

## Chapter 9 ELECTIONS\*

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\*Charter reference(s)--Elections, art. IV.

Cross reference(s)--Administration, Ch. 2.

State law reference(s)--Elections generally, 21 M.R.S.A. § 1 et seq.; city officials and elections, 30 M.R.S.A. § 5351 et seq.  
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**Art. I. In General, §§ 9-1--9-15**

**Art. II. Precincts, §§ 9-16--9-35**

**Art. III. Initiation and Referendum, §§ 9-36--9-47**

**Art. IV. Peaks Island Council, §§ 9-51-9-60**

### ARTICLE I. IN GENERAL

#### Sec. 9-1. Council districts.

(a) *Map included.* The districts and precincts of the City for all elections of the City shall be as shown on the map dated January 21, 2009, on file in the Office of the City Clerk.

(b) *Narrative description of districts.* The districts shown on the map as enacted by this section are further described below. Any reference to Census Tracts, Block Groups, and/or Blocks refers to Census 2000 defined areas. The descriptions are as follows:

*District 1.* Beginning at the center of the mouth of Back Cove at the centerline of Tukey's Bridge and I-295; thence easterly, southeasterly, and then southerly along the northerly and easterly edges of Census Tracts 1, 2, and 3, around the northeasterly end of the Portland Peninsula, until it intersects with the Portland/South Portland boundary near the mouth of the Fore River in Portland Harbor, said point being southerly of Fish Point and northwesterly of Bug Light; thence following the Portland/South Portland boundary southwesterly to the centerline of Casco Bay Bridge; thence northwesterly along the centerline of the Casco Bay Bridge to a point directly above the shoreline of Portland Harbor; thence northeasterly along the shore of Portland Harbor and the southeasterly edge of the piers, bulkheads, and

wharfs to Hobson's Wharf; thence northwesterly along the street on Hobson's Wharf to Commercial Street; thence southwesterly along the centerline of Commercial Street until it intersects the centerline of High Street; thence northwesterly along the centerline of High Street to the centerline of Park Avenue; thence northwesterly along the centerline of the extension of High Street, that passes through Deering Oaks, to the centerline of Forest Avenue; thence northwesterly along the centerline of Forest Avenue to the centerline of Dartmouth Street; thence northeasterly along the centerline of Dartmouth Street to the centerline of Baxter Boulevard; thence easterly along the centerline of Baxter Boulevard to a point on said centerline that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence northerly to Back Cove along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence westerly and northwesterly along Back Cove which is also the northeasterly edge of Census Block 003, of Census Tract 15, Block Group 1 to a point along Back Cove, that is easterly of the intersection of Belmont Street and Baxter Boulevard; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cove where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence southerly along the centerline of I-295 to the point of beginning. In addition to this area, District 1 includes all islands within the City limits.

*District 2.* Beginning at the intersection of the Casco Bay Bridge and the boundary between Portland and South Portland; thence following the Portland/South Portland boundary southwesterly, westerly, northwesterly along the Fore River until said Portland/South Portland boundary intersects a projection of Danforth Street's centerline to the southwest of the intersection of Danforth Street and West Commercial Street; thence following said projection of Danforth Street and the centerline of Danforth Street itself in a northeasterly direction to where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13; thence northerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch

tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence along the northwesterly edge of Census Tract 13 and along the railroad tracks of the Union Branch to the centerline of Deering Avenue; thence northwesterly along the centerline of Deering Avenue to the centerline of Brighton Avenue; thence northwesterly along the centerline of Brighton Avenue to the centerline of Dartmouth Street; thence northeasterly along the centerline of Dartmouth Street to the centerline of Forest Avenue; thence southwesterly along the centerline of Forest Avenue to its intersection with the centerline of the extension of High Street, that passes through Deering Oaks; thence southeasterly along the centerline of said extension of High Street, to the intersection of High Street and Park Avenue; thence southeasterly along the centerline of High Street to the centerline of Commercial Street; thence northeasterly along the centerline of Commercial Street to its intersection with the street on Hobson's Wharf; thence southeasterly along the street on Hobson's Wharf to the end of said wharf; thence southeasterly along the piers, wharfs, bulkheads, and shore of Portland Harbor, such that the piers, wharfs, and bulkheads in their entirety will be contained in District 2, to the Casco Bay Bridge; thence along the centerline of the Casco Bay Bridge to the Portland/South Portland boundary and the point of beginning.

