

## **Chapter 2**

### **ADMINISTRATION\***

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### ARTICLE I. IN GENERAL

#### Sec. 2-1. Seal described.

The corporate seal shall be a circular disc with the words "Lewiston, Incorporated 1795" and "Became a City 1863" on the periphery, and shall be as follows:



City Seal

(Code 1982, § 2-1)

#### Sec. 2-2. Preservation of records.

Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing such records. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the local government records board.

(Code 1982, § 2-2)

**State law references:** Municipal Records Law, 30-A M.R.S.A. § 1704 et seq.

#### Sec. 2-3. Lettering required on official vehicles.

- (a) All motor vehicles, namely automobiles, cars, trucks, trailers and the like, owned and operated for and by the city shall bear on both the right and left doors or on both the right and left sides of the vehicle, painted letters designating that such vehicles are the city's property, except for certain vehicles used by the city police department and the city administrator.
- (b) Each of the vehicles referred to in subsection (a) of this section shall be lettered by the appropriate words designating which particular department or agency of the city operates such vehicle.
- (c) Each of the vehicles referred to in subsection (a) of this section shall bear the words "for official use only."

(Code 1982, § 2-4)

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### **Sec. 2-4. Council may enter into mutual aid pacts.**

The city, by and through the city council, may enter into mutual aid pacts with surrounding municipalities which would regulate the activities described in section 2-5 of this Code.

(Code 1982, § 2-5)

### **Sec. 2-5. Authority of police or fire departments to assist other municipalities.**

The chief of the police department or the chief of the fire department with the officer in charge of the respective department is authorized to issue such orders as may be necessary for the use of city police or fire department personnel outside the boundaries of the city and to direct such personnel to place themselves under the operational control of the superior officer in charge of the police or fire department of the city or town requesting assistance from this city.

(Code 1982, § 2-6)

### **Sec. 2-6. Form of bond, approval required.**

The bonds issued in behalf of the city may be either coupon or registered. The form of the bond shall be any particular bond in general use as may be recommended by the fiscal agent employed by the city to handle the particular bond issue. The form of the bond, however, shall be subject to the approval of the council.

(Code 1982, § 2-28)

**Charter references:** Bond issues, § 6.14.

### **Sec. 2-7. Signatures required on bonds.**

All notes and bonds given in behalf of the city shall be signed by the treasurer and by the mayor, or if the mayor is absent or fails to sign such bonds, by any member of the council when duly authorized by such council, and the coupons attached to such bonds shall be signed by the treasurer or shall have his lithographed or facsimile signature thereon and a copy of the same attested by the treasurer and the mayor or president of the council as provided in this section, together with the date of the resolution of the council by the authority of which such notes or bonds are given, shall be preserved in the treasurer's office in a book kept for that purpose.

(Code 1982, § 2-9)

**Charter references:** Temporary borrowing of money, § 6.13; bond issues, § 6.14.

### **Sec. 2-8. Notice of meetings.**

Notice of the time and place of all meetings of the city council and of all city boards and commissions shall be kept conspicuously posted in the city hall.

(Code 1982, § 2-11)

Secs. 2-9--2-30. Reserved.

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## ARTICLE II. CITY COUNCIL

### DIVISION 1. GENERALLY

#### **Sec. 2-31. Council action on budget increase.**

The percent budget increase, beginning in fiscal year 1985, when compared to the preceding fiscal year budget, shall not exceed the percent increase of the Gross National Product-Implicit Price Deflator (Source: Survey of Current Business, Department of Labor) as compiled for the 12-month period ending September 30 of the previous year.

(Code 1982, §§ 2-12, 2-13; Ord. No. 95-17, 11-8-95)

#### **Sec. 2-32. Alternative financing.**

Financing of the purchase, acquisition or development of real estate or the construction of buildings, of more than ten years, shall be subject to article VI, section 6.14, of the Charter.

(Code 1982, § 2-14)

#### **Sec. 2-33. Public notice.**

Whenever by statute or ordinance, general public notice or individualized notice is required to be given by the municipal officers, except where the statute or ordinance expressly requires such notice to be given upon vote of the municipal officers, the city clerk is authorized to effectuate such notice on behalf of the municipal officers. Whenever an item or matter is requested by a city councilor, the mayor or city administrator to be placed upon the agenda of the city council, the city clerk shall take such steps as are reasonably necessary to post or otherwise provide timely notice of such item or matter to the public and to parties who are by statute or ordinance entitled to notice.

(Ord. No. 02-18, 10-17-02)

#### **Sec. 2-34. Council action on bond issue authorization.**

The amount of debt to be authorized for issuance, in any fiscal year, shall not exceed 80% of the average amount of annual debt being retired over the 3 previous fiscal years unless the debt is financed through sources other than general property taxes, such as Tax Increment Financing, State or Federal subsidy opportunities or enterprise funds which are paid from user fees.

(Ord. No. 09-04, 10-22-09; Ord. No. 11-14, 01-19-12)

#### **Sec. 2-35. Exception.**

When deemed necessary by the City Council, the provisions of section 2-34 may be waived by five votes of the City Council.

(Ord. No. 09-04, 10-22-09)



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### **Sec. 2-36. Unassigned fund balance.**

Unassigned Fund Balance is that portion of the City's resources which cannot be properly classified in one of the other four categories of fund balance as established by Generally Accepted Accounting Principles. The other four categories are: non-spendable; restricted; committed; and assigned. (Ord. No. 11-05, 08-18-11)

### **Sec. 2-37. Target amounts.**

The City shall seek to maintain a targeted minimum unassigned fund balance in the General Fund of 8% of general fund revenues and a targeted maximum of 12% of said revenues to be measured on a Generally Accepted Accounting Principles basis. (Ord. No. 11-05, 08-18-11)

### **Sec. 2-38 Use of unassigned fund balance.**

Five affirmative votes of the City Council shall be required to approve any action that temporarily reduces unassigned fund balance below the minimum target level. Amounts in excess of the targeted maximum of 12% of unassigned fund balance may be used in accordance with a policy adopted by the City Council. (Ord. No. 11-05, 08-18-11)

Secs. 2-39--2-45. Reserved.

## DIVISION 2. INVESTIGATIONS\*

### **Sec. 2-46. Institution of investigation proceedings.**

Investigative proceedings may be instituted under this article by adoption of a resolution at a regular meeting of the city council in accordance with section 2.09 of the Charter. The resolution which institutes investigation proceedings shall:

- (1) State the name of the department, office or agency against whom the proceedings are to be instituted;
- (2) Enumerate one or more of the grounds as a basis for institution of the proceedings;
- (3) Name the person or persons who will be conducting the investigation; and
- (4) Set a date for a hearing on the charges, which date shall not be less than 30 nor more than 60 days from the date of the resolution.

(Code 1982, § 2-601)

### **Sec. 2-47. Instituting investigation; report.**

Upon the adoption of a resolution instituting investigation proceedings, the person or persons named in section 2-46(3) shall investigate all alleged grounds and shall prepare a written report thereon. The report shall include the names of all witnesses available to testify at the hearing and shall set forth the matters which are expected to be proven. Copies of the report shall be provided to the city clerk, all members of the city council, the city administrator and the head

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of the department, office or agency being investigated at least seven days prior to the hearing.

(Code 1982, § 2-602)

### **Sec. 2-48. Notice.**

The city clerk shall publish a notice of the hearing under this division in a newspaper of general circulation in the city at least seven days in advance of the investigative hearing.

(Code 1982, § 2-603)

### **Sec. 2-49. Presiding officer.**

The mayor shall be the presiding officer in all investigative proceedings under this division, except in cases wherein the mayor's office is being investigated. In those cases wherein the mayor's office is being investigated, then the council president shall be the presiding officer. The presiding officer shall have authority to compel employees to testify and to produce books, papers, titles or documents in their possession which may be necessary to the matter or matters under investigation.

