

## **CHAPTER 2 FREEPORT ADMINISTRATIVE CODE**

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## **ARTICLE I**

### **SECTION 101 - CORPORATE SEAL**

The official seal of the Town of Freeport shall contain the words "Town of Freeport, Maine, Incorporated 1789" and shall appear as the reproduction shown below.



### **SECTION 102 - CHARTER**

The words "Town Charter" shall refer to the Freeport Town Charter established in accordance with Maine Revised Statutes, Title 30, Chapter 201-A, the "Home Rule" provisions, so-called, and as ratified by a municipal election in March 1972, and as may be further amended by municipal election.

### **SECTION 103 - BONDS (SURETY OR FIDELITY)**

Each town official and employee who has responsibility for the collection, custody or dispersal of public funds shall, prior to assuming his duties, obtain, at the expense of the Town, a surety or fidelity bond, as the case may require, in such amount and with such terms and conditions as shall be approved by the Town Council.

### **SECTION 104 - OATH OF OFFICE**

Every Town Officer or Official shall be sworn to the faithful discharge of their duties as provided by Article IX, Section 9.03 of the Town Charter.

### **SECTION 105 - FUNDS**

Every Town Officer or Official shall maintain an accurate account of all moneys which may by virtue of their municipal office be delivered unto them from whatever source, stating from whom received and on what account the same was paid; and with said moneys to be rendered to the Town Treasurer within thirty (30) days, except where otherwise provided by the Town Council or Town Treasurer.

## **SECTION 106 - DISBURSEMENT OF FUNDS**

All Warrants for disbursements of money shall be signed by the Chairman of the Town Council, the Vice Chairman of the Town Council and the Treasurer. In the event that any one of the aforementioned three are unavailable due to unexpected situations which may include but not be limited to emergencies, sickness, vacation, etc., checks may be issued upon securing two signatures. Further, no payment shall be made or obligation incurred against any allotment or appropriation unless the Town Manager or his designee certifies that there are, or will be, sufficient funds available to meet the payment or incurred obligation when it becomes due and payable.

## **SECTION 107 - LEGAL DOCUMENTS**

All legal documents shall be signed and executed by the Town Manager upon authorization by the Town Council, except as may be otherwise ordered by the Town Council or otherwise authorized by ordinance or State Law.

## **SECTION 108 - COMPENSATION OF TOWN OFFICERS AND OFFICIALS**

The Town Council shall determine the salaries of officials they appoint or who are otherwise elected to a Town Office. The Town Manager shall be authorized to fix the salaries of his appointees in accordance with the provisions of the adopted Personnel Code, as amended, and within authorized expenditure limits as adopted by the Town Council.

## **SECTION 109 - RECORDS**

All records kept by an officer of the Town shall be open to inspection by the Town Manager whether or not such records are required by statute or ordinance. Any records, warrants of accounts of every department, office or agency of the Town which are required to be held open by statute or ordinance shall be open to inspection by any citizen at such reasonable times and under such reasonable regulations established by the Town Manager. Each department head shall be held responsible for preserving the public records under his jurisdiction. Each department head shall retain a copy of all communications issued by him/her to his/her department. No public records relative to the business of any department shall be destroyed or permanently removed from the files without the approval of the Town Manager. All department heads and secretaries to Town Council, appointed Boards, Commissions and Committees shall be required to make an annual report to the Town Manager as well as such other reports as may be required by the Town Council or the Town Manager.

## **SECTION 110 - PROPERTY**

The Town Assessor shall be required to maintain a list of all Town Property in the form of real estate. The Town Manager shall be required to maintain a list of all other insurable town property and equipment, exclusive of Department of Education properties and equipment.

The Town Council hereby establishes, that without its expressed approval, no town property, supplies or equipment of any kind shall be loaned, rented or otherwise provided for the personal gain of a private citizen, except that the Town Manager is authorized to make exceptions hereto, when in his/her opinion the circumstances for reason of public health, safety or welfare especially so warrant, in which case he/she shall specify the terms thereof.

### **SECTION 111 - ORDINANCES**

111.1 Ordinances shall be prepared in accordance with the provisions of Article II., Section 12 of the Town Charter.

111.2 Unless expressly provided for by ordinance, repeal of any ordinance of the Town shall not operate to revive provisions of any other prior ordinance. The provisions of any ordinance which has been repealed remain in force for the redress of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply to any office, trust proceeding, right, contract or event already affected by them.

