

ARTICLE VIII Initiative and Referendum

Sec. 1. Petition for overrule of ordinance~~action of council~~. All ordinances, except emergency ordinances passed pursuant to Article II, Section 12, or any vote for a single capital expenditure or a single capital improvement, the total cost of which exceed 0.05 percent of the last state valuation shall be subject to overrule by a referendum, as hereinafter provided, except the following shall not be subject to referendum:

~~The annual budget; provided, however, if a single capital expenditure or a single capital improvement, the total cost of which exceeds 0.05 percent of the last state valuation, is included in the annual budget, then that part of the annual budget shall be subject to referendum;~~

~~21. Emergency ordinances passed pursuant to Article II, Section 12.~~ If, within 20 days after the enactment of any such ordinances ~~or passage of any such vote~~, a petition signed by not less than 10% of the registered voters of the Town of Cape Elizabeth is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance ~~or approving such vote~~. Pending action by referendum, the referred ordinance ~~or vote~~ shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

Sec. 2. Referendum for approval of certain capital expenditures. Any vote by the council for a single capital expenditure of town funds or a single capital improvement, not arising from a fire or other casualty loss nor arising from a federal or state mandate, the total cost of which exceeds One Million Dollars (\$1,000,000), whether as a separate vote or included in the approved annual budget, shall be submitted to a referendum vote at a time designated by the council. Pending action by referendum, the referred vote, or budget item, shall be suspended from going into operation until it has received an affirmative vote of the majority of voters voting on said question. This section shall not apply to the refinancing of previously authorized debt.

Sec. 23. Petition for enactment of ordinance. Subject to the provisions of Section 1, not less than 10% of the registered voters of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition including the complete text of such ordinance with the town clerk. The council shall call a public hearing to be held within 30 days from the date of filing of such petition with the town clerk and shall, within 30 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the referendum vote, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect.

Sec. 34. Petition for submission of amendments of charter. Citizens may petition for an amendment to this charter in the manner prescribed in Maine statutes.

Sec. 45. Form of ballot. The ballot shall contain a copy of the proposed ordinance or charter amendment(s) except where the municipal officers, with the advice of the town attorney, determine that it is not practical to print the proposed ordinance or amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed ordinance or amendment. The municipal officers shall include in the order a summary of the proposed ordinance or amendment and instructions to the clerk to include on the ballot the summary in lieu of the text of the proposed ordinance or amendment. The form of the ballot for the proposed ordinance or charter amendment shall be substantially as follows:

“Shall the proposed ordinance (charter amendment), a copy of which is printed herein or attached hereto, be adopted?”

For the Ordinance

Against the Ordinance

The voter shall write a cross or check in the appropriate box.