(Code 1982, § 2-604)

### **Sec. 2-50. Conduct of hearing.**

The presiding officer shall preside at hearings held pursuant to the provisions of this division, and he shall administer the oath to all witnesses, rule on the admissibility of evidence, set the order for the hearing and maintain order throughout. The city attorney, or other counsel named by the city council if the department of law is being investigated, shall act as prosecutor and shall conduct the examination of all witnesses. The head of the department, office or agency being investigated may be represented by counsel, may cross examine all witnesses, and may present witnesses of his own. No formal rules of evidence need be followed, and the ruling of the presiding officer shall be final, unless overruled by a majority of those council members constituting the hearing panel. No person shall refuse to obey a lawful order of the presiding officer given during the course of the hearing.

(Code 1982, § 2-605)

### **Sec. 2-51. Witnesses.**

Witnesses who are compelled to give testimony at a hearing under this division shall be entitled to the same privileges and immunities as are allowed witnesses in civil cases before the courts.

(Code 1982, § 2-606)

### **Sec. 2-52. Deliberation.**

At the conclusion of the evidence, the council members who are conducting the hearing under this division shall meet in closed session for a discussion of the merits of the investigation. Following the closed session, the council shall be reconvened for the purpose of introducing and acting upon a resolution, which shall be prepared by the prosecutor named in section 2-50. The resolution shall outline the findings of the council and action, if any, to be taken as a result of the

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investigation. No such resolution shall be adopted except upon the concurring vote of five members of the council.

(Code 1982, § 2-607)

### **Sec. 2-53. Record of hearings.**

A verbatim record shall be made of all hearings held pursuant to this article.

(Code 1982, § 2-608) \*Charter references: Investigations, § 2.09.

Secs. 2-54--2-75. Reserved.

## ARTICLE III. OFFICERS AND EMPLOYEES\*

### DIVISION 1. GENERALLY

#### **Sec. 2-76. Salaries of elected and appointed officials.**

Elected and appointed officials shall receive the following annual salaries, payable monthly:

- (1) *Mayor.* The mayor shall receive an annual salary of \$4,500.00, payable monthly.
- (2) *City council.* Each of the councilors shall receive an annual salary of \$2,700.00, payable monthly.
- (3) *School committee.* Each member of the school committee shall receive a salary at the rate of \$1,200.00 per year, payable monthly.
- (4) *Planning board.* Each member of the planning board shall receive a salary at the rate of \$600.00 per year, payable monthly.
- (5) *Board of appeals.* Each member of the board of appeals shall receive a salary at the rate of \$600.00 per year, payable monthly.
- (6) *Personnel board.* Each member of the personnel board shall receive a salary at the rate of \$600.00 per year, payable monthly.

(Code 1982, § 2-15; Ord. No. 11-13, 12-15-11) \*Cross references: Personnel, ch. 58.

#### **Sec. 2-77. Conflict of interest.**

The city shall not enter into any contract for the purchase or sale of goods, labor or services with an elected or appointed official, officer or employee of the city who has a ten percent or greater financial interest in the transaction or in the company or corporation which he represents, except when the purchase or sale is through a competitive bid process with a minimum of one other person participating, providing that, in the event that the nature of the goods, labor or services are such that, but for the provisions of this section, the finance committee, acting pursuant to the duly adopted purchasing policy, would be authorized to waive competitive bidding, and the official, officer or employee discloses his or her interest and abstains from participating in any official action in connection with the contract, the city may

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proceed to enter into such a contract.

(Code 1982, § 2-10; Ord. No. 00-13, 6-15-00)

### **Sec. 2-78. City employees prohibited from striking.**

No city employee, whether a member of any municipal employee organization or not, shall directly or indirectly participate, assist, cooperate in or consent to any strike, work stoppage, walkout or slow-down against the city.

(Code 1982, § 2-7)

**State law references:** Similar provisions, 26 M.R.S.A. § 964(2)(c).

Secs. 2-79--2-90. Reserved.

## DIVISION 2. CITY ADMINISTRATOR\*

### **Sec. 2-91. Chief executive and general powers.**

The city administrator shall be the chief administrative officer of the city government, shall enforce the laws of the city and require the faithful performance of all administrative duties, and shall, in addition to the powers and duties granted by the Charter:

- (1) Appoint competent, qualified officers and employees to the administrative service and shall have the power to dismiss, suspend and discipline, in accordance with the personnel system, all officers and employees in the administrative service under his control. He shall also have the power to authorize a department head or officer responsible to him to appoint and remove subordinates serving under that department head or officer.
- (2) Designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.
- (3) Prepare and present to the council an annual report of the city's affairs, including a summary of reports of department heads, and such other reports as the council shall require.
- (4) Assemble estimates of the financial needs and resources of the city for each ensuing year, and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and analyses.
- (5) Have the power to assign any employee of the city to any department or branch thereof requiring services appropriate to the personnel system classification of the employee so assigned.
- (6) Have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed, and safeguard those adopted

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by the city council.

- (7) Have the power, either by himself or by any officer or person designated for the purpose by him, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau or office; and when so authorized by the consultants and professional counsel to aid in such investigations, examinations or inquiries.
- (8) Have the power to set aside any action taken by a department head and may supersede him in the functions of his office except in those cases where the authority is specifically vested by state law or ordinance to a particular department or head thereof.
- (9) Have the power to direct any department, division or bureau to perform the work for any other department, division or bureau.
- (10) Have the power to designate from the administrative service such committees and the officers thereof as he shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the city administrator and shall make such recommendation on matters referred to them as they shall find necessary for the best interest of the city.

(Code 1982, § 2-31) \***Charter references:** City administrator generally, art. III.

Secs. 2-92--2-100. Reserved.

## DIVISION 3. CITY CLERK

### **Sec. 2-101. Appointment; residency.**

The city clerk shall be appointed by the city administrator and confirmed by the city council. He 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.

(Code 1982, § 2-76)

### **Sec. 2-102. Recordkeeping; reports; custodian of bonds, other evidence of indebtedness; notice to appointees.**

- (a) The city clerk shall keep full records of the doings of the city council and of the municipal officers. The city clerk shall perform all duties and exercise all powers by law incumbent upon or vested in town and city clerks generally and shall perform such other duties as the city council or the municipal officers may prescribe.
- (b) The city clerk shall:
  - (1) Record in full, uniformly and permanently, all ordinances and shall authenticate such ordinances.
  - (2) Publish, when required, ordinances and resolutions of the council, and all legal notices required by law or ordinance.
  - (3) Prepare, attest and report on the vital statistics of the city.

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- (4) Be charged with the custody of the official bonds of city employees and with the custody of all deeds, mortgages, contracts, judgments, notes, debts and choses in actions.
- (5) Make and keep a record of the qualification of all such city officers as qualify before him and shall require and record certificates from the proper magistrates of the qualification of all such officers as qualify before them.
- (6) Cause all persons appointed to office by the mayor seasonably to be notified of their appointment; seasonably notify each member of the city council of all meetings of the council.
- (7) Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, such notice to be given at least 30 days before such expiration.

(Code 1982, § 2-77) **Charter references:** Clerk to be secretary of council, § 2.08.

### **Sec. 2-103. Duties as to licenses and permits.**

- (a) The city clerk shall countersign and issue all permits and licenses which shall be duly granted and signed by any other officer or board of the city and make and keep a record of such permits and licenses. Any duly authorized license or permit shall be deemed to be properly issued if it shall bear the signature of the city clerk and shall recite the source of its authority.
- (b) The city clerk shall be responsible for the proper administration and issuance of all licenses required by state law.

(Code 1982, § 2-78)

### **Sec. 2-104. Animal control functions.**

The city clerk shall be responsible for the enforcement of all dog licensing and animal control laws.