*District 3.* Beginning on the Portland/South Portland boundary where it would intersect a projection of Danforth Street's centerline if projected southwesterly of the intersection of Danforth Street and West Commercial Street; thence northwesterly and westerly along the Portland/South Portland boundary, in the Fore River, to the centerline of I-295 as it crosses the Fore River; thence westerly along the Portland/South Portland boundary to the point where the Portland/South Portland and the Portland/Westbrook boundaries meet; thence northerly along the Portland/Westbrook boundary to where said town line intersects the Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the Boston and Maine Railroad's location to where it crosses Capisic Brook; thence westerly and southerly along the Capisic Brook to where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive in a northwesterly to southeasterly orientation and lies southerly of the homes on the southerly side of Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said Census Tract

boundary and the southerly boundary of Evergreen Cemetery; thence southeasterly along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southwesterly to the centerline of Ludlow Street; thence northwesterly along the centerline of Ludlow Street to the centerline of Sonnet Lane; thence southwesterly along the centerline of Sonnet Lane to the centerline of Four Winds Road; thence southeasterly and then southwesterly along the centerline of Four Winds Road to the centerline of Dennett Street; thence southwesterly along the centerline of Dennett Street to Capisic Brook; thence southeasterly along Capisic Brook to the centerline of Brighton Avenue; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 to a point on the shore of Back Cove; thence southeasterly along the shore of Back Cove, which is also the easterly edge of Census Block 003, of Census Tract 15, Block Group 1, to a point that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 at the shore of Back Cove; thence southerly to the centerline of Baxter Boulevard and along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence westerly along the centerline of Baxter Boulevard to the centerline of Dartmouth Street; thence southwesterly along the centerline of Dartmouth Street to the centerline of Brighton Avenue; thence southeasterly along the centerline of Brighton Avenue to the centerline of Deering Avenue; thence southeasterly along the centerline of Deering Avenue to the railroad tracks of the Union Branch at the northerly edge of Census Tract 13; thence southwesterly along the railroad tracks of the Union Branch and the northwesterly edge of Census Tract 13 to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the

Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence southerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13 and said point is southeasterly of the easterly end of Veterans Memorial Bridge; thence southwesterly along the centerline of Danforth Street and a projection of Danforth Street's centerline to the Portland/South Portland boundary and the point of beginning.

*District 4.* Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 to a point on the shore of Back Cove; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cover where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence northerly to a point at the northerly shoreline at the mouth of Back Cove; then easterly and northeasterly along the shoreline of Casco Bay, between the mouth of Back Cove and the mouth of the Presumpscot River, to the Portland/Falmouth boundary at the Presumpscot River and the Route 1 Bridge at Martins Point; thence northwesterly by the Falmouth/Portland boundary and the Presumpscot River to a point easterly of the intersection of Interstate 295 and the Portland/Falmouth boundary; then westerly along the Portland/Falmouth boundary, crossing Interstate 295, and continuing in a generally westerly direction by the Portland/Falmouth boundary until said town boundary intersects the centerline of Allen Avenue; thence southwesterly along the centerline of Allen Avenue to the centerline of Forest Avenue; thence southerly along the centerline of Forest Avenue to the centerline of Stevens Avenue; thence southerly along the

centerline of Stevens Avenue to the centerline of Pleasant Avenue; thence easterly along the centerline of Pleasant Avenue to the centerline of Lawn Avenue; thence southerly along the centerline of Lawn Avenue to the point of beginning.

*District 5.* Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence northerly along the centerline of Lawn Avenue to the centerline of Pleasant Avenue; thence westerly along the centerline of Pleasant Avenue to the centerline of Stevens Avenue; thence northerly along the centerline of Stevens Avenue to the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to the centerline of Allen Avenue; thence northeasterly along the centerline of Allen Avenue to the Portland/Falmouth boundary; thence northwesterly and then northeasterly along the Portland/Falmouth boundary to the Presumpscot River; thence along the Portland/Falmouth boundary and the Presumpscot River to the Falmouth Spur of the Maine Turnpike; thence southwesterly along the Falmouth Spur of the Maine Turnpike to a point where the Portland/Falmouth boundary changes direction and heads northwesterly across the Falmouth Spur of the Maine Turnpike, this point being northerly of Alice Court; thence southwesterly along the Portland/Falmouth boundary, again crossing the Falmouth Spur of the Maine Turnpike, to a point on the Portland/Falmouth boundary where said town line boundary turns northwesterly; thence northwesterly along the Portland/Falmouth boundary to the Portland/Falmouth Boundary along the Presumpscot River; thence southwesterly along the Portland/Falmouth boundary and the Presumpscot River to the point where the Portland/Falmouth boundary intersects the Portland/Westbrook boundary along the Presumpscot River; thence continuing southwesterly along the Portland/Westbrook boundary and the Presumpscot River to the point where the Portland/Westbrook boundary along the Presumpscot River turns southeasterly and leaves the river; thence southeasterly along the Portland/Westbrook boundary to where said town line intersects the Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the Boston and Maine Railroad's location to where it crosses Capisic Brook; thence westerly and southerly along the Capisic Brook to where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said boundary and the southerly

