereby ordains. . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by any member of any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public

hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing 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 all the procedures herein required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the clerk shall have it published again together with a notice of its adoption.

(c) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(d) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the city and to make available online at the city's regular internet address:

- (1) The ordinance or a brief summary thereof, and
- (2) The places where copies of it have been filed and the times when they are available for public inspection.

§ 17-2.14. Emergency ordinances

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise or regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 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. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

§ 17-2.15. Codes of technical regulations

(a) Adoption by reference. The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of this charter for distribution and filing for copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to this charter.

(b) Copies for regulations. Copies of an adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

§ 17-2.16. Authentication and recording: codification; printing

(a) Authentication and recording. The city clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose of all ordinances and resolutions adopted by the council.

(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of Vermont and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Winooski City Code. Copies of the code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Winooski City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of Vermont, or the codes of technical regulations and other rules and regulations included in the code.

§ 17-2.17. Ordinance enforcement

(a) The violation of an ordinance, regulation, or bylaw adopted by the city, including without limitation zoning, and subdivision bylaws adopted pursuant to chapter 117 of Title 24, as the same may be amended from time to time, may be processed as a criminal or civil action.

(b) All penalties collected for the violation of an ordinance, regulation, or bylaw shall be paid over to the city, except for a surcharge that shall be set and retained by the court.

§ 17-2.18. Court authorized to order abatement

In any prosecution for a nuisance arising under this charter or under any lawful ordinance, regulation, or bylaw resulting in a judgment or conviction, the court before which the nuisance action has been brought shall order the nuisance or offense complained of to be removed or abated and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution.

§ 17-2.19. Offenders may be liable in damages

A person violating any ordinance, regulation, or bylaw of said city shall be liable in damages to said city or to the person who shall sustain damage as the direct result of said violation; such damages may be recovered in an action declaring upon such ordinance, regulation, or bylaw.

§ 17-2.20. City council to establish penalty

The city council may provide for the violation of any ordinance, regulation, or bylaw not to exceed \$500.00. Each day the violation continues shall constitute a separate and distinct offense. If no penalty shall be fixed for the violation of any ordinance, regulation, or bylaw, the court before which such action is heard shall impose a fine not to exceed \$500.00 for each offense.

§ 17-3.1. City officers, appointment of

(a) General. The officers of the City of Winooski shall be those provided by law for towns, except as otherwise provided or limited by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law, and, unless otherwise provided by law, shall hold office at the will of the appointing authority.

(b) Appointment. All officers of the city shall be appointed annually by the city manager, unless otherwise herein provided, on the first Monday following the annual city meeting. The city manager shall fill any vacancy in such offices.

(c) Officers. In accordance with the provisions of this section, the city manager shall appoint:

- (1) A city clerk
- (2) A city treasurer
- (3) A city grand juror
- (4) A constable
- (5) A collector of taxes
- (6) A city attorney
- (7) A police chief
- (8) A fire chief
- (9) A fire marshal
- (10) A city assessor
- (11) Other officers required by law

(d) The city clerk and city treasurer may be one and the same person. The city attorney shall be eligible to the office of city grand juror. The powers of the collector of taxes may be delegated to another appointed officer or department head by ordinance properly adopted by the city council.

(e) Appointment by city council. In the event of a vacancy in the office of city manager or of the manager's incapacity to perform any one of his or her appointive duties, the powers of appointment above set forth shall be exercised by the city council in filling vacant offices.

§ 17-3.2. Appointment; qualifications; compensation of city manager

The council shall appoint a city manager for an agreed-upon term and fix the manager's compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the council.

§ 17-3.3. Removal of city manager

(a) Procedure. The council may remove the city manager from office in accordance with the following procedures.

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager. In the event of

suspension, the city council may assume the duties of the manager or appoint an interim manager.

(2) Within five days after a copy of the resolution is delivered to the manager, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 days nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if the manager has not requested a public hearing, or at any time after the public hearing if one has been requested.

(b) Salary; review. The manager shall continue to receive a salary until the effective date of a final resolution of removal, except that in the event of criminal behavior or gross negligence by the manager, the council may cease payment upon its initial resolution. The action of the council in suspending or removing the manager shall not be subject to review by any court or agency.

§ 17-3.4. Acting city manager

By letter filed with the city clerk, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during a temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the disability shall cease.