(Code 1982, § 2-79) **Cross references:** Animals, ch. 14.

### **Sec. 2-105. Functions as to elections.**

The city clerk shall be the supervisor of all state and municipal elections held in the city, and shall keep and maintain all election records and have custody of all property used in connection with elections. The city clerk shall appoint, subject to confirmation of the council, the chairman of the board of voter registration, and a warden and ward clerk for each of the voting precincts.

(Code 1982, § 2-80) **Charter references:** Elections, art. VII.

### **Sec. 2-106. Custodian of city seal.**

The city clerk shall be the custodian of the seal of the city.

(Code 1982, § 2-82)

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**Secs. 2-107--2-120. Reserved.**

### DIVISION 4. ASSESSOR

**Sec. 2-121. Office created.**

The office of municipal tax assessor is hereby created pursuant to the provisions of 36 M.R.S.A. § 471.

(Code 1982, § 2-61)

**Sec. 2-122. Primary assessing unit.**

Upon city council petition and by order of the state tax assessor, Lewiston, a body corporate and the municipal officers as the governing board, is designated a primary assessing unit pursuant to the provisions of 36 M.R.S.A. § 304.

(Code 1982, § 2-62)

**Sec. 2-123. Appointment.**

The chief assessor shall be appointed by the city administrator and confirmed by the city council.

(Code 1982, § 2-63)

**Sec. 2-124. Qualification.**

No person shall be eligible to perform the duties of a chief assessor of the city, being a primary assessing unit, unless such person shall have been issued a certificate of eligibility by the state tax assessor.

(Code 1982, § 2-64) **State law references:** Similar provisions, 36 M.R.S.A. § 312.

**Sec. 2-125. Tenure.**

- (a) A certified chief assessor shall serve a probationary period of two years. Thereafter, the certified chief assessor shall have tenure and may only be removed as provided in this division.
- (b) A chief assessor having tenure in any primary assessing area, upon moving from another primary assessing area to the city, a primary assessing unit, shall serve a probationary period of no longer than one year, but such probationary period may be waived by agreement of the parties.

(Code 1982, § 2-65) **State law references:** Similar provisions, 36 M.R.S.A. § 313.

**Sec. 2-126. Duties.**

The chief assessor shall supervise the assessor's office and shall:

- (1) Supervise personnel engaged in gathering information for assessment purposes,

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recording and filing information concerning property ownership; measuring and photographing buildings; estimating building replacement costs based on prescribed formulas and pricing schedules, and allowing for depreciation; and analyzing reports of real estate and personal property sales information for purposes of modifying or establishing value-determining factors.

- (2) Prepare all work in connection with assessment of property and the preparation of all assessment and tax rolls and tax notices.
- (3) Discuss values with property owners and explain appraisal methods and local and state laws governing taxation.
- (4) Assist other city departments and offices by providing information which is readily available to the assessors on the public purchase or rental value of real estate.
- (5) Perform all other duties and responsibilities required by statute or ordinance.

(Code 1982, § 2-66)

### **Sec. 2-127. Removal.**

The chief assessor may be removed from office as follows:

- (1) A chief assessor serving a probationary term may be removed by the city administrator upon council confirmation upon 30 days' written notice stating the reason therefor.
- (2) A chief assessor having tenure may be removed for cause by the city administrator upon council confirmation on the form and manner provided in 30-A M.R.S.A. § 2633. The chief assessor shall hold office for an indefinite term unless otherwise specified by contract.
- (3) A chief assessor whose certification is revoked by the state tax assessor shall be immediately removed from office.

(Code 1982, § 2-67) **State law references:** Similar provisions, 36 M.R.S.A. § 314.

### **Secs. 2-128--2-150. Reserved.**

## **ARTICLE IV. BOARDS, COMMISSIONS, COMMITTEES AND BUREAUS\***

### **DIVISION 1. GENERALLY**

#### **Sec. 2-151. Parliamentary procedure.**

- (a) All boards of the city government shall conduct their meetings by parliamentary procedure.
- (b) In all cases where parliamentary procedure questions arise in the conduct of municipal affairs, the newly revised edition of Robert's Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings.



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(Code 1982, § 2-3) \*Charter references: Planning board, § 4.05; school committee, § 5.01.

**Cross references:** Library board of trustees, § 48-21 et seq. \*Charter references: Board of appeals, § 4.06.

**State law references:** Board of appeals, 30-A M.R.S.A. § 2691.

**Secs. 2-152--2-160. Reserved.**

### DIVISION 2. BOARD OF APPEALS\*

#### **Sec. 2-161. Purpose.**

The purpose of this division is to establish the organization, authority and responsibilities of the city board of appeals.

(Code 1982, § 2-516)

#### **Sec. 2-162. Authority.**

The board of appeals is established under authority of article VIII, part 2, of the Maine Constitution.

(Code 1982, § 2-517)

#### **Sec. 2-163. Organization and rules.**

- (a) A quorum necessary to conduct an official meeting of the board of appeals shall consist of at least four members.
- (b) The board shall elect annually a chairperson, and other officers deemed necessary from its membership, and a secretary who need not be a member. All seven members enjoy the same rights and privileges regardless of any board of appeals office that they may hold.
- (c) The chairperson shall call meetings of the board as required. The chairperson shall also call meetings of the board when requested to do so by a majority of the members, the mayor, or the municipal officers.
- (d) The secretary shall maintain a permanent record of all meetings of the board of appeals and all correspondence of the board. The secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board. All records to be maintained or prepared by the secretary are deemed public and may be inspected at reasonable times.
- (e) Except as otherwise provided by the ordinance governing the matter subject to appeal, the following voting requirements shall apply:
  - (1) The concurring vote of at least four members is required to constitute an action on any matter requiring a public hearing.
  - (2) The concurring vote of a majority of the members present at an official meeting is required to constitute an action on any matter not requiring a public hearing.
- (f) No member of the board of appeals shall participate in the hearing or disposition of any matter in which he has an interest. Any questions of whether a member has a conflict of

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interest sufficient to disqualify the member shall be decided by a majority vote of the members presents, except the member whose possible conflict is being examined; where such vote results in a tie, the subject member shall be disqualified.

- (g) The chairperson shall appoint an associate member to act for a full member who is disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The associate member will act for the full member until the appeal(s) is/are heard.
- (h) Upon appointment by the chairperson, an associate member acting for a full member shall enjoy the same rights and privileges as the full members for the duration of appointment.
- (i) Associate members shall attend all scheduled hearings and, if called upon by the chairperson, be prepared to act for a full member.
- (j) The board of appeals may adopt statements of policy, along with its rules of procedure, consistent with the Charter and any applicable ordinance, to enable it to perform its function.
- (k) In addition to other provisions for amending the board's rules of procedure, any rule adopted by the board of appeals relating to the conduct of any hearing may be waived by the chairman upon good cause shown.

(Code 1982, § 2-518; Ord. No. 96-1, 2-22-96)

### **Sec. 2-164. Hearings.**

- (a) Except as otherwise provided by the ordinance governing the matter subject to appeal, all public hearings shall be posted in the office of the city clerk at least seven days before the date of the hearing. The board of appeals, at its discretion, may determine that a given matter is of particular importance or interest to the community such that, in addition to posting as required in this section, it may insert a paid notice of the public hearing in one or more newspapers of general circulation in the city.
- (b) The board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(Code 1982, § 2-519)

### **Sec. 2-165. Record of proceedings; notice of decision.**

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings before the board of appeals, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the planning office and the city clerk within seven days of its decision.