### **SECTION 112 - COUNCIL INVESTIGATIONS**

The Council may make investigations into the affairs of the Town and the conduct of any Town department, office, or agency, as authorized by Article II, Section 4 of the Town Charter. For the purposes of conducting such investigations, the Town Council may subpoena witnesses, administer oaths, and compel the submission of books, papers or other such evidence. Failure of compliance of such subpoena or submission of books, papers or other evidence as ordered under the provisions of this section shall constitute a civil violation and shall be punishable by a fine of not less than \$25.00, not more than \$100.00 as authorized by Article II - Section II (F) of the Town Charter.

### **SECTION 113 - NOTICE**

Notice regarding dangerous structures, abating nuisances, removing signs or signposts, making sewer connections, or any other act, the expense of which, if performed by the Town, may be collected from the property owner in an action at law, shall be served in the manner provided by law, or if no specific provision is made:

113.1 By delivering the notice to the owner personally or, if notice cannot with due diligence be given by this method, then

113.2 By mailing the notice by registered mail to such owner at his last known address, or,

113.3 If the owner is unknown, by posting the notice in some conspicuous place on the premises five (5) days prior to the date set therein for compliance.

No person shall interfere with, obstruct, mutilate, conceal or tear down an official notice or placard posted by a Town official unless permission is given to remove said notice.

## **ARTICLE II TOWN COUNCIL**

### **SECTION 201 - COMPOSITION**

The Town Council of the Town of Freeport shall consist of seven (7) members as prescribed by Article II, Section 1, of the Town Charter.

### **SECTION 202 - DUTIES**

The Town Council shall have all the duties and responsibilities as prescribed by the Town Charter.

### **SECTION 203 - COMPENSATION**

The Town Council shall determine the compensation of its members as prescribed by Article II, Section VIII and Article X, of the Town Charter.

### **SECTION 204 - RIGHT TO HIRE**

The Town Council shall have the right to hire a secretary for the purpose of recording the minutes of the Council Meetings and for the purposes outlined in Article II, Section 10 of the Town Charter.

### **SECTION 205 - PROCEDURE**

The Town Council meetings shall be conducted in a manner that is in accordance with the Rules and Procedure for the Town Council as adopted May 1, 1973, as may be amended, and as prescribed by Article II, Section 11 of the Town Charter.

## **ARTICLE III ELECTIONS**

### **SECTION 301 - GENERAL**

The provisions of the Laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars in respect to preparation for, conducting, and management of

*Amended 04/25/2023*

elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in Articles VII, VIII and IX of the Town Charter.

### **SECTION 302 - PLACE AND TIME OF OPENING ELECTION**

Subject to the provisions of the Town Charter and Laws of the State of Maine, it shall be the duty of the Town Council to fix the place and time of the opening of the polls in the election of officers, or in any special election to decide matters submitted to a vote of the citizens, and cause same to be inserted in any warrant and notification to the inhabitants of such election.

### **SECTION 303 - ISSUANCE OF ELECTION WARRANTS**

Warrants for calling elections shall be issued by the Town Council and contain a statement of the object of the election, and the time and place at which the election shall be held, and be served by a police officer, constable or any resident of the Town. The serving of an election warrant shall consist of posting an attested copy of the warrant for each Council District in a public and conspicuous place within each respective Council District, and posting one attested copy of the warrants for all Council Districts in one public and conspicuous place other than may be used for the posting of warrants for individual Council Districts at least seven (7) days before the time of said election, and the return of warrants shall be submitted to the Town Clerk before the time of the election therein named.