boundary of Evergreen Cemetery; thence southeasterly along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southwesterly to the centerline of Ludlow Street; thence northwesterly along the centerline of Ludlow Street to the Centerline of Sonnet Lane; thence southwesterly along the centerline of Sonnet Lane to the centerline of Four Winds Road; thence southeasterly and then southwesterly along the centerline of Four winds Road to the centerline of Dennett Street; thence southwesterly along the centerline of Dennett Street to Capisic Brook; thence southeasterly along Capisic Brook to the centerline of Brighton Avenue; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street thence easterly along the centerline of Woodford Street to the centerline of Lawn Avenue and the point of beginning.

(c) *Conflicts between map and description.* In the event of any conflict between the above map and the preceding description, the map provision shall control.

(Ord. No. 375-84, § 1, 11-16-84; Ord. No. 219-93, § 1, 2-2-93; Ord. No. 81-93, 8-16-93; Ord No. 191, 1-20-99; Ord. No. 124-99, 12-20-99; Ord. No. 36-01/02, 8-20-01; Ord. No. 174-01/02, 3-4-02; Ord. No. 25-02/03, 8-19-02; Ord. No. 145-03/04, 2-2-04; Ord. No.20-04/05, 9-2-04; Ord. No. 149-08/09, 2-2-09)

**Charter reference(s)**--Election districts, Art. II, § 1.

- Sec. 9-2. Reserved.**
- Sec. 9-3. Reserved.**
- Sec. 9-4. Reserved.**
- Sec. 9-5. Reserved.**
- Sec. 9-6. Reserved.**
- Sec. 9-7. Reserved.**
- Sec. 9-8. Reserved.**
- Sec. 9-9. Reserved.**
- Sec. 9-10. Reserved.**
- Sec. 9-11. Reserved.**
- Sec. 9-12. Reserved.**
- Sec. 9-13. Reserved.**

**Sec. 9-14. Reserved.**

**Sec. 9-15. Reserved.**

## **ARTICLE II. PRECINCTS\***

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**\*Editor's note--**Ord. No. 375-84, §§ 2 and 3, adopted Nov. 16, 1984, amended § 9-16 in its entirety and repealed §§ 9-17--9-21, relative to election precincts. Formerly, §§ 9-16--9-21 derived from Code 1968, § 105.1 and Ord. No. 105-79, adopted Feb. 22, 1979.  
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**Sec. 9-16. Generally.**

The districts of the city established by section 9-1 of this Code pursuant to section 1 of article II of the charter are for voting purposes divided into the precincts shown on the map incorporated into said section 9-1 with voting places within or near each such precinct as hereinafter designated by order of the council.

(Ord. No. 375-84, § 2, 11-16-84)