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(Code 1982, § 2-520)

### **Sec. 2-166. Jurisdiction and manner of taking appeals.**

The board of appeals may hear an appeal from a decision, order, rule or failure of any municipal entity to act relating to the following matters, except as otherwise specifically provided for in the ordinance or codes:

- (1) Actions of the director of code enforcement regarding appendix A, zoning, of this Code.
- (2) Actions of the director of code enforcement regarding section 18-26 et seq. of this Code.
- (3) Actions of the electrical inspector regarding chapter 18, article V, of this Code.
- (4) Actions of the director of fire prevention regarding chapter 38, fire protection and prevention, of this Code.
- (5) Actions of the health officer regarding chapter 34.
- (6) Actions of the code official regarding section 18-51 et seq.
- (7) Actions of the city council regarding the issuance of special amusement permits for dancing and entertainment in accordance with section 10-61 et seq.
- (8) Actions of the police chief regarding applications to purchase handguns in accordance with section 50-121 of this Code.
- (9) Any other duty which may be delegated by ordinance or state law.
- (10) Actions of the code enforcement official regarding appendix A to this Code.
- (11) Actions of the Department of Public Service pertaining to requests for the installation or removal of street lighting according to the Streetlight Policy.

Any person who requests a hearing before the board of appeals shall file a written petition for appeals at the office of the director of code enforcement. Unless otherwise required by ordinance or code, the petition shall include a statement of the reason(s) why the petitioner believes the appeal should be granted, the petitioner's proposal of what is intended to be done and, if applicable, a plan of work to be done. The fee for filing an appeal shall be set by the city council on the recommendation of the director of code enforcement.

(Code 1982, § 2-521; Ord. No. 09-06, 12-31-09)

### **Sec. 2-167. Administration.**

The director of code enforcement shall provide for the administration of the affairs of the board of appeals, including preparing agendas and minutes, posting public hearings, handling correspondence, and maintaining all official records.

(Code 1982, § 2-502)

### **Sec. 2-168. Appeals from decisions of board.**

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An appeal may be taken, within 30 days after the decision is rendered by the board of appeals, by any party to superior court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, rule 80B. The hearing before the superior court shall be without a jury. The chairman of the board of appeals shall advise all parties who have been denied an appeal to the board of their rights to a hearing before the superior court. The city attorney shall notify the board of the hearing, be present at the hearing, and represent the city's interest at the hearing.

(Code 1982, § 2-523)

**Secs. 2-169--2-180. Reserved.**

### DIVISION 3. FINANCE COMMITTEE\*

**Sec. 2-181. Purpose.**

The purpose of this division is to establish the organization, authority and responsibilities of the city finance committee.

(Code 1982, § 2-551)

**Sec. 2-182. Authority.**

The finance committee is established under authority of article VIII-A of the Maine Constitution, and section 6.15 of the Charter.

(Code 1982, § 2-552)

**Sec. 2-183. Organization and rules.**

- (a) A quorum necessary to conduct an official meeting of the finance committee shall consist of at least three members and at least three concurring votes shall be necessary to constitute an action on any matter.
- (b) All five members of the finance committee shall enjoy the same rights and privileges regardless of any finance committee office that they may hold.
- (c) The mayor or chairman may call special meetings of the finance committee.
- (d) Any request for a recommendation by the city council shall be acted upon by the finance committee within 30 days of the city council action, except as otherwise provided for by statute or ordinance or unless a longer period is specified by the city council.
- (e) The finance committee may adopt statements of policy, along with its rules of procedure, consistent with the Charter and this division, to enable it to perform its function.
- (f) No member of the finance committee shall participate in the hearing or disposition of any matter in which such member has an interest. Any questions of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined; where such vote results in a tie, the subject member shall be disqualified.

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(Code 1982, § 2-553)

### **Sec. 2-184. Powers and duties.**

- (a) The finance committee shall approve contracts for the purchase of materials and services procured through the competitive bid process in accordance with purchasing ordinances and policies which may be adopted by the city council.
- (b) The finance committee shall require all city officers, agents, appointees and employees whose duties require the receiving, handling or disbursement of monies belonging to the city to give bond to the city in a penal sum and with surety or sureties acceptable to the committee, conditioned for the true accounting for and proper disposition of all such monies. Premium charges for such bonds shall be paid by the city.
- (c) The finance committee, upon receiving the proposed budget and accompanying message from the city administrator, shall review and comment upon the documents and shall seasonably forward its recommendations to the mayor and council and city administrator. In any event, the finance committee shall submit a comprehensive analysis of the budget program no later than May 1 of each fiscal year.
- (d) The city administrator shall refer to the finance committee, no later than January 15, the capital improvement program for its review and comments upon the document. The finance committee shall seasonably forward its recommendations to the mayor and council and city administrator. In any event, the finance committee shall submit a comprehensive analysis of the capital improvement program no later than February 15 of each fiscal year.
- (e) The finance committee shall serve as the pension board of the city pursuant to provisions contained in this chapter.

(Code 1982, § 2-554)

### **Sec. 2-185. Administration.**

The finance director shall be responsible to provide for the administration of the affairs of the finance committee, including preparing agendas and minutes, posting public hearings, handling correspondence, and maintaining all official records.

(Code 1982, § 2-555) \*Charter references: Finance committee, § 6.15.

### **Secs. 2-186--2-195. Reserved.**

## **DIVISION 4. RESERVED**

**Secs. 2-196--2-210. Reserved.** (Energy Saving Committee Repealed Ord. No. 16-10, 11-17-16)

## **DIVISION 5. VOTER REGISTRATION APPEALS BOARD**

### **Sec. 2-211. Purpose.**

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The purpose of this division is to establish the organization, authority and responsibilities of the city voter registration appeals board.

(Code 1982, § 2-576; Ord. No. 95-14, 10-19-95)

### **Sec. 2-212. Authority; powers.**

The voter registration appeals board is established under authority of 21-A M.R.S.A. §§ 103, 104, and shall have all the powers and duties prescribed for voter registration appeals boards by the general law of the state.

(Code 1982, § 2-577; Ord. No. 95-14, 10-19-95)

### **Sec. 2-213. Compensation of members.**

The two regular members of the voter registration appeals board shall receive compensation for each meeting as determined by the city council. The salary of the chairman of the board shall be set by the municipal officers. Members of the board, when employed by the city, shall be paid an hourly rate to be set by the city council.

(Code 1982, § 2-578; Ord. No. 95-14, 10-19-95)

### **Sec. 2-214. Organization; rules.**

- (a) The voter registration appeals board shall meet at such times and places as the chairman of the board may prescribe. Special meetings of the board may be held on the call of the chairman.
- (b) The voter registration appeals board shall, annually and in writing, adopt rules necessary to carry out its proper functions.

(Code 1982, § 2-579; Ord. No. 95-14, 10-19-95)

### **Secs. 2-215--2-219. Reserved.**

## **DIVISION 6. BOARD OF ASSESSMENT REVIEW**

### **Sec. 2-220. Appointment; vacancies.**

There shall be a board of assessment review to consist of five members, who shall be appointed by the mayor to serve for terms as follows: Following adoption of this division, two members shall be appointed to serve for one year; two members shall be appointed to serve for two years, and one member shall be appointed to serve for three years; thereafter all subsequent appointees shall be appointed for a term of three years. Compensation, if any, to such members shall be determined from time to time by resolution of the city council. Vacancies in the membership of the board shall be filled by appointment from the mayor for the unexpired term.

(Ord. No. 96-13, 11-14-96; Ord. No. 07-03, 5-17-07)

### **Sec. 2-221. Qualifications.**

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All members of such board shall be selected upon the basis of their good judgment and knowledge of the subject of taxation, appraisal of property values and shall at the time of their appointment be residents of the city and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident, his office shall thereby become vacant. No elected official of the city shall serve as a member of the board.