### **SECTION 304 - FORM OF WARRANTS FOR TOWN ELECTIONS**

The form of warrants for calling elections of the citizens shall be as follows:

#### **WARRANT FOR MUNICIPAL ELECTION**

\_\_\_\_\_  
Month, Day, Year

TO \_\_\_\_\_, a constable of the Town of Freeport, County of Cumberland, State of Maine: You are hereby required in the name of the STATE of MAINE to notify the voters of this Municipality of the election described in this WARRANT

#### **TO THE VOTERS OF FREEPORT, MAINE:**

You are hereby notified that a **MUNICIPAL ELECTION** will be held at

\_\_\_\_\_  
**MONTH, DAY, YEAR**

For the purpose of

Amended 04/25/2023

**THE POLLS OPEN AT \_\_\_\_\_ A.M. AND CLOSE AT 8:00 P.M.**

The Registrar of Voters and Deputy Registrars will be present while the polls are open to accept new registrations and make address, name and/or enrollment changes

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the polls at the following times: \_\_\_\_\_

Given under our hands at Freeport in the County of Cumberland and State of Maine  
this    day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAJORITY OF MUNICIPAL OFFICERS

### **SECTION 305 - FORM OF RETURN OF WARRANT**

The form of the return of the warrant mentioned in this Chapter shall be in substance as follows:

\_\_\_\_\_

### **CONSTABLE'S RETURN**

Pursuant to this warrant, I have notified the inhabitants of the Town of Freeport qualified by law to vote, to assemble at the time and place for the purpose within named by posting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ attested copies of this warrant at \_\_\_\_\_ all being public and conspicuous places in the Town of Freeport, Maine.

\_\_\_\_\_, Constable

### **SECTION 306 - VOTING PLACES**

The Town Council shall have the authority to designate such voting places as it may deem necessary in order to increase the voting efficiency of the Town.

### **SECTION 307 - BALLOT AND ELECTION CLERKS**



*Amended 04/25/2023*

Ballot and Election Clerks shall be governed by the provisions of M.R.S.A. 21, Section 532, as amended.

### **SECTION 308 - COMPENSATION**

Each warden, election and ballot clerk shall be paid such amount per hour for each election held in the Town of Freeport at which they shall attend, as the Town Council may determine.

### **SECTION 309 - WARDENS**

Election wardens shall be a municipal officer and shall, forthwith after each election, complete and deposit the records of their respective places and all papers connected therewith with the Town Clerk.

## **ARTICLE IV TOWN MANAGER**

### **SECTION 401 - ESTABLISHMENT AND METHOD OF APPOINTMENT**

The Town Manager shall be the Chief Administrative Officer of the Town, with appointment by the Town Council, to serve during the pleasure of the Council. He/she may head one or more departments and shall be responsible to the Council for the proper administration of all affairs of the Town. He/she shall abide by the provisions set forth in Article III of the Town Charter.

### **SECTION 402 - DUTIES**

The Town Manager shall:

- 402.1 Bonds - Secure bonds for the positions of Town Manager and Tax Collector in the penal sum of \$50,000.00 and for the positions of Treasurer, Overseer of the Poor and Road Commissioner in the penal sum of \$50,000.00.
- 402.2 Ex-Officio Member - Be an ex-officio member of all boards and commissions. May attend all meetings and participate but may not vote.
- 402.3 Contracts Examine all proposed contracts to which the Town may be party and may sign on behalf of the Town any contract authorized by the Council.
- 402.4 Records
  - 1. Prepare and have custody of all municipal records required by Law to be kept by the Town which are not kept by any other specific officer.
  - 2. Make available clerical assistance for the preparation of records required to be kept by a specific officer.
- 402.5 Purchasing Agent - Be the purchasing agent.

1. When possible, establish sets of standards and specifications to control all purchases made by the Town.
  2. When required by Law or Ordinance, or when in the judgment of the Town Manager the Town stands to benefit there from, the Town Manager shall prepare specifications for bids for purchases made by the Town, and shall publish an invitation to bid on such terms and conditions as he/she may deem appropriate.
- 402.6 Road Commissioner - Have general responsibility for the care of public ways with the Director of Public Works having direct responsibility for the day-to-day operations of the Highway Department.
- 402.7 Personnel Director - Be the general personnel director, except where specific provision to the contrary is made by law or by the Council, and prepare personnel rules as outlined in Article IV.
- 402.8 Police Commissioner - Have general responsibility for the supervision of Town operated law enforcement agencies with the Chief of Police having direct responsibility for the day-to-day operations of the Police Department.
- 402.9 Fire Commissioner - Have general responsibility for the supervision of Town operated fire fighting and rescue agencies with the Fire Chief having direct responsibility for the day-to-day operations of the Fire Department.

