

ARTICLE V ORDINANCES

5-1 INTRODUCTION

An ordinance may be introduced by any Town Councilor at any regular or special meeting of the Town Council. Upon introduction of any ordinance, the Town Manager shall distribute a copy to each Town Councilor and the Town Clerk, shall file a reasonable number of copies in the office of the Town Manager, and shall post a copy in at least two (2) other public venues as the Town Council may designate.

5-2 FORM

Every proposed ordinance of the Town Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject. Each ordinance shall be identified by a number and a title. The enacting clause shall be "The Town of Merrimack ordains..."

Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.

5-3 PUBLIC NOTICE

After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least seven (7) calendar days.

Publication for purposes of this Section shall mean the publication of a notice in any paper distributed in the Town of Merrimack as well as the posting of the notice in at least two (2) other public venues as the Town Council may designate, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.

Final action on said ordinance shall not be taken by the Town Council until at least seven (7) calendar days after the public hearing on it.

5-4 ADOPTION

No ordinance shall be passed finally on the date on which it is introduced, except in cases of emergency involving the health or safety of the people or their property. Every adopted ordinance, except as otherwise provided by this Charter, shall become effective upon passage or at any later date specified therein.

No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this Charter, or as provided in the initiative and referendum procedures of this Charter.

5-5 EMERGENCY ORDINANCES

A. Legal Subject Matter

Notwithstanding other provisions of this Charter to meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services, or authorize the borrowing of money, except as provided in Article 8-4 (P) of this Charter.

B. Introduction

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.

C. Adoption

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced but an affirmative vote of five (5) Councilors shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

D. Enactment

An emergency ordinance shall become effective upon adoption. Every emergency ordinance, except one made pursuant to Article 8-4 (P) of this Charter, shall automatically stand repealed as of the sixty-first (61) 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.

E. Repeal of Emergency Ordinances

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.

5-6 RECORDING

A. Recording

All ordinances, including any amendments thereto, shall be recorded in full, uniformly, and permanently, by the Town Clerk. Each ordinance so recorded shall be authenticated by affixing the signatures of the Town Council Chair and the Town Clerk, and the Town Seal, and kept on file in the office of the Town Clerk.

B. Indexing, Printing, Publication and Maintenance

The Town Clerk shall be responsible for the systematic indexing, printing, publication, and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public, and the Town Clerk may charge a fee to defray the printing costs.

C. Revision or Codification

The Town Council, not later than eighteen (18) months after taking office under this Charter, and at least every fifth (5th) year thereafter, shall have prepared a revision or codification of the ordinances of the Town which are appropriate for continuation as local laws of the Town.