§ 17-3.5. Powers and duties of the city manager

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter. The city manager shall have the following powers and duties:

(1) Appoint and, when deemed necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(3) Attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) Ensure that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officers subject to his or her direction and supervision, are faithfully executed.

(5) Prepare and submit the capital program and annual budget to the council.

(6) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) Make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to his or her direction and supervision.

(8) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as deemed desirable.

(9) Perform such other duties as are specified in this charter or may be required by the council.

(10) Have all other powers and duties prescribed by law and not herein specifically enumerated or withheld.

§ 17-3.6. City manager, vacancy in office of

In the event of a vacancy in the office of city manager or of his or her incapacity to perform any one of his or her powers and duties, said powers and duties shall, subject to the provisions of § 3.4 of this charter, be performed by the city council until such vacancy has been filled or incapacity removed. Such vacancy shall be filled within a period not to exceed 180 days.

§ 17-4.1. Organization

(a) Creation of departments. The city council may create, modify, or eliminate administrative departments, offices, or agencies which shall be under the direction and supervision of the city manager. Such department may include but is not limited to:

- (1) Legal Department administered by the city attorney.
- (2) Finance Department administered by the city treasurer.
- (3) Records Department administered by the city clerk.
- (4) Property Assessment Department administered by the chief assessor.
- (5) Building Inspector Department administered by the building inspector.
- (6) Zoning Administration Department administered by the zoning administrator.
- (7) Police Department administered by the police chief.
- (8) Fire Department administered by the fire chief.
- (9) Public Health Department administered by the public health officer.
- (10) Public Works Department administered by the superintendent.
- (11) Parks and Recreation Department administered by the department head.
- (12) Water Department administered by the superintendent.
- (13) Library Department administered by the librarian.

(b) The city manager, with the approval of the city council, shall have the authority to merge one department with another for purposes of efficiency and to establish divisions within a department.

(c) The water department shall continue to operate under, and have the same powers and duties as set forth in the Enabling Act No. 184 of 1900 and all amendments thereto, and any other provisions of the laws of the state of Vermont applying to said department, except as otherwise herein provided. The management of the department, the appointment or removal of superintendent, or both, the hiring and dismissal of the department employees and all other administrative duties required by the act shall hereafter be and become duties and responsibilities of the city manager.

§ 17-4.2. General provisions

(a) Direction by manager. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

(b) Council appointment. The city council may appoint additional boards and commissions at its discretion including, but not limited to:

- (1) A Planning Commission, 24 V.S.A. Chapter 91
- (2) A Zoning Board of Adjustment, 24 V.S.A. Chapter 91
- (3) A Housing Appeal Board 24 V.S.A. Chapter 97
- (4) A Code Review Committee

- (5) An Urban Renewal Agency, 24 V.S.A. Chapter 71
- (6) A Housing Authority, 24 V.S.A. Chapter 87
- (7) A Library Advisory Board
- (8) A Parks and Recreation Advisory Board
- (9) A Development Review Board.

(c) Said boards, committees, commissions, and agencies shall exercise all powers and duties as prescribed by law, ordinance or administrative code, or a combination of these.

(d) All unpaid appointments of citizens to said boards, committees, commissions, and agencies shall be for a term certain, not to exceed two years. Citizens once appointed to a term may only be removed for cause or after unanimous vote by city council. If ad hoc committees are created, the appointment will cease upon completion of the committee's task.

§ 17-4.3. Personnel system

(a) Merit principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) Personnel director. There shall be a personnel director who shall administer the personnel system of the city. The personnel director shall be the city manager. The personnel director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the city council.

(c) Personnel board. There shall be a personnel board consisting of the mayor and the four councilmen.

(d) Personnel rules. The personnel director shall prepare personnel rules. The personnel rules shall be proposed to the council, and the council may by ordinance adopt them with or without amendment. These rules shall provide for:

(1) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;

(2) A pay plan for all city positions;

(3) Methods for determining the merit and fitness of candidates for appointment or promotion and a system of employee review and evaluation;

(4) The policies and procedures regulating reduction in force and removal of employees. Such policies and procedures may provide that the personnel director shall remove any appointed officer from office or any regular employee of the city from employment, provided, that any appointed officer or any regular employee in the employment of the city for more than 12 consecutive months shall be entitled to a hearing before the city council for review of such removal if such a hearing is requested by such officer or employee within 30 days from the date of removal by the personnel director. Employees in the employment of the city for less than 12 consecutive months shall have no right to review by the city council;

(5) The hours of work, attendance regulations and provisions for sick and vacation leave;

(6) The policies and procedures governing persons holding provisional appointments;

(7) The policies and procedures governing relationships with employee organizations;

(8) Policies regarding in-service training programs;

(9) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the city manager with a copy to the aggrieved employee; and

(10) Other practices and procedures necessary to the administration of the city personnel system.