(Ord. No. 96-13, 11-14-96)

### **Sec. 2-222. Powers and duties.**

The board of assessment review shall have conferred upon it such powers of review and abatement as are conferred upon boards of assessment review by statute. The board may adopt such rules of procedure, consistent with law, as shall seem appropriate. Such board shall annually choose from its membership a chair and secretary, except that in lieu of one of the members of such board serving as secretary, the council may authorize such board to appoint either a full-time or part-time nonmember secretary and to fix his or her compensation. Such board shall have power within the limits of its budget appropriation to employ such other necessary clerical assistance as may be necessary from time to time in the performance of its duties. The board shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection.

(Ord. No. 96-13, 11-14-96)

### **Sec. 2-223. Hearings and appeals/quorum.**

All hearings and appeals therefrom shall be in such manner as prescribed by statute. A quorum of the board shall consist of three members. In addition to the certification of abatement to the director of finance, the board, through its secretary, shall notify the chief assessor of such determination, who shall make such correction upon the assessment roll and duplicate.

(Ord. No. 96-13, 11-14-96)

### **Sec. 2-224. Burden of proof.**

In all proceedings the burden of proof shall be upon the applicant to establish that the applicant is entitled to the abatement sought.

(Ord. No. 96-13, 11-14-96)

## DIVISION 7. RESERVED

**Secs. 2-225--2-230. Reserved.** (Garcelon Bog Advisory Committee Repealed Ord. No. 16-10, 11-17-16)

## DIVISION 8. RESERVED

**Sec. 2-231—2-235. Reserved.** (Downtown Advisory Board Repealed Ord. No. 16-10, 11-17-16)

## ARTICLE V. DEPARTMENTS\*

\***Editor's note:** Ord. No. 03-05, effective July 3, 2003, amended art. V in its entirety to read as herein set out.  
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Formerly, art. V pertained to similar subject matter as enacted by the 1982 Code, as amended. See the Code Comparative Table for a detailed analysis of inclusion.

**Charter references:** Administrative organization, art. IV.

### DIVISION 1. GENERALLY

#### Sec. 2-236. Departments designated.

The administrative service of the city shall be divided under the administrator into the following departments and heads thereof:

<i>Department</i>	<i>Head</i>
Department of assessment	Chief assessor
Department of city clerk	City clerk
Department of economic and community development	Director of economic and community development
Department of education	School committee
Department of finance	Finance director/controller
Department of fire	Fire chief
Department of human resources	Human resources director
Department of law	City attorney
Department of library	Library director
Department of management information services	MIS director
Department of planning and code enforcement	Director of planning and code enforcement
Department of police	Chief of police
Department of public services	Director of public services
Department of public works	Director of public works
Department of recreation	Director of recreation
Department of social services	Director of social services

(Ord. No. 03-05, 7-3-03)

#### Sec. 2-237. Oaths of office.

Each of the following officers and employees in the administrative service shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city clerk:

- (1) The city administrator and each officer.
- (2) Every member of the department of police, including any private, special, temporary or substitute police officers which the city might find it necessary to appoint.
- (3) Every member of the department of fire who serves on a full-time basis.

(Ord. No. 03-05, 7-3-03)



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### **Sec. 2-238. Administrative policy and procedures.**

- (a) Each officer shall perform all duties required of his office by state law, the Charter, this Code and the ordinances of the city, and such other duties not in conflict therewith as may be required by the administrator.
- (b) The head of each city department shall:
  - (1) Be immediately responsible to the administrator for the effective administration of their respective departments and all activities assigned thereto.
  - (2) Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the administrator, such new practices as appear to be of benefit to the service and to the public.
  - (3) Submit reports of the activities of his department to the administrator as may be required.
  - (4) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the administrator.
  - (5) Have power, when authorized by the administrator, to appoint and remove, subject to personnel system regulations for personnel, all subordinates under him.
  - (6) Be responsible for the proper maintenance of all city property and equipment used in his department.
- (c) Each department shall furnish, upon the direction of the administrator, any other department such service, labor and materials as may be requisitioned by the head of such department and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.
- (d) All units in the administrative service shall:
  - (1) Be open between the hours of 8:00 a.m. and 4:30 p.m. on weekdays and shall be closed Saturdays, Sundays and legal holidays, except as otherwise provided.
  - (2) Make a daily deposit with the city treasurer of any monies received directly from the public.
  - (3) Pay out monies belonging to the city only in the manner in this Code.

(Ord. No. 03-05, 7-3-03)

### **Secs. 2-239--2-250. Reserved.**

## **DIVISION 2. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

### **Sec. 2-251. Created.**

The department of economic and community development is hereby created.

(Ord. No. 03-05, 7-3-03)

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### **Sec. 2-252. Duties of the director of economic and community development.**

The director of economic and community development shall:

- (1) Administer comprehensive economic development, community development and grant-in-aid programs in the interest of the entire community.
- (2) Exercise all the powers and perform all the duties conferred on and imposed by law on the city for purposes of its development program.
- (3) Advise the city administrator and city council and planning board of all matters affecting the physical growth and development of the city.
- (4) Provide information to the public on the economic and community development programs and problems.
- (5) Integrate and coordinate all individual projects and programs relating to the economic development and community development of the city.
- (6) Coordinate the relationship between the city, urban renewal authority, housing authority and other special purpose entities involved with the development of the city.
- (7) Perform such other duties as are prescribed by the city administrator.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-253. Duties of the department.**

Under the supervision of the director of economic and community development, the department shall promote the development of a viable community by expanding economic opportunity, by providing public facilities, decent housing and suitable living environments.

The department shall direct its activities toward the following specific objectives:

- (1) Assist with the development of planning projects
- (2) Conduct economic analysis for the city
- (3) Provide direct technical assistance to businesses
- (4) Provide support in the retention and recruitment of city-wide businesses
- (5) Develop tax increment financing proposals
- (6) Work with representatives from regional, state and federal agencies to match available business assistance with Lewiston businesses
- (7) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property in neighborhoods and community facilities of importance to the welfare of the community.
- (8) The elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities.
- (9) The conservation and expansion of the city's housing inventory to provide a

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decent home and a suitable living environment for all persons.

- (10) The expansion and improvement of the quantity and quality of community services which are essential for sound community development in the city.
- (11) Promotion of an increase in the diversity and vitality of the city's neighborhoods.
- (12) The restoration and preservation of properties of special value for historic, architectural or aesthetic reasons.
- (13) The performance of all other related functions as may be required by the city council or by the Housing and Community Development Act of 1974, Public Law 93-383.
- (14) Perform such other duties as the city administrator or director of development may require.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-254--2-265. Reserved.**

## DIVISION 3. DEPARTMENT OF EDUCATION

**Sec. 2-266. Created.**

A department of education is hereby created pursuant to the provisions of Article V of the Charter, under the supervision of the school committee, which shall have all the powers and duties prescribed for superintending school committees by the general laws of the state except as otherwise provided by the Charter.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-267. Program divisions.**

The department of education shall be divided into the following program divisions:

- (1) Division of administration, supervised by the superintendent of schools, which shall be responsible for overall departmental operations and programs. It shall also be the location for the operation of business and maintenance functions, nutrition, transportation and attendance requirements, personnel administration for the department of education, and general control and supervision of federal and state programs.
- (2) Division of common schools, supervised by the director of elementary education and building principals, which consists of all elementary schools of grades kindergarten through grade six. This division is responsible for basic elementary instruction in the major areas of reading, mathematics, language arts and all other curricular areas, to include social studies, science, foreign language, art, music and physical education.
- (3) Division of junior high school, supervised by a principal, consists of grades seven and eight. This division is responsible for instruction in the major areas of language arts, mathematics, science, social studies, foreign languages, and all

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other curricular areas of home economics, industrial arts, physical education, art and music.