**Sec. 9-17. Reserved.**

**Sec. 9-18. Reserved.**

**Sec. 9-19. Reserved.**

**Sec. 9-20. Reserved.**

**Sec. 9-21. Reserved.**

**Sec. 9-22. Reserved.**

**Sec. 9-23. Reserved.**

**Sec. 9-24. Reserved.**

**Sec. 9-25. Reserved.**

**Sec. 9-26. Reserved.**

**Sec. 9-27. Reserved.**

**Sec. 9-28. Reserved.**

**Sec. 9-29. Reserved.**

**Sec. 9-30. Reserved.**

**Sec. 9-31. Reserved.**

**Sec. 9-32. Reserved.**

**Sec. 9-33. Reserved.**

**Sec. 9-34. Reserved.**

**Sec. 9-35. Reserved.**

## **ARTICLE III. INITIATION AND REFERENDUM**

**Sec. 9-36. How invoked.**

(a) *In general.* The submission to the vote of the people of any proposed ordinance dealing with legislative matters on municipal affairs or of any such ordinance enacted by the city council and which has not yet gone into effect may be accomplished by the presentation of a petition therefor to the city council in the manner hereinafter provided and signed by at least one thousand five hundred (1,500) voters. The submission of a proposed ordinance, or amendment or repeal, in whole or in part, of an ordinance already in effect shall be hereinafter referred to as the direct initiation of legislation or "initiative." The submission of a petition to override any ordinance passed by the city council but which has not yet gone into effect shall be hereinafter referred to as the "people's veto."

(b) *Applicability.* Neither this article nor ordinances dealing with appropriations, tax levy, or with wages or hours of city employees shall be subject to the initiative and "people's veto" referendum provisions herein established.

(c) *Petition procedure.* Any ten (10) registered voters of the city may file with the city clerk an affidavit stating:

- (1) That the ten (10) registered voters will constitute the petitioners' committee;
- (2) The names and addresses of the ten (10) registered voters;
- (3) The address to which all notices to the committee are to be sent; and
- (4) That the ten (10) registered voters will circulate the petition and file it in proper form.

Upon filing of such affidavit by ten (10) such voters, the city clerk shall have seven (7) calendar days to prepare the proper petition forms pursuant to section 9-37 below with a copy of the submitted ordinance either printed on the petition or attached thereto and shall provide such petition to members of the petitioners' committee and to any other registered city voter who wishes to circulate it. The petition may be circulated for signature by registered voters of the city for eighty (80) calendar days from the original date of issuance of the petition, which date shall be noted by the clerk on each blank form; provided, however,

that any petition for the "people's veto" of an ordinance not in effect must be filed with the city clerk prior to the effective date of such ordinance or within thirty (30) calendar days after passage by the city council, whichever is less. Any "people's veto" petition not so filed is void. All provisions as to the filing and the form of petitions in this article, other than the aforementioned time frame, shall apply to both initiative and "people's veto" petitions.

(d) *Filing of petition.* The petition must be returned to the city clerk for filing by close of business within eighty (80) calendar days from the date of issuance thereof. If the eightieth day is a Saturday, Sunday or holiday, such petition shall be filed by the close of business of the next immediate business day. All petition forms not so submitted are void. The petition forms shall be assembled as one (1) instrument, with each page numbered, attached to a written statement from the petitioners' committee stating the number of petition forms being filed. The clerk shall certify the date of filing and the number of forms returned.

(e) *Verification of petition.*

- (1) Within fifteen (15) calendar days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested, or by hand delivery, and shall file a copy with the city council.
- (2) A petition certified insufficient may be amended once, if the petitioners' committee files a written notice of intention to amend it with the clerk within eight (8) calendar days after mailing by certified mail, return receipt requested, or hand delivery of the copy of the clerk's certificate. Within ten (10) calendar days after this notice of intention is filed, the petitioners' committee may file a supplementary petition to correct technical deficiencies in the original which shall, in form and content, comply with the requirements for an original petition but which shall not contain additional signatures of voters.
- (3) Within five (5) calendar days after a supplementary petition is filed, the clerk shall complete and file a

certificate as to its sufficiency in the manner provided for in an original petition.

- (4) Any petition finally determined to be insufficient is void. The clerk shall stamp the petition void and seal and retain it in the manner required for secret ballots.
- (5) The clerk's decision as to the sufficiency of the petitions shall be a final determination, reviewable as provided by law.

(f) *Hearing.* At its first regular meeting after receipt of a report that a petition is sufficient and has at least one thousand five hundred (1,500) valid signatures of the registered voters of the city, the city council shall set a date for public hearing, which hearing shall be held within thirty (30) calendar days thereafter. Notice of the hearing shall be published in a newspaper having general circulation in the city at least ten (10) calendar days prior to the hearing and shall contain the text of the petition. As provided by section 9-39, the city council shall take the necessary steps to submit to the voters of the city the ordinance proposed in the petition; provided that, in the case of the "people's veto" referendum, the entire repeal by the city council of the ordinance sought to be referred and, in the case of the initiative, the passage by the city council of the desired ordinance shall put an end to all proceedings under the petition. (Code 1968, § 102.1; Ord. No. 349-75, 6-16-75; Ord. No. 508-81, §§ 1, 2, 2-2-81; Ord. No. 262-91, 3-4-91)

**Sec. 9-37. Form of petition.**

(a) *Form.* The petition used to originate the initiative or the "people's veto" referendum shall be substantially in the following form on paper of uniform size with as many individual sheets as reasonably necessary:

PETITION TO THE CITY COUNCIL

For the Submission to the People of the Question

Shall the proposed ordinance, a copy and summary of which is printed hereon or attached hereto, be adopted/repealed (as applicable)?