§ 17-4.4. Legal officer

There shall be a legal officer of the city, known as the city attorney appointed by the city manager as provided in this charter who shall serve as chief legal advisor to the council, the city manager and all city departments, offices and agencies, and shall perform any other legal duties prescribed in this charter or by ordinance.

§ 17-4.5. Surety bonds

All city officers and employees, as directed by the city council, shall annually give bonds to the satisfaction of the council for the faithful discharge of their duties. In the event any officer or employee neglects to give a bond as herein specified, after ten days' notice from the city council that a bond is required, the office shall thereupon become vacant and the vacancy shall be filled as provided in this charter.

§ 17-5.1. Fiscal year

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

§ 17-5.2. Submission of budget and budget message

On or before 90 days prior to the annual meeting held on the first Tuesday of March, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

§ 17-5.3. Budget message

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the manager deems desirable.

§ 17-5.4. Budget

(a) Budget. Notwithstanding any prior acts of the voters, the budget for the ensuing fiscal year submitted by the manager shall clearly define all anticipated operational expenditures for all city departments, offices or agencies and a sum sufficient to pay the interest and payments for all outstanding serial and nonserial bonds or other obligations of the city. The budget shall also include the estimated revenues from taxation, fines and all other lawful sources necessary to meet said anticipated expenditures. The budget shall be presented by department, office or agency.

(b) Estimated tax. The budget shall include an estimate of the tax to be levied and assessed upon the grand list of the city for the ensuing fiscal year.

(c) Budget summary. The budget shall include a three-year summary comparison by departments, offices or agencies which clearly defines the previous fiscal year's budget and actual expenditures, the current fiscal year's budget and anticipated expenditures and the ensuing fiscal year's budget.

§ 17-5.5. Capital improvement plan

(a) Submission to council. The manager shall prepare and submit to the council a five-year capital improvement program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital improvement program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules to be constructed or acquired.

(c) The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ 17-5.6. Council and annual meeting action on budget

(a) Notice and hearing. The council shall publish the general summary of the budget and proposed capital improvements and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public.

(2) The time and place, not less than two weeks after such publication, and not more than 30 days prior to the annual meeting for a public hearing on the budget.

(3) The time and place of the annual meeting shall be posted as set forth in section 7.1 of this charter (City Elections).

(b) Amendment before submission to the voters. After the public hearing, the council may approve the budget for submission to the voters with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the manager's recommended expenditures to an amount greater than the total of estimated income.

(c) Budget vote. The council shall warn the budget to the voters for approval at the annual meeting held on the first Tuesday in March. The budget vote shall be conducted in accordance with the provisions set forth in section 7.1 of this charter (City Elections). If the voters fail to approve the budget at the annual meeting, the council shall reconsider the budget and submit a revised budget to the voters prior to June first of that same year. The vote on said revised budget shall be conducted as set forth in section 7.1 of this charter (City Elections). If the voters fail to approve the revised budget, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council warns and the voters approve a budget for the ensuing fiscal year. Voter approval of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

§ 17-5.7. Public records

Copies of the budget approved by the voters and the capital program shall be public records and shall be made available to the public at suitable places in the city.

§ 17-5.8. Amendments after adoption

(a) Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated

in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, and any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(c) Transfer of appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(d) Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof except as described in this section. The supplemental appropriations and reductions or transfer of appropriation authorized by this section may be made effective immediately upon adoption.

§ 17-5.9. Lapse of appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned, the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

§ 17-5.10. Administration of budget

(a) Work programs and allotments. At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The manager may revise such allotments during the year if deemed desirable and shall revise them to accord with any supplemental, reduced or transferred appropriations made pursuant to the preceding subsection.

(b) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be voided and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the officer shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

§ 17-5.11. Bonds

(a) Whenever the city, in meeting assembled shall vote to issue bonds for the purpose of making permanent improvements, capital investments or for the purpose of paying the just debts of the city, the vote to issue said bonds shall automatically authorize the manager to include in each annual budget a sum sufficient to pay the interest on such bonds and the serial payments.