- (4) Division of senior high school, supervised by a principal, consists of grades nine through 12. This division is responsible for instruction in the areas of English, mathematics, science, social studies, foreign languages, home economics, industrial arts, business, physical education, fine arts, and maintains and encourages active student participation in a varied extracurricular program.
- (5) Division of special education, supervised by a director of special education, is responsible to provide for instructional programs to meet the needs of exceptional children between the ages of five and 20 years.
- (6) Division of vocational education, supervised by a director of vocational education, consists of vocational programs for residents and regional students in grades 11 and 12. This division is responsible to provide entry level skills in many vocational areas.
- (7) Division of adult education, supervised by a director of adult education and summer school, which is responsible to provide for diploma programs, basic education, vocational programs and general education to meet the needs of the adult community.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-268--2-279. Reserved.**

## DIVISION 4. DEPARTMENT OF FINANCE

**Sec. 2-280. Created.**

The department of finance is hereby created. The department shall be divided into four divisions: The division of the treasury, the division of accounts, the division of purchasing and the division of central services.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-281. Director of finance/controller.**

In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the director of finance/controller to plan, organize, direct, promote, secure and preserve the financial and property interests and activities of the city. The director of finance/controller shall serve as the city treasurer. The director of finance/controller shall:

- (1) Exercise general supervision over all officers of the city regarding the proper management of the fiscal concerns of their respective offices.
- (2) Advise the city administrator on fiscal policy and supervise all financial activities. In providing budget assistance, the director of finance/controller shall:
  - a. Make departmental work measurement studies for development and administration of performance budget systems;

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- b. Prepare and assemble budget estimates and assist the city administrator in preparing budget documents;
  - c. Act as agent of the administrator in controlling the administration of the budget;
  - d. Conduct studies relative to improvements in administrative organization and procedures;
  - e. Direct the city's risk management program and administer the insurance programs;
  - f. Direct and administer the city's debt management program;
  - g. Coordinate the accounting and financial systems; and
  - h. Represent the city on designated committees.
- (3) Provide direct supervision over the internal audit program and shall:
- a. Conduct independent protective and constructive audits to review effectiveness of controls, financial records and operations;
  - b. See that officers receiving money pay such monies into the city treasury, when thereto required, and that all necessary financial reports are submitted on a timely basis; and
  - c. Report the default of any officer of the city to the administrator.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-282. Divisions.**

The department of finance shall be divided into the following divisions and supervisors thereof:

- (1) A division of the treasury supervised by the city treasurer, who shall:
- a. Keep, in proper books, a full and accurate account of all the monies received and disbursed by the treasurer in behalf of the city.
  - b. Receive and have custody of all monies paid to the city and shall disburse city funds upon proper warrant of the city auditor.
  - c. Pay city employees upon presentation of the properly certified payrolls.
  - d. Collect all taxes, special assessments and property tax liens in the manner authorized and required by law and collect all utility bills and other revenues.
  - e. Demand and receive all monies and fees owing to the city whenever any person is indebted to the city in any manner. When any claims shall not be collectible, be shall report such claims to the city attorney for collection or prosecution.
  - f. Manage the city's investment program. Deposit the proceeds of all sales of bonds immediately after the city treasurer shall have received the same,

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and, until such deposit, the city treasurer shall be responsible for the amount thereof. Keep and administer all securities, bonds or other forms of negotiable instruments owned by or belonging to the city.

- g. Make a daily settlement with the city auditor of the amounts received and paid out during the day.
- (2) The division of accounts headed by the city auditor, who shall:
- a. Keep the city's financial records in accordance with generally accepted accounting principles and applicable legal requirements.
  - b. Pre-audit all claims for correctness of amount and authorization of expenditures; check, verify and transmit payroll data for processing; prepare and issue all vouchers and checks; maintain or supervise cost accounting and accounting for grant-in-aid programs; and reconcile bank statements.
  - c. Bill city accounts receivables, journal entries, and other financial recordkeeping activities.
  - d. Prescribe the form of accounts and reports to be rendered to him.
  - e. Render assistance in the preparation of the budget as may be required.
  - f. Maintain inventory records of all municipal property.
  - g. Transmit to the finance director interim and annual financial reports and statements of cash on hand of classified unencumbered appropriation balances in any city fund, and such other financial statements as the finance director may from time to time require. Keep all departments currently informed of their classified unencumbered appropriation balances.
- (3) A division of purchasing headed by the director of purchasing who shall:
- a. Perform all duties and functions required for the procurement, lease or sale of contractual services, supplies, materials, equipment, land and buildings for city departments, divisions or agencies and authorize issuance of purchase orders.
  - b. Establish standards and supervise preparation of specifications and tests and inspect materials and supplies sold to the city and evaluate contractual services rendered to city departments, divisions and agencies.
  - c. Provide staff services to the finance committee as directed by director of finance/controller.
  - d. Assist the finance director/controller in assembling and supervising the printing of the budget document.
- (4) A division of central services headed by the tax collector/investment officer who shall be responsible to supervise central services such as duplicating, printing, central supply room, central switchboard, the office clerical pool, etc.

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### **Sec. 2-283. Award of contracts.**

Upon giving due consideration of the recommendation of the director of purchasing, the finance committee shall award all contracts for the purchase of materials and services procured through the formal competitive bid process.

(Ord. No. 03-05, 7-3-03)

### **Secs. 2-284--2-294. Reserved.**

## **DIVISION 5. DEPARTMENT OF FIRE**

### **Sec. 2-295. Created.**

The department of fire is hereby created. The department shall be divided into two divisions: The firefighting division and the fire prevention division.

(Ord. No. 03-05, 7-3-03; Ord. No. 17-02, 04-06-17)

### **Sec. 2-296. Duties of fire chief.**

The fire chief shall be charged with the prevention of fires and the protection of life and property against fire and shall:

- (1) Report all fire losses to the assessor.
- (2) Be responsible for the maintenance and care of all property and equipment used by his department.
- (3) Provide for the overall training, direction and supervision of the department.

(Ord. No. 03-05, 7-3-03; Ord. No. 17-02, 04-06-17)

### **Sec. 2-297. Divisions.**

The department of fire shall be divided into the following divisions thereof:

- (1) A firefighting division supervised by a commissioned officer, who shall be responsible for:
  - a. The extinguishment of fires;
  - b. The saving of life and property from fire; and
  - c. The performance of various miscellaneous public services of an emergency nature.
- (2) A fire prevention division supervised by a commissioned officer, who shall be responsible for:
  - a. The inspecting of potential fire hazards;
  - b. The abatement of existing fire hazards; and
  - c. The conducting of an educational fire prevention program.

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(Ord. No. 03-05, 7-3-03; Ord. No. 17-02, 04-06-17)

### **Sec. 2-298. Fire apparatus.**

The department shall maintain and budget for the maintenance and staffing of five front-line firefighting units, to include pumpers and one or more aerial units as recommended by the Chief and approved by the City Council. Five affirmative votes of the City Council shall be required to reduce the number of front-line units supported in the annual operating budget.

(Ord. No. 17-02, 04-06-17)

### **Secs. 2-299--2-324. Reserved.**

## DIVISION 6. DEPARTMENT OF HUMAN RESOURCES

### **Sec. 2-325. Created.**

The department of human resources is hereby created.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-326. Duties of director of human resources.**

- (a) The director of human resources shall be responsible for all matters relating to an equitable and uniform system of personnel administration for the city to attract the best and most competent persons available, and to assure that appointments and promotions of employees will be based on merit and fitness. The director of human resources shall:
- (1) Enforce the provisions of the federal and state non-discrimination laws in the recruitment, selection and placement of job applicants.
  - (2) Assist to negotiate labor agreements within the guidelines set forth by the city administrator and city council with employee organizations. He shall assist city departments in the administration of contract terms.
  - (3) Conduct wage and salary surveys to determine equitable salary ranges for specific classifications.
  - (4) Prepare, recommend and maintain a position classification plan; prepare job descriptions; and allocate positions to proper classifications.
  - (5) Administer wage supplement programs, including life and health insurance, educational programs, retirement, worker's compensation, unemployment compensation, sick leave and vacations.
  - (6) Develop and administer a citywide performance evaluation system during city employees' probationary periods.
  - (7) Establish and maintain comprehensive central personnel records on all city employees.
  - (8) Develop and coordinate a citywide safety program and maintain records of all



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occupational injuries and illnesses.