### **SECTION 403 - DIRECTION BY MANAGER**

Direct and supervise all departments, offices, and agencies that the Council by Ordinance may establish in accordance with Article IV of the Town Charter.

### **SECTION 404 - ADMINISTRATIVE MANUAL**

The Town Manager is hereby authorized to establish by regulation administrative procedures to govern the functioning of all municipal departments except the Department of Education. The procedures shall be published in an Administrative Manual and shall be distributed to the Town Council, to all department heads and administrative officials and to all others who, in the judgment of the Town Manager, derive benefit therefrom. A copy of the Administrative Manual shall be available for public inspection at the Administrative Offices of the Town during regular business hours.

## **ARTICLE V DIVISION OF ADMINISTRATIVE SERVICE**

## **SECTION 501 - ESTABLISHMENT**

- 501.1 There shall continue to be a Legal Department of the Town which shall be the responsibility of the Town Attorney who shall be appointed by the Town Council in accordance with Article II, Section 3 of the Town Charter.
- 501.2 There shall continue to be a Department of Education of the Town which shall be the responsibility of the School Committee who shall be elected by the voters in accordance with Article V of the Town Charter.
- 501.3 The Administrative Service of the Town shall be divided into the following Departments and corresponding Department Heads:

<u>Department</u>	<u>Head</u>
(a) Finance Department	Treasurer - Tax Collector
(b) Records Department	Town Clerk
(c) Police Department	Police Chief
(d) Fire Department	Fire Chief
(e) Inspections Department	Codes Enforcement Officer
(f) Public Works Department	Director of Public Works
(g) Welfare Department	Overseer of the Poor
(h) Emergency Management	Fire Chief

1. In addition to Department Heads, the following Administrative Officials shall be directly responsible to the Town Manager:

- (a) Health Officer
- (b) Town Assessor
- (c) Town Engineer
- (d) Tree Warden
- (e) Fire Warden
- (f) Registrar of Voters
- (g) Winslow Park Manager
- (h) Cable TV Director
- (i) Solid Waste/Recycling Director
- (j) Town Planner
- (k) Rescue Chief
- (l) Head Librarian

2. Department Heads and Administrative Officials shall:

- (a) Be immediately responsible to the Town Manager for administering their respective departments. The Town Manager may direct any department or office except the Department of Education to perform work for any other administrative unit;

(b) Perform all duties required by their office, by Charter, by Ordinance, or by other laws, and they shall perform such duties, not in conflict therewith, as may be assigned by the Town Manager;

(c) Establish and maintain a system of records and reports sufficient in detail to furnish information necessary for proper control of departmental activities, and to form a basis for reports required by the Town Manager;

(d) Have the authority to delegate duties and responsibilities as deemed advisable, together with a proportionate authority for their fulfillment to members of the departments or division under their direction; but in no case shall the delegation of such duties and responsibilities relieve a department head from responsibility and accountability for the duties and responsibilities assigned to him/her;

(e) Have, when so authorized by the Town Manager, authority to appoint and remove subordinates in their respective departments except as otherwise provided by law, by the Town Charter or by rules adopted pursuant to the Town Charter.

## **SECTION 502 - LEGAL DEPARTMENT**

### **502.1 Establishment**

There shall be a Legal Department, the head of which shall be the Town Attorney, who shall be appointed by the Town Council.

### **502.2 Duties of the Town Attorney**

1. Advise the Town Council or its Committees or any other Town Officer, when thereto requested, upon all legal questions arising in the conduct of the affairs of the municipal corporation.
2. Prepare or revise ordinances when so requested by the Town Council or Town Manager.
3. Provide a legal opinion upon any matter or question submitted to him by the Town Council or Town Manager.
4. Attend meetings of the Town Council upon request of the Chairman of the Town Council or Town Manager.
5. Prepare or review all contracts and instruments to which the Town is a party and shall approve, as to form, any bonds required to be submitted to the Town.
6. Be prepared to prosecute or defend any and all suits or actions at law or equity to which the Town is a party, and to report the outcome of any litigation in which the Town has an interest to the Town Council and the Town Manager.
7. Keep a complete record of all suits in which the Town has an interest.
8. Deliver all records, documents and property belonging to the Town to his successor in office, who shall give him/her duplicate receipts therefore, one of which shall be filed with the Town Manager.