We, the undersigned, being duly qualified voters of the City of Portland residing respectively at the addresses placed opposite our names, hereby petition the city council to submit the foregoing question to the voters of the City of Portland.

Signature	Printed Name	Residence (Street Address)	Date

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date of Issuance of Petition

(To be filled in by city clerk as original date of issuance of petition for signatures.)

Each signature must be in ink or other indelible instrument and must be followed by the printed name and the residence of the voter with street and number and the date of signing.

(b) *Ordinance and summary.* At the time of submitting the proposed ordinance, the petitioners must submit a summary to accompany the proposed ordinance on the petition. The summary shall clearly and objectively describe the content of the proposal and shall be written in words with common and everyday meaning. The summary shall not contain language designed to promote or oppose the proposal. In the event sufficient signatures are obtained to submit the ordinance to the voters, the summary included on the petition shall accompany the title and text of the ordinance on the ballot, except as otherwise provided in section 9-41(b) below.

(c) *Circulator verification.* Each petition form shall have printed on its back an affidavit, which shall be executed by the

circulator stating:

- (1) That the circulator personally circulated the form;
- (2) The number of signatures on that petition form and that all the signatures were signed in the circulator's presence; and
- (3) That the circulator believes them to be genuine signatures of the persons whose names they purport to be.

Signatures on the petition shall be verified pursuant to the same standards applicable to state initiative and "people's veto" referendum petitions pursuant to 21-A M.R.S.A., § 901 et seq., except that each petitioner must be a registered voter of the city at the time of signing the petition.

(Code 1968, § 102.2; Ord. No. 262-91, 3-4-91; Ord. No. 101-06/07, 11-20-06)

#### **Sec. 9-38. Effect of petition.**

Whenever there has been filed with the clerk a petition, which is facially valid with at least one thousand five hundred (1,500) signatures, for the reference to the people of any ordinance passed by the city council, which ordinance has not yet gone into effect, i.e. the "people's veto" petition, such ordinance shall be suspended from going into operation until it has either been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on the question or the petition, after opportunity for amendment and inspection, [or] has been found to be insufficient; whichever occurs first. In the event the required number of signatures are not obtained prior to the date when such ordinance goes into effect, such petition shall be null and void. Once an enacted ordinance has gone into effect, it shall be amended or repealed only through the initiative process.

(Code 1968, § 102.3; Ord. No. 262-91, 3-4-91)

#### **Sec. 9-39. Time of election.**

At the first regular council meeting held after the public hearing, the city council shall set a time for the holding of a special election at which the ordinance shall be submitted to the voters of the city, which special election shall be held not less than sixty (60) nor more than one hundred fifty (150) calendar days after such council meeting; provided that, if the next regularly scheduled election falls within no less than sixty (60) and no more than one hundred eighty (180) calendar days of such council

meeting, no special election shall be called, but the question shall be submitted at the regular election.

(Code 1968, § 102.4; Ord. No. 262-91, 3-4-91)

**Sec. 9-40. Publication of ordinance.**

(a) *Publication.* Whenever any ordinance is required by the provisions of this article to be submitted to the voters of the city at any election, the city council must order one (1) publication of the complete title, text and summary thereof to be made in one (1) or more newspapers of the city, such publication to be made not less than ten (10) calendar days nor more than twenty (20) calendar days prior to the election.

(b) *Posting.* In addition to the foregoing, a copy of the complete title, text and summary of the ordinance to be submitted shall be posted in the city clerk's office at least fourteen (14) calendar days prior to the date of the election. In addition to the foregoing, a copy of the complete title, text and summary of the ordinance submitted to the voters shall be posted at each polling place on election day.

(Code 1968, § 102.5; Ord. No. 262-91, 3-4-91)

**Sec. 9-41. Form of ballot.**

(a) *In general.* The ballot shall contain the full title and text of the proposed ordinance and the summary included on the petition, except as provided below.