- (9) Consult with department heads and make recommendations regarding departmental organization and manpower utilization to the city administrator; administer manpower programs and provide technical assistance to the personnel board in its various capacities and to all departments, divisions and agencies in complying with appropriate federal, state and local laws and administrative policies.
- (b) The director of human resources shall be responsible to coordinate the administration of the personnel system with the director of finance to assure full integration of fiscal implications in the performance of assigned duties and responsibilities.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-327--2-335. Reserved.**

## DIVISION 7. DEPARTMENT OF LAW

### **Sec. 2-336. Powers and duties of city attorney.**

The department of law shall be directed by the city attorney, who shall enforce all laws and act to protect the interests of the city and who shall:

- (1) Advise the council or its committees or any city officer in their official capacities, when thereto requested, upon all legal questions arising in the conduct of city business.
- (2) Prepare or revise ordinances when so requested by the council or any committee thereof.
- (3) Give his opinion upon any legal matter or question submitted to him by majority resolution of the council or any of its committees, or by any city officer. A copy of all opinions shall be filed with the city clerk within 72 hours of issuance.
- (4) Give his opinion upon legal matter or questions arising in the conduct of city business, submitted to him by a duly adopted resolution by any board or commission created pursuant to the provisions of the Charter.
- (5) Prepare for execution contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city.
- (6) In any prosecution for violation of any regulation adopted by any board or commission while acting in its official capacity or created under authority of the Charter, the city attorney shall act under the direction of such board or commission, subject to such paramount control as is given to the council by the Charter.
- (7) Have the power to adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims, demands, disputes and matters of favor of or against the city or in which the city is concerned as debtor or creditor now existing or which may arise, not involving or requiring payment to exceed

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\$250.00, and with the permission of the administrator may do likewise in matters not involving or requiring payment to exceed \$1,000.00, provided the money to settle claims generally has been appropriated and is available therefor.

- (8) Make the following reports:
  - a. An immediate report of the outcome of any litigation in which the city has an interest, by issuing a copy of such report to the administrator and city clerk.
  - b. An annual report, to the administrator and council, as of December 31, of all pending litigation in which the city has an interest and the condition thereof.
- (9) Have charge of all legal services auxiliary to council action in connection with the appropriating of property to public use and in the levying of assessments.
- (10) Prepare and approve under direction and assistance of the appropriate department head all unemployment and worker's compensation litigation and shall investigate all cases in which unemployment or worker's compensation is involved and be responsible for the filing of all appropriate documents and papers required by the unemployment and worker's compensation acts of the state.
- (11) Keep the following records:
  - a. A complete record of all suits in which the city had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.
  - b. A complete record of all written opinions furnished by him and of all certificates or abstracts of titles furnished by him to the city, or any department or official thereof.
- (12) Deliver all records, documents and property of every description in his possession belonging to his office or to the city, to his successor in office.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-337--2-344. Reserved.**

## **DIVISION 8. DEPARTMENT OF LIBRARY**

**Sec. 2-345. Created.**

The department of library is hereby created.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-346. Duties of library director.**

The library director shall plan, direct, administer and supervise the operations of the public library; develop policies and procedures for the library; and act as a technical assistant to

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the board of library trustees.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-347--2-355. Reserved.**

### DIVISION 9. DEPARTMENT OF MANAGEMENT INFORMATION SERVICES

**Sec. 2-356. Created.**

The department of management information services is hereby created.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-357. Duties of the MIS director.**

The director of MIS shall be responsible for:

- (1) Evaluate, design, implement and maintain the city's data processing systems;
- (2) Prepare analysis of applications and perform cost/benefit studies of various applications to resolve questions of program results; and
- (3) Compile documentation of program development and revisions.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-358--2-364. Reserved.**

### DIVISION 10. DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

**Sec. 2-365. Created.**

The department of planning and code enforcement is hereby created.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-366. Duties of the director of planning and code enforcement.**

The director of planning and code enforcement shall:

- (1) Administer comprehensive planning, code enforcement and land use regulation programs in the interest of the entire community.
- (2) Exercise all the powers and perform all the duties conferred on and imposed by law on the city for purposes of its development program.
- (3) Advise the city administrator and city council and planning board of all matters affecting the physical growth and development of the city.
- (4) Provide information to the public on the planning and development programs and problems.

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- (5) Integrate and coordinate all individual projects and programs relating to the planning and development of the city.
- (6) Administer the affairs of the historic preservation review board.
- (7) Perform such other duties as are prescribed by the city administrator.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-367. Duties of the department.**

Under the supervision of the director of planning and code enforcement, the department's primary function shall be to promote and coordinate rational land use in the city in accordance with the comprehensive plan and all applicable laws and ordinances shall provide for an efficient, coordinated municipal inspection and code enforcement service. The department shall coordinate the following:

#### Planning:

- (1) Conduct research studies and prepare and maintain a comprehensive plan as defined in 30-A M.R.S.A. § 4301 et seq., including inventories and analyses of existing conditions, policies to address the issues raised in the inventories, including a future land use plan and strategies to implement the plan.
- (2) Promote a more rational utilization of land and other natural resources in the better arrangement of residential, commercial, industrial, recreational and other needed activity centers.
- (3) Review and prepare comments on all proposals to amend the zoning ordinance, subdivision ordinance, official map and other ordinances as may be referred to the division. From time to time, it shall make recommendations for the revision of ordinances relating to planning of the city.
- (4) Prepare and recommend, and assist other departments of the city in the planning of specific projects intended to complement the comprehensive plan.
- (5) Prepare recommendations on all proposals to acquire or dispose of municipally owned land.
- (6) Coordinate the preparation of the annual capital improvement program.
- (7) Serve as principal technical advisor and secretary to the planning board.
- (8) Perform such other duties as the city administrator may require.

#### Code Enforcement:

- (1) Provide the following capabilities:
  - a. Building inspection;
  - b. Property maintenance inspection;
  - c. Plumbing inspection;
  - d. Electrical inspection;

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- e. Fire inspection (in concert with the fire department);
  - f. Sanitary inspection (in concert with the health officer);
  - g. Zoning ordinance enforcement.
- (2) Provide for the cross qualification of inspectors to the extent feasible.
  - (3) Advise the public on applicable codes for all development activities.
  - (4) Provide staff services to the board of appeals as directed by the city administrator.
  - (5) Provide inspection services as required to support development programs.
  - (6) Perform such other duties as the city administrator may require.