## **SECTION 503 - DEPARTMENT OF EDUCATION**

There shall continue to be a Department of Education established in accordance with the provisions of Article V of the Town Charter.

## **SECTION 504 - DEPARTMENT OF FINANCE**

504.1 Establishment There shall be a Department of Finance, the head of which shall be the Town Treasurer, who shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Treasurer shall be assisted by a Town Tax Collector who shall also be appointed by the Town Manager subject to confirmation by the Town Council. The Town Treasurer and Tax Collector may appoint deputies in accordance with the provisions of M.R.S.A. 30, Chapter 2255. There shall also be a Town Purchasing Agent, who shall be the Town Manager.

### 504.2 Duties of the Town Treasurer

1. Be responsible for the proper pre-audit and recording of all financial transactions.
2. Collect all moneys and fees due to the Town.
3. Be responsible for the proper custody of all capital reserve accounts and make withdrawals from such accounts with Council authorization.
4. Pay warrants and payrolls upon certification of the Town Council Chairman and Vice Chairman.
5. Deposit to the credit of the Town all receipts of funds from Federal, State, and miscellaneous sources.
6. Discharge all responsibilities conferred or imposed upon him/her by State Law or Town Ordinance.
7. Audit and file all policies of insurance placed by the Town.

### 504.3 Duties of Town Purchasing Agent

1. Do all purchasing required by the various departments of the Town Government, excepting the Department of Education.
2. Let contracts or purchase orders to and including Five-Hundred Dollars (\$500.00) in excess of amounts allocated by vote of the Town Council so long as it does not exceed the maximum expenditure authority of the related department budget. The Council Chairman and Vice Chairman may authorize expenditures on contracts or purchase orders in excess of amounts allocated by vote of the Town Council to a limit of Two-Thousand Dollars (\$2,000.00) so long as it does not exceed the maximum expenditure authority of the related total appropriation.
3. Receive sealed bids for purchases and contracts in excess of Ten-Thousand Dollars (\$10,000.00), present them to the Town Council for approval and advise the Town Council on the advantages or disadvantages on contractual or bid proposals.

## **SECTION 505 - RECORDS DEPARTMENT**

### **505.1 Establishment and Appointment of Town Clerk**

There shall be a Records Department, the head of which shall be the Town Clerk, who shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Town Clerk may appoint a Deputy Town Clerk to act as his/her agent, and as many assistant clerks as approved by the Town Manager.

### **505.2 Duties of Town Clerk**

1. Secure a bond in the penal sum of \$15,000.00.
2. Seal and attest all contracts of the Town along with such other documents that require this type of action.
3. Turn over all money collected to the Treasurer.
4. Have proper accounts for all money received.
5. Maintain such records and perform such duties as may be required by the Laws of the State of Maine or as may be required, from time to time, by the Town Manager.
6. Keep a record of all ordinances and other records that the Clerk is required to keep by statute.
7. Issue certificates to those appointed to any office.
8. Obtain and maintain statistics relating to births, marriages and deaths.
9. Be custodian of the Town Seal.
10. Make all arrangements for elections. Keep and maintain all election records and have custody of all property used in connection with elections.

## **SECTION 506 - POLICE DEPARTMENT**

### **506.1 Establishment and Appointments**

There shall be a Police Department, the head of which shall be the Police Chief who shall be appointed by the Town Manager subject to confirmation by the Town Council. There shall also be a Harbor Master and Shellfish Warden who shall be administratively responsible to the Chief of Police.

### **506.2 Number of Policemen**

The Town Manager shall make all appointments to the Police Department and may entertain recommendations both as to the number and names of possible appointees of both regular and special policemen from the Chief of Police, except as the Town Manager may delegate his/her appointive powers in the Police Department to the Chief of Police. Special policemen shall have all the powers vested in the regular Town Policemen; said special policemen shall, however, serve only when and as specifically required by the Police Chief, and shall function only under the direction of the Police Chief; they shall assist the Police Chief whenever called upon and whenever so called shall be compensated for services

### **506.3 Promotions**

Promotions within the Police Department shall be made by the Town Manager based on recommendations submitted by the Chief of Police.