(b) *Title and summary only.* At any point in the process after a petition has been certified as sufficient but no less than sixty (60) calendar days prior to the election, the city clerk shall report to the city council if he or she determines that it is not reasonably possible to reproduce the full text and summary of the proposed ordinance on the ballot. In such case, the summary provided with the petition shall accompany the title on the ballot in place of the full text.

(c) *Wording of questions.* Ballots for a vote on an initiative or "people's veto" referendum question shall set out the question to be voted upon in the following form:

- (1) With respect to an initiative question, the question shall be presented to the voters substantially as follows: "Do you favor the change in the city ordinance(s) proposed by citizen petition as provided

below?"

- (2) With respect to a "people's veto" question, the question shall be presented to the voters substantially as follows: "Do you favor repealing the city ordinance(s) enacted by the city council on (insert date)?"
- (3) In the event that the city council adopts a competing measure to an initiated ordinance, the questions shall be presented to the voters substantially as follows: "Do you favor one (1) of the two (2) city ordinances set forth below: `A' as proposed by citizen petition; `B' as enacted by the city council; or should both be rejected as provided in `C'?"

(Code 1968, § 102.6; Ord. No. 262-91, 3-4-91)

#### **Sec. 9-42. Result of election**

If a majority of the qualified voters voting on a proposed initiative ordinance or a referred ordinance shall vote in favor thereof, such ordinance shall take effect thirty (30) calendar days after the declaration of the official canvass of the return of such election. Notwithstanding the foregoing, such effective date shall not be deemed to prohibit a retroactive effective date of an initiated ordinance, to the extent permitted by law, if such retroactive date is specifically provided for in the petition and/or the question approved by the voters. Any such date in the petition shall be included in the question on the ballot. Such retroactive date shall not be earlier than the date of filing of the affidavit originating the petition which is finally submitted to the voters, if any.

(Code 1968, § 102.7; Ord. No. 262-91, 3-4-91)

#### **Sec. 9-43. Conflicting ordinances.**

Any number of proposed or referred ordinances may be voted upon at the same election. If two (2) or more ordinances adopted at the same election contain conflicting provisions, the ordinance receiving the highest number of votes at such election shall be paramount, and all questions of construction shall be determined accordingly.

(Code 1968, § 102.8; Ord. No. 262-91, 3-4-91)

#### **Sec. 9-44. Order upon ballot.**

If two (2) or more ordinances are submitted at the same

election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

(Code 1968, § 102.9; Ord. No. 262-91, 3-4-91)

**Sec. 9-45. City council may initiate ordinance.**

The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance (except as otherwise provided in section 9-36(b) above) to be voted upon at any regular or special municipal election, and should such proposition receive a majority of the votes cast thereon at any election, such ordinance shall be enacted, repealed or amended accordingly.

In the event the council submits a proposition to the voters hereunder, it shall provide a summary to accompany the full title and text. Such summary shall clearly and objectively describe the content of the proposition and shall be written in words with common and everyday meaning. The summary shall not contain language designed to promote or oppose the proposition. The ballot shall contain the full title, text and summary of the proposition except as otherwise provided in section 9-41. The complete title, text and summary of the proposition shall be published and posted prior to the election as provided in section 9-40.

(Code 1968, § 102.10; Ord. No. 262-91, 3-4-91)

**Sec. 9-46. Repeal or amendment of ordinance.**

An ordinance enacted by a vote of the people at an initiative or referendum election shall not be repealed or amended for a period of five (5) years from the effective date of the ordinance, except by a vote of the people, unless such ordinance shall otherwise expressly provide. After five (5) years from the effective date of the ordinance, the city council after public hearing may repeal or amend such ordinance by vote of five (5) of its members.

(Code 1968, § 102.11; Ord. No. 262-91, 3-4-91)

**Sec. 9-47. Public hearing.**

Whenever a public hearing is required to be held in accordance with the provisions of this article, notice of the time, place and purpose of the hearing shall be published in one (1) of the newspapers of the city, such publication to be not less than ten

(10) calendar days nor more than twenty (20) calendar days prior to the date of the hearing.

