

ARTICLE X CITIZEN INITIATIVES

10-1 CITIZEN CONCERNS

The Council shall establish rules for residents to address the Council at regular and other meetings. The Council shall provide a minimum time for individuals to address the Council and the total time that the Council will hear concerns or proposals at each meeting. The rules shall be reviewed annually.

A. Individual Petitions, Action Discretionary

The Town Council shall receive all petitions which are addressed to them and signed by a registered voter and may, in their discretion, take such action in regard to such petitions as they deem necessary and appropriate.

B. Group Petitions, Action Required

The Town Council shall hold a public hearing and act by taking a vote on the merits of every petition which concerns a matter in which the town is empowered to act; which is addressed to it; and which is signed by at least fifty (50) registered voters. The hearing shall be held by the Town Council, or by a committee or subcommittee thereof, and the action by the Town Council shall be taken not later than sixty (60) days after the petition is filed with the Town Manager. Hearings on two (2) or more petitions filed under this Section may be held at the same time and place. The Town Manager shall mail notice of the hearing to ten (10) petitioners whose names first appear on each petition at least seven (7) days before the hearing. Notice shall be given by Publication, as defined in Article 5-3, of a summary of the contents of a petition at least seven (7) days prior to all such hearings, at public expense. No hearing shall be held upon more than one (1) petition containing the same subject matter in any twelve (12) month period. No action by the Town Council under this Section shall be required in the case of any petition to suspend the implementation of an adopted budget or enacting a land use regulation.

10-2 INITIATIVE PETITIONS

The registered voters of the Town shall have the power to propose measures to the Council.

A. Commencement of Proceedings

Initiative procedures shall be started by the filing of an initiative petition with the Town Manager. The petition shall be addressed to the Town Council, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by 500 registered voters.

Signatures to an initiative petition need not be all in one (1) paper. All such papers pertaining to any one (1) measure shall be fastened together and shall be filed in the office of the Town Manager as one instrument, with the endorsement thereon of the names and addresses of the persons designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any. Within seven (7) days after the filing of an initiative petition, the Town Clerk shall ascertain by what number of registered voters the petition is signed, and shall attach thereto a certificate showing the result of such examination.

The Town Manager shall forthwith transmit the certificate with the petition to the Town Council and at the same time shall send a copy of the certificate to the first person designated on the petition as filing the same. When such certificate establishes that the petition appears to have been signed by the requisite number of registered voters, the petition shall be deemed to

contain requisite signatures unless written objections are made with regard to the signatures thereon by a registered voter within seven (7) days after such certificate has been issued, by filing such objections with the Town Council and a copy thereof with the Town Clerk. The validity of any such objection shall be determined by the Town Council at their next regular meeting.

B. Requirements for Passage and Submission to Electorate

If the Town Council determines that the petition contains the requisite signatures of registered voters, and the petitioned initiative measure may lawfully be passed by the Town Council, the Town Council shall hold a public hearing within twenty (20) days after the petition has been finally determined to be sufficient and:

- (1) pass the measure without alteration; or
- (2) schedule a special Town election. The first session of the special election shall be scheduled within thirty-five (35) days of the Council's final action and is to be conducted in accordance with the provisions of Article 8-4, O of this Charter. However, if any other Town election is to occur within ninety (90) days after the petition has finally been determined to be sufficient, the Town Council may omit a special election and submit the measure to a vote at such other Town election.

The ballot presenting an initiative measure shall state the nature of the measure in terms sufficient to communicate the substance thereof. The question shall be whether the initiative measure should be adopted.

10-3 REFERENDUM PETITIONS

The registered voters of the Town shall have the power to require reconsideration by the Council of any adopted measure.

A. Commencement of Proceedings

Referendum petitions must be filed with the Town Manager within thirty (30) days after adoption by the Town Council of the measure or part thereof protested by the petition. Referendum petitions shall identify specifically the measure or part thereof protested and must be signed by no less than 1250 registered voters. The procedures of Section 10-2 (B) shall apply to referendum petitions except that the words "measure or part thereof protested" shall, for this purpose, replace the word "measure" in the said Section whenever it may occur; and the word "referendum" shall replace the word "initiative"; and the word "repeal" shall replace the word "passage" in said Section.

B. Suspension of Effect of Measure or Part Thereof Protested

When a referendum petition is filed with the Town Manager, the measure or part thereof protested shall be suspended from taking effect, except for emergency ordinances adopted under Article 5-5 of this Charter or ordinances adopting a budget or land use regulation, which shall not be subject to suspension. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The filers of the petition withdraw it; or
- (3) After certification of the Town's vote on the measure or part thereof protested.

C. Action on Petition

When a referendum petition has been finally determined to be sufficient, the Town Council shall reconsider the protested measure or part thereof by voting whether to repeal it. If the Town Council fails to repeal the protested measure or part thereof within thirty (30) days after the day the petition was finally declared sufficient, the Town Council shall submit the protested measure or part thereof to a vote of the Town at a special Town election to be held on a date fixed by the Town Council. The first session of the special election shall be scheduled within thirty-five (35) days after the Town Council's final vote on repeal. The special election shall be conducted in accordance with the provisions of Article 8-4, O of this Charter. However, if any other Town election is to occur within ninety (90) days after the Town Council's vote on repeal, the Town Council may omit a special election and submit the protested measure or part thereof to a vote at such other Town election.

The ballot presenting a referendum measure under this Section shall state the nature of the protested measure or part thereof in terms sufficient to communicate its substance. The question shall be whether the referendum measure should be repealed.

10-4 SUBMISSION OF PROPOSED MEASURE TO THE VOTERS

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special Town election.

10-5 MEASURES WITH CONFLICTING PROVISIONS

If two (2) or more proposed measures passed at the same election contain conflicting provisions, only the one (1) receiving the greater number of affirmative votes shall take effect.