506.4 Duties of Police Chief

1. The Police Chief shall be the commanding officer of the Police Force. He/she shall:
2. Be responsible for the enforcement of law and order.
3. Direct the police work of the Town.
4. Arrange for the attendance of one or more Police Officers at every fire, to preserve order and to prevent theft and destruction of property.
5. Cause the streets, ways and lands of the Town to be inspected regularly and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be prosecuted when necessary to abate such nuisances.
6. Cause to be observed, and reported immediately to the Superintendent of Public Works, all defects and want of repair in street and sidewalks.
7. Receive and cause to be delivered all notices and papers to members of the Town Council when requested by the Town Manager, and make due return thereof.
8. Be responsible for the maintenance and care of all property used by the Police Department.
9. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the Town may be liable, instruct all police officers to report to him/her such accidents, and notify the Town Manager.
10. Investigate promptly all applicants for any license or permit when such application requires certification by the Police Chief, and either deliver promptly to the Town Clerk a certificate approving such license or permit, or promptly advise the Town Clerk of his/her refusal to so certify.

506.5 Duties of the Members

The members shall:

1. Enforce all Ordinances of the Town and all laws effective in the Town.
2. Preserve order, prevent violations of the Law and arrest those who violate the Law.
3. Respond to all complaints made to the Department and attempt to resolve them.
4. Exercise due caution to avoid unnecessary damage to or loss of Department property.
5. Immediately report to their superior officer any defect observed by or reported to them with respect to any police apparatus or equipment unless they can remedy the situation.
6. Be thoroughly familiar with all Departmental General Orders, Special Orders, and Rules and Regulations.
7. Whenever an incident is brought to the attention of a Police Officer whereby the Town may be subject to a liability, said Police Officer shall immediately communicate such evidence of potential liability to the Chief of Police.

506.6 Harbor Master

1. Establishment and Appointment The Town Manager shall appoint a Harbor Master, subject to confirmation by the Town Council.
2. Duties of the Harbor Master The Harbor Master shall:
  - a) Enforce all Ordinances and Laws of the Town relative to the Harbor and Port of Freeport.
  - b) Notify and warn the owner of any dock, pier, wharf or landing strip that has fallen into disrepair or remains in a dangerous condition, and cause the condition to be abated as a nuisance if not corrected within a reasonable period of time as specified by the Harbor Master.
  - c) Enforce the provisions of any Statute, Ordinance and any Rules and Regulations legally promulgated thereunder, applicable to the harbor, waterfront and watercraft.
  - d) Be overseer of the Town's mooring and regulate the use of all moorings for safety and traffic flow purposes.
  - e) Promote order in the Harbor so that the safety and convenience of those using the Harbor shall be enhanced.
  - f) Have the Rules and Regulations of the port printed and distributed.
  - g) Staff the Coastal Waters Commission.

506.7 Marine Resource Conservation Officer

1. Establishment and Appointment The Town Manager shall appoint a Marine Resource Conservation Officer, subject to confirmation by the Town Council.
2. Duties The Marine Resource Conservation Officer shall enforce all Town Ordinances and State Laws that pertain to the regulations of the clam flats situated within the Town. The Marine Resource Conservation Officer shall be responsible for establishing and managing a shellfish management program which shall include water testing, flat surveys and other local and state requirements. The Marine Resource Conservation Officer shall act as a liaison with the Department of Marine Resources and Environmental Protection and coordinate with DEP on overboard discharge issues. The Marine Resource Conservation Officer shall be responsible for other conservation related activities as assigned by the Town Manager, and other duties as assigned by the Chief of Police.

## **SECTION 507 - FIRE AND RESCUE DEPARTMENT**

507.1 Establishment and Appointment

There shall be a Fire and Rescue Department, the heads of which shall be the Fire-Rescue Chief, who shall be appointed by the Town Manager subject to confirmation by the Town Council.

### **FIRE**

507.2 Membership

The Town Manager shall make all appointments to the Fire-Rescue Department and may entertain recommendations both as to the number and names of possible appointees from the Fire-Rescue Chief.



507.3 Promotions

Promotions within the Fire-Rescue Department shall be made by the Town Manager based on recommendations submitted by the Fire-Rescue Chief.