(Code 1968, § 102.12; Ord. No. 262-91, 3-4-91)

**Sec. 9-48. Polling places.**

The number of voting or polling places in any election shall be at least the number of voting places in each city council district as used in the June 10, 2008 election. The city council may consolidate voting places only in accordance with the provisions of 21-A M.R.S.A. § 631-A, after public notice and hearing, and consolidation shall be made only upon a specific finding that the voter turnout in the election is likely to be unusually small, as in the case of a special election for Portland Water District Trustee. There shall be no consolidation of voting places in any election where any state or federal office is to be filled, or in any state wide referendum.

(Ord. No. 25-A, 8-18-08)

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**\*Editor's Note:** This ordinance preserves or restores the number of voting places prior to the planned reduction in voting places based on cuts adopted in the FY'09 budget.

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**Sec. 9-49. Reserved.**

**Sec. 9-50. Reserved.**

**ARTICLE IV. PEAKS ISLAND COUNCIL**

**Sec. 9-51. Formation of council.**

(a) *Purpose.* In order to provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide such input to the members of the Portland city council, there is hereby established the Peaks Island council.

(b) *Members.* The Peaks Island council shall consist of seven (7) voting members elected at large from and by the duly registered voters of Peaks Island, beginning at the regular municipal election in November, 2007 and each regular municipal election in November thereafter. In 2007 two members shall be elected for a term of one year, two members shall be elected for a term of two years, and three members shall be elected for a term of three years with the initial terms being based on the

number of votes received by each candidate, such that those candidates receiving the highest number of votes will win the longest terms. At the expiration of each initial term, subsequent terms shall be for a period of three years. Each member shall serve without compensation.

(c) *Terms.* The terms of each member shall run from the date of the inaugural meeting for three (3) full years, except as provided above for the initial terms. Members shall be sworn into their positions on the same day as members of the city council and shall serve until a successor is elected and qualified.

(d) The district 1 city councilor and school committee member shall be ex-officio non-voting members of the Peaks Island council and attend its regular meetings. If they cannot attend a meeting they shall designate an alternate to attend.  
(Ord. No. 16-07/08, 7-16-07)

**Sec. 9-52. Nomination of members.**

(a) *Petitions.* The nominations of all candidates for elective offices for membership on the Peaks Island council shall be by written petition to be provided by the city clerk, in substantially the same form as the petition for at-large candidates for the city council as provided in article IV of the city charter. Said petition shall be signed by not less than fifty (50) Peaks Island residents who are registered voters on the island nor more than one hundred (100) such voters. All candidates must be residents of Peaks Island for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed.

(b) *Signatures.* The signatures to nomination petitions need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or other description sufficient to identify the same.

(c) *Filing.* The city clerk shall make nomination petitions available to the candidates one hundred and twenty

(120) days prior to the election except that in 2007 the petitions shall be made available one hundred and twelve (112) days prior to the election. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than seventy-eight (78) nor later than sixty-four (64) days before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of said nomination petitions and consent, once filed may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by the city charter.

(Ord. No. 16-07/08, 7-16-07)

#### **Sec. 9-53. Election.**

(a) The city clerk shall provide specimen ballots, absentee ballots and ballots for election of the members of the Peaks Island council in substantially the same form and at the same time as those for members of the city council. All voting shall take place in the regular polling place for registered voters on Peaks Island and the election, count of the ballots and canvass of returns shall be administered by the city clerk in the same manner as provided by city charter for members of the city council. Any dispute as to election results shall be resolved by the city clerk using the same standards provided by city charter and state law for disputed municipal elections, and the decision of the city clerk shall be final and shall not be appealable to court or any other entity.

(b) Following the declaration of the election results by the city clerk, the successful candidates shall be sworn in by the city clerk on or before the inaugural meeting of the Peaks Island council.

(Ord. No. 16-07/08, 7-16-07)

#### **Sec. 9-54. Powers and duties.**

(a) *Authority.* The Peaks Island council may exercise any powers and perform any functions on Peaks Island including but not limited to:

- (1) Advisory or delegated substantive authority, or both, to hold public hearings, gather community input and make recommendations to the city council with respect to such programs as transportation initiatives and parking, community action programs, construction, expansion, location or relocations of public facilities, proposed public works projects, planning and zoning actions, fire safety, crime prevention and juvenile delinquency programs, health services, code inspection and city-sponsored recreational programs, law enforcement, harbor control and management, and education;
- (2) Self-help projects, (such as supplemental refuse collection, beautification) fundraising for local improvements or events and similar volunteer efforts;
- (3) Participation in the selection of the island/neighborhood liaison, and Peaks Island representatives on the island advisory committee, and the island coalition;
- (4) Recommendations for the allocation of funds designated or appropriated by the city or received from other sources for transportation or parking initiatives or other purposes;
- (5) Control and spend funds designated or appropriated by the city or received from other services for the operation of the Peaks Island council or its programs;
- (6) Recommendations for ordinance amendments; and
- (7) Creation of such subcommittees as it deems necessary.