### Public Health:

- (1) The city health officer shall serve as the point of contact between the city and the state department-bureau of health. The city health officer shall serve as the hearing officer for dangerous dog declarations under this City Code and he shall execute all administrative responsibilities as directed by the city administrator.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-368--2-379. Reserved.**

## DIVISION 11. DEPARTMENT OF POLICE

### **Sec. 2-380. Created.**

The department of police is hereby created.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-381. Duties of chief of police.**

The chief of police shall direct the police department and shall issue such lawful orders as are necessary to assure the effective performance of the department. He shall assign officers to each division of the department. Reassignment from one division to another shall only be made by the chief of police.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-382. Duties of deputy police chief.**

The deputy police chief shall be responsible for the planning, research and training in law enforcement and related activities of the department. He shall be responsible directly to the chief of police.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-383. Divisions.**

The department of police shall be divided into the following program divisions and

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supervisors thereof:

- (1) A patrol division supervised by a commissioned officer who shall have charge of:
  - a. The motor and foot patrol units; and
  - b. Related police investigations.
- (2) An investigation division supervised by a commissioned officer who shall have charge of:
  - a. The investigation of crimes;
  - b. The enforcement of federal, state and local laws and ordinances;
  - c. The preparation of evidence for the prosecution of criminal cases; and
  - d. The crime laboratory.
- (3) A narcotics division directed by the chief of police who shall have charge of:
  - a. The investigation of illegal drug trafficking;
  - b. Overseeing the investigation of undercover agents;
  - c. Coordinating the division's operations with the state division of special investigations; and
  - d. Receiving and transferring to the appropriate agencies all illegal drugs seized and confiscated.
- (4) A youth division directed by a supervisor who shall have charge of:
  - a. Controlling juvenile crimes and preventing juvenile delinquency;
  - b. Fostering cooperation between community and police matters concerning juveniles.
- (5) A records and traffic division directed by a supervisor who shall have charge of:
  - a. Conducting traffic studies;
  - b. The traffic educational program;
  - c. The school patrols;
  - d. The coordination of traffic accident reporting;
  - e. The issuance of various permits;
  - f. The maintenance of traffic signals and erection and maintenance of traffic signs;
  - g. The painting of street and crosswalk lanes; and
  - h. Providing direct supervision of the court officer.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-384. Powers of officers.**

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All subordinate members of the police department, save the civilian employees, shall have and exercise within the limits of the city all the common law and statutory powers of constables, except service of civil process, and all powers given to police officers by the statutes of the state, by the Charter and by the ordinances, bylaws and regulations of the city, and such special powers as may be conferred upon them.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-385. Appointment of constables and officers.**

The chief of police shall appoint such number of constables, who should be city residents, as he may determine for the term of one year and shall appoint all other officers for the performance of police duty as he may deem expedient.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-386. Certain fees to be accounted for.**

All fees paid to the chief of police, lieutenants or any patrol officers in their respective capacities, from cases in the district court, and all fees received for serving subpoenas in cases involving criminal procedure in the superior court held in the county shall be accounted for by such officers, and turned into the treasury of the city when received by them.

(Ord. No. 03-05, 7-3-03)

### **Secs. 2-387--2-399. Reserved.**

## **DIVISION 12. DEPARTMENT OF PUBLIC SERVICES**

### **Sec. 2-400. Created; divisions.**

The department of public services is hereby created. The department shall be divided into six divisions: The division of engineering, the division of water and sanitary sewer utilities, division of electrical, division of capital construction, the division of public buildings and the division of business and administration.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-401. Duties of director of public services.**

The director of public services shall be responsible for all matters relating to the engineering, electrical, public buildings, capital projects team, business office and water and sanitary sewer utilities of the city.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-402. Divisions.**

(1) A division of engineering which shall be supervised by the city engineer, who shall be a

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registered professional engineer licensed by the state. He shall be responsible to plan, design, coordinate and supervise engineering services, including construction oversight/inspection, for the department of public services and for such other departments, divisions or public agencies as may from time to time be required. He shall coordinate development of the capital plan and undertake capital planning for the department of public services and the department of public works. He shall perform other supervisory duties as may be delegated by the city administrator and director of public services.

- (2) A division of water and sanitary sewer utilities, which shall plan, coordinate and control the activities related to the operation and maintenance, and repair of water and sanitary sewers utilities including water quality, source of supply, pumping stations, treatment, reservoirs, transmission and distribution mains, collection system and assist with utility finances.
- (3) A division of electrical which shall coordinate and control the activities related to the operation and maintenance of all street lights, traffic signals, pumping stations, chemical feed facilities, SCADA, electrical inspection and other electrical issues of the city. It shall also be responsible to manage the electrical generation component of the division.
- (4) A division of capital construction which shall undertake the construction of major capital construction projects.
- (5) A division of public buildings which shall coordinate and control the activities related to the operation, maintenance, capital planning and construction of all public buildings, excluding those under the jurisdiction of the departments of education.
- (6) A division of business and administration which shall coordinate and control the activities related to the operation and maintenance of all accounts receivable, utility billing and collections, recordkeeping, accounts payable, inventory management, budget support, personnel support and issuance of permits for the department. This division shall also provide these same services to the department of public works.

(Ord. No. 03-05, 7-3-03)

**Secs. 2-403--2-424. Reserved.**

## DIVISION 13. DEPARTMENT OF PUBLIC WORKS

**Sec. 2-425. Created.**

The department of public works is hereby created. The department shall be divided into four divisions: The division of highways, the division of solid waste, the division of landscaping and tree work, and the division of municipal garage.

(Ord. No. 03-05, 7-3-03)

**Sec. 2-426. Duties of director of public works.**

The director of public works shall be responsible for all matters relating to maintenance and operation of city infrastructure including highways, storm drainage, landscaping and urban



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forest, solid waste services and facility, and transportation and construction equipment.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-427. Divisions.**

The department of public works shall be divided under the supervision of the director of public works into the following divisions:

- (1) A division of highways, which shall coordinate and control the activities related to the operation and maintenance of roads, streets and public ways, walks, storm drainage, bridges, street sweeping, and snow and ice control.
- (2) A division of solid waste management, which shall coordinate and control the activities related to the operation and maintenance of waste collection, processing, recycling and disposal.
- (3) A division of landscaping and tree work, which shall coordinate and control the activities related to the operation and maintenance of landscaping of city grounds and maintenance of trees and the urban forest.
- (4) A division of municipal garage, which shall coordinate and control the activities related to the operation and maintenance of transportation and construction equipment owned by city departments, divisions and agencies. It shall also assist in the acquisition of new or used public works automotive and construction equipment.

(Ord. No. 03-05, 7-3-03)

### **Secs. 2-428--2-434. Reserved.**

## **DIVISION 14. DEPARTMENT OF RECREATION AND PARKS**

### **Sec. 2-435. Created.**

The department of recreation and parks is hereby created.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-436. Duties of director of recreation and parks.**

The director of recreation and parks shall plan, promote, organize and supervise a comprehensive municipal recreation program and administer such program in the interest of the entire community, and shall:

- (1) Supervise the recreational use of playgrounds, playfields, recreation centers, swimming pools, ball diamonds and such other recreation areas and facilities as may be made available to carry out the city's recreational program.
- (2) Conduct and supervise any form of recreational, cultural or social activity that will employ the leisure time of the citizens in a wholesome and constructive manner.

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- (3) Program and be responsible for the total operation and management of the Memorial Armory facilities.
- (4) Supervise and maintain all city athletic fields and playgrounds, under the jurisdiction of the department of recreation.

(Ord. No. 03-05, 7-3-03)

### **Sec. 2-437. Division of recreation.**

Under the supervision of the director of recreation and parks, the division of recreation shall promote the development of a viable community by expanding recreational opportunities for all citizens of the city. (Ord. No. 03-05, 7-3-03)

### **Sec. 2-438. Division of public parks and cemeteries.**

A division of public parks and cemeteries, which shall coordinate and control the activities related to the operation and maintenance of:

- (1) Public parks, athletic fields and playgrounds excluding those under the jurisdiction of the department of education;
- (2) All cemeteries under the jurisdiction of the city.

(Ord. No. 03-05, 7-3-03)

### **Secs. 2-439--2-444. Reserved.**

## **DIVISION 15. DEPARTMENT OF SOCIAL SERVICES**

### **Sec. 2-445. Department created.**

A department of social services is hereby created under direction of the director of social services, who shall have general supervision of the interests of general assistance and social services of city residents. The department of social services shall perform all duties incidental to adequately provide for the public welfare, as overseers of the poor, and the administration of the general assistance program, and the city's immigrant and refugee services programs.

(Ord. No. 03-05, 7-3-03)