507.4 Duties of Fire Chief

1. Forest Fire Warden - In accordance with Title 12, M.R.S.A. 8902, the Fire-Rescue Chief shall be appointed as Forest Fire Warden and no other person shall be appointed without the approval of the Town Council. The Forest Fire Warden shall serve at the pleasure of the Director of the Bureau of Forestry and shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the Director of the Bureau of Forestry. The appointed Forest Fire Warden may appoint one or more Deputy Forest Fire Wardens subject to approval of the Town Manager and may delegate to one of them authority to issue burning permits.
2. Direct and control all Town firefighters and rescue personnel in the performance of emergency operations within the municipality except as provided in Section 504.4, 1. of this Code.
3. Be authorized, with the approval of the Town Manager, to promulgate administrative rules and regulations relating to municipal fire and rescue protection, consistent with State Statutes and Ordinances.
4. Provide a training program for first responders within the Town in cooperation with appropriate governmental agencies.
5. Provide for the maintenance of all Town owned fire and rescue equipment and buildings used by the Town Fire-Rescue Department.
6. Prepare and submit annually to the Town Manager a budget relating to fire-rescue protection.
7. Be authorized to obtain assistance from persons at the scene of an emergency to assist in the protection of persons and property from injury.
8. Be authorized to pull down and demolish structures and appurtenances if he judges it necessary to prevent the spread of fire.
9. Serve as the Emergency Management Director.
10. Be responsible for the administration of the non-emergency transportation (NET) program.

**SECTION 508 - EMERGENCY MANAGEMENT**

508.1 Establishment and Appointment

There shall be a Freeport Emergency Management Department, the head of which shall be the Fire Chief.

508.2 Duties of Emergency Management

Shall be prepared to effectively handle any emergency operation due to natural or man-made disasters.

508.3 Duties of Emergency Management Director

1. Prepare an Emergency Management Plan for the Town of Freeport.
2. Preserve and improve the Emergency Management Program.

3. Maintain cooperation with the nearby communities and the County, State and Federal Emergency Management Associations.

## **SECTION 509 - INSPECTIONS DEPARTMENT**

### **509.1 Establishment and Appointment**

There shall be a Department of Inspections, the head of which shall be the Codes Enforcement Officer who shall be appointed by the Town Manager subject to confirmation by the Town Council. The Codes Enforcement Officer may be assisted by a Building Inspector, Plumbing Inspector and Electrical Inspector, who shall be appointed by the Town Manager, or the Codes Enforcement Officer may serve as any or all such Inspectors. In addition, these Inspectors will coordinate their work with the Fire Chief to assure that all safety regulations are being complied with.

### **509.2 Duties of the Inspectors**

1. It shall be the responsibility of the Inspectors to enforce the Ordinances, Codes, and Statutes that pertain to the development of property, building construction and maintenance.
2. It shall be unlawful for an Inspector to be engaged in any personal business activities that are directly related to his/her role as a Codes Enforcement Officer within the Town.
3. An Inspector in accordance with his/her duties, may place a stop order on activities that are in violation of any municipal code or statute that he/she is responsible for enforcing.
4. An Inspector shall issue a certificate of occupancy and/or approval when he/she determines that all the requirements of any municipal code or statute which he/she must enforce have been met.

### **509.3 Codes Enforcement Officer**

1. The Codes Enforcement Officer shall be responsible for enforcing all codes pertaining to the development or improvement of any property within the Town.
2. The Codes Enforcement Officer shall serve as the building official as defined in Section 2371 of Title 25 of the Maine Revised Statutes and shall be responsible for issuing building permits and certificates of occupancy.
3. The Codes Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with the following components of the Maine Uniform Building and Energy Code as such components may be revised from time to time by the Technical Building Codes and Standards Board:
  - a) the 2015 International Building Code;
  - b) the 2015 International Existing Building Code; and
  - c) the 2015 International Residential Code.
  - d) the 2015 International Mechanical Code;
  - e) the 2015 International Energy Conservation Code.
  - f) the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE) 62.1-2016 (Ventilation for Acceptable Indoor Air Quality), 62.2-2016 (Ventilation and Acceptable Indoor Air Quality in Low-Rise

Residential Buildings) and 90.1-2016 (Energy Standard for Buildings except Low-Rise Residential Buildings), editions without addenda; and

- g) The American Society for Testing and Materials (ASTM), E-1465-08, Standard practice for Radon Control Options for Design and Construction of New Low-Rise Residential Buildings.