(b) *Regular agenda item.* The city council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island council. City council votes on such recommendations shall be carried out in the same manner as votes on other matters on the city council agenda.

(Ord. No. 16-07/08, 7-16-07)

**Sec. 9-55. Procedure of Peaks Island council.**

(a) *Inaugural meetings.* In 2007 the inaugural meeting of the Peaks Island council shall be held on the first Tuesday following the election at 7:00 p.m. at the Peaks Island elementary school. In subsequent years the date, time and place of the meeting shall be established by the written rules adopted by the Peaks Island council.

(b) *Regular meetings.* The Peaks Island council shall meet at least once every month. The time, date and place of such regular meeting shall be established by written rules of Peaks Island council to be adopted no later than December 15 of each year. Notice of meetings shall be advertised on the city of Portland calendar and shall be posted in at least two public places on Peaks Island.

(c) *Special meetings.* Special meetings may be called by the chairperson, and in case of his or her absence, disability, or refusal may be called by a majority of the members of the council. Notice of such meeting shall be served in person or left at the residence of each member of the council and posted in at least two public places on Peaks Island at least seventy-two (72) hours before the time for holding said special meeting.

(d) *Quorum.* Four (4) members shall constitute a quorum for the transaction of business and is authorized to transact business at all times, including when there is a vacancy on the council. Final passage of any item shall require four (4) affirmative votes. All votes and actions taken by the Peaks Island council shall be transmitted in a timely manner to the city council, but shall not bind the citizenry or the city council and shall not be enforceable against any person in the courts of the state unless and until adopted by the city council. Such Peaks Island council actions shall not be considered final governmental action for purposes of appeal to court under Rule 80B or any successor rule or statute.

(e) *Rules.* Unless a contrary rule is adopted by the Peaks Island council in writing, the meetings of the Peaks Island council shall be governed by Roberts Rules of Procedure.

(f) *Chairperson.* A member of the Peaks Island council shall be selected annually at the inaugural meeting by a vote of not less than four (4) members to serve as chairperson of the meetings and to rule on procedural issues which may arise. In the event of vacancy in the position of chairperson a chairperson pro tem shall be elected to serve for the duration of the

chairperson's term by no less than four (4) votes of the remaining members. IF the chairperson is unable to attend a meeting for reasons that do not create a vacancy, the chairperson may designate an acting chairperson for that meeting.

(g) *Vacancies.* A vacancy in the membership of the Peaks Island council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the island; (4) the conviction of a member of a felony while in office; or (5) the recall of a member pursuant to any provision for recall established by the council. The Peaks Island council shall declare a vacancy in its membership to exist upon the failure of a member to attend any three (3) consecutive regular meetings of the council, or at least forty (40%) percent of the regular meetings of the council held in any one calendar year unless said member shall be excused (by a vote of at least four (4) other members) for health reasons or other good cause.

A member may in writing addressed to the Peaks Island council resign his or her office effective at a future date specified in said written resignation. Once submitted to the council, said resignation may not be withdrawn, and said member's office shall become vacant on said specified future date.

If a vacancy in the membership of the Peaks Island council occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than one hundred and twenty (120) days after the date the vacancy occurs or is declared unless the city council, by a vote of six (6) of its members, calls a special election on an earlier date following a request from the Peaks Island council. The notice of election for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty. Such election shall be called and held and nominations made as in other elections.

When a vacancy occurs, the Peaks Island council may appoint an interim councilor, who shall be sworn into office and who shall serve with full powers and duties until a successor is elected as provided above and sworn into office.  
(Ord. No. 16-07/08, 7-16-07; Ord. No. 139-09/10, 1-4-10, emergency enacted)

**Sec. 9-56. Effective date.**

This ordinance shall go into effect on July 17, 2007.

- Sec. 9-57. Reserved.**
- Sec. 9-58. Reserved.**
- Sec. 9-59. Reserved.**
- Sec. 9-60. Reserved.**