(b) If the city should vote to issue non-serial bonds then the manager shall automatically include in each annual budget a sum sufficient to pay the annual interest on said bonds and sufficient to create and accumulate a sinking fund which will pay the bonds when they mature.

§ 17-5.12. Property sales by council

(a) The city council may authorize the sale of real or personal estate belonging to the city when the same shall not exceed in value ten thousand dollars, or may lease the same for a term not exceeding one year and all conveyances, grants and leases of any such real estate shall be executed by the mayor and sealed with the city seal. The voters, at a duly warned annual or special city meeting, may authorize the sale of real or personal property belonging to the city when the value exceeds ten thousand dollars except for those sales provided for in subsection (c) of this section.

(b) The city shall have the authority to purchase real estate for the purpose of development. The purchase of such property must be approved by resolution of the city council.

(c) The city council may authorize the sale of real estate, belonging to the city, that exceeds ten thousand dollars in value, provided that such property was acquired for development purposes and that such transfer is made to the Winooski Community Development Corporation. Such transfers shall be executed by the mayor and sealed with the city seal.

§ 17-5.13. Warrants for payment of debts

Money shall not be paid out of the city treasury except on a warrant signed by the mayor or in his or her absence or disability by the deputy mayor and approved by the city council, and such approval shall be authenticated by the city clerk. A full record of all expenditures, by departments, shall be kept, and a clear statement of all receipts and disbursements of city monies and of the affairs of the city generally, shall be published annually in the city report under the direction of the city council.

§ 17-5.14. Tax levy, authority for

The city council shall have the power annually to levy and assess upon the grand list of said city such tax, as set forth in the budget approved by the voters at the annual or a special meeting called for the purpose, and such other tax as may be necessary for the payment of all state, county and state highway taxes. Such tax bills, with a warrant signed by the mayor or the deputy mayor, shall be delivered to the treasurer, to whom all taxes shall be paid in money.

§ 17-5.15. Credit of the city for current expenses

The money raised by taxation, from fines and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the city council. The credit of the city to an amount not exceeding the current revenues for the fiscal year, may be pledged by the city council for the purpose of raising funds to meet the current expenses of the city. Such loans shall be paid on or before one year from date thereof.

§ 17-5.16. Expenditures not to exceed revenues

The city council shall not exceed in expenditures, except by authority of the legal voters of the city, the current revenues of the city during the current fiscal year. If it should so happen that the current revenues of the city shall have been expended before the end of the fiscal year and there remain necessary or desirable expenditures to be met, the city council shall call a special meeting of the legal voters of the city to consider what shall be done in the matters.

The city council, without special direction of the voters of said city shall not draw orders on the city treasurer in excess of the current revenues. The city treasurer, without special direction of the voters of said city, shall not honor orders drawn in excess of the current revenues. Any official violating the provisions of this section shall be liable to the full amount of all orders so drawn or so honored.

§ 17-5.17. Authority to pledge credit of city

Whenever the legal voters of the city shall authorize the city council to pledge the credit of the city for any purpose, the city shall have authority to issue negotiable orders, warrants, notes or bonds, and to prescribe whether such bonds shall be registered or have interest coupons attached, to the amount, not to exceed the limit prescribed by law, for which the legal voters aforesaid have given authority to so pledge the city. Such notes or bonds shall be payable at such time and at such rate of interest as shall be established by said voters, or, if no time or rate of interest is fixed thereby, the same shall be established by resolution of the city council.

§ 17-5.18. [Repealed.]

§ 17-5.19. [Repealed.]

§ 17-5.20. [Repealed.]

§ 17-6.1. General provisions

Voter registration shall be according to state law.

§ 17-7.1. City elections

(a) Regular elections. Annually on the first Tuesday in March, a meeting of the legal voters of said city shall be held at seven o'clock in the forenoon at a place to be designated by the city council. Notice of said meeting shall be posted in at least three public places within said city not less than 14 days nor more than 25 days prior thereto. Such notices shall be signed by the city clerk and in case of the clerk's failure to do so, by the mayor. If the annual meeting shall fail to be held for want of notice, the officers of the city may, at any time thereafter be elected at a special meeting called for that purpose. The several officers shall be elected by ballot, using the Australian system, and the ballot boxes shall remain open until seven o'clock in the afternoon for all offices and on all other questions to be voted upon, notwithstanding any state law to the contrary.

(b) Qualified voters. The qualifications of voters in the city meetings shall be the same as those prescribed by law for voters in town meetings.

(c) Special elections. The city clerk shall, when directed by the city council or when requested in writing by the voters of the city as provided by statutes, call a special meeting of the legal voters of said city at such time and place as the city council may direct. Should the clerk fail to call a meeting as

aforesaid, this duty shall be performed by the mayor. The warning for such special meeting shall state the purpose for which it is called, shall designate the time and place thereof, shall be posted in the same manner as the warning for the annual city meeting and shall be published once a week for two consecutive weeks on the same day of the week in a newspaper published or having general circulation in the city. Voting shall be on printed ballots prepared by the city council. The city checklist used at the last annual city meeting preceding such a special city meeting shall be used in voting. Only voters qualified to have their names appear on the checklist of the last annual city meeting preceding such a special city meeting shall be entitled to have their names added to the checklist to be used in special city meetings. Any petition, however, for the calling of any special meeting for the resubmission, reconsideration or rescission of any question previously submitted to the legal voters of said city shall be filed not more than 30 days after such previous submission, and no question previously submitted or presented for reconsideration or rescission except upon request of the city council by resolution.

(d) Checklist. Preceding each annual or special meeting of said city the city council shall, at least 15 days before the annual or special city meeting, prepare and correct, except as herein otherwise provided, in the manner provided for the preparation and correction of checklists to be used in town meetings, and shall forthwith cause copies of such list to be posted by or under the direction of the city clerk in two or more public places in such city and a copy to be filed in the city clerk's office.

(e) Conduct of elections. Except as otherwise provided by this charter, the provisions of the general election laws of the state for town meetings and the election of town officers shall apply to elections held under this charter. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.

§ 17-7.2. Nominations in general

Nominations for the office of mayor and councilor shall be made by petitions which shall be filed with the city clerk not less than 30 days nor more than 40 days before an annual city election or a special city election called for that purpose. The petition shall state the name of the candidate, the candidate's residence and the office sought and shall be signed by at least 50 legal voters of said city qualified to vote at the time the petition is filed. The petitions shall contain no party designations. A person shall not sign more than one petition for each office to be filled. The city clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname and sample ballots shall be posted in at least three public places at least ten days before election.

§ 17-7.3. Nomination of incumbent

No person may be permitted to seek the nomination for the office of mayor or councilor while a member of the city council, unless his or her present term of office expires on or before the annual March meeting next to be held. If a member of the city council resigns to seek another office on said city council, the resignation must be filed with the city council and become effective at least ten days prior to the last day of filing nomination papers of candidates for the offices of mayor or councilor. In special elections called for the purpose of filling a vacancy or vacancies on the city council who wishes to become a candidate for an office to be filled at a special city election must

first resign the present office at least ten days before the last day for filing nomination papers for said special election.

§ 17-7.4. Voting machines

The council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

§ 17-8.1. General authority

(a) Initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital improvements program or any ordinance relating to appropriation of money, levy of taxes or salaries of city offices or employees.

(b) Referendum. The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital improvements program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes. All subject however to subsection 7.1(c) of this charter.

§ 17-8.2. Commencement of proceedings: petitioners' committee; affidavit

(a) Any five qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

§ 17-8.3. Petitions

(a) Number of signatures. Initiative and referendum petitions must be signed by at least 100 legal voters of the city.

(b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that they are believed to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing referendum petitions. Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

§ 17-8.4. Procedure after filing

(a) Certificate of clerk; amendment. Within 20 days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.3 of this charter, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section with the time required, the clerk shall promptly present the certificates to the council and the certificates shall then be a final determination as to the sufficiency of the petition.

(b) Council review. If a petition has been certified insufficient and the petitioners committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate within five days following the filing of such request and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§ 17-8.5. Referendum petitions; suspension of effect of ordinance

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the city on the ordinance.

§ 17-8.6. Action on petitions

(a) Action by council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in subchapter 2 of this charter or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) Submission to voters. The vote of the city on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as

such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 17-8.7. Results of election

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

§ 17-9.1. Personal financial interest

Any city councilor, officer or employee who has a substantial financial interest, direct or indirect or by reasons of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies and services to the city, or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in any capacity as a city officer or employee in the making of such sale or the making or in the performance of such contract.

§ 17-9.2. [Repealed.]

§ 17-9.3. Separability

If any provisions of this charter are held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

§§ 17-10.1-10.4 [Not Reproduced.]