- 4. The Codes Enforcement Officer shall have such other duties as may be imposed upon him/her by law or, from time to time, by the Town Council or Town Manager.

509.4 Duties of the Building Inspector

The Building Inspector, when authorized by the Codes Enforcement Officer, may issue building permits and certificates of occupancy.

509.5 Duties of the Plumbing Inspector

Shall be responsible for issuing plumbing permits and inspecting all permitted plumbing work in accordance to the State Plumbing Code and/or such Codes as may be adopted by the Town Council.

509.6 Duties of the Electrical Inspector

Shall be responsible for inspecting all electrical work in accordance with the National Electrical Code as adopted by the Town Council and/or such other Codes as may be adopted by the Town Council.

509.7 Other Duties of the Codes Enforcement Officer

The Codes Enforcement Officer shall be responsible for issuing other permits as necessary.

## **SECTION 510 - PUBLIC WORKS DEPARTMENT**

510.1 Establishment and Appointment

There shall be a Public Works Department, the head of which shall be the Director of Public Works who shall be appointed by the Town Manager subject to confirmation by the Town Council.

510.2 Number of Public Works Employees

The Town Manager shall make all appointments to the Public Works Department and may entertain recommendations both as to the number and names of possible appointees from the Director of Public Works, except as the Town Manager may delegate their appointive powers in the Public Works Department to the Director of Public Works.

510.3 Promotions

Promotions within the Public Works Department shall be made by the Town Manager based on recommendations submitted by the Town Director of Public Works.

**510.4 Duties of the Director of Public Works**

1. Responsible for all matters pertaining to construction, maintenance, and operation of the Town's physical properties as directed by the Town Manager.
2. Supervises and directs the Department's activities, delegating to subordinates as appropriate, but responsible for planning, coordinating and evaluating programs and activities.
3. Develops and administers the annual department budget, program estimates and costs, and Capital Improvement Plan under the direction of the Town Manager.
4. Responsible for the preparation and specifications of all contracts related to public works improvements.
5. Oversees the Town Solid Waste/Recycling Center, if designated by the Town Manager.

**510.5 Tree Warden**

**1. Establishment and Appointment**

There shall be a Tree Warden appointed by the Town Manager.

**2. Duties of the Tree Warden**

- a) Insure that all Statutes or Ordinances for the protection and planting of trees are enforced.
- b) Responsible for the cutting, trimming and pruning of trees in the streets and public places of the Town.

**SECTION 511 - DEPARTMENT OF PUBLIC WELFARE**

**511.1 Establishment**

There shall be a Department of Public Welfare, the head of which shall be the Overseer of the Poor who shall be appointed by the Town Manager subject to confirmation by the Town Council.

**511.2 Duties of the Overseer of the Poor**

1. Responsible for the administration of the Town's General Assistance Account in accordance with the General Assistance Guidelines, and as may be further amended.
2. Responsible for the planning, budgeting reporting and control of the General Assistance Program.
3. Exercise all powers and perform all duties conferred or imposed by State Law upon Overseers of the Poor.

**SECTION 512 - HEALTH OFFICER**

**512.1 Establishment and Appointment**

There shall be a Health Officer appointed by the Town Manager, subject to confirmation by the Town Council.

**512.2 Duties of Health Officer**

1. Enforce all Ordinances containing provisions for the protection of public health.
2. Present reports to the Town Manager as may be required.

## **SECTION 513 - TOWN ASSESSOR**

### **513.1 Establishment and Appointment**

There shall be a Town Assessor who shall be appointed by the Town Manager subject to confirmation by the Town Council, and who shall be responsible for the performance of all work in connection with the assessing of property and preparation of all assessment and tax rolls and tax notices as required by Article IV, Section IV of the Town Charter.

### **513.2 Duties of Town Assessor**

1. Be responsible for the assessing of property and for preparing the assessment, tax rolls and tax notices.
2. The assessor shall not appraise or sell real estate for a fee within the Town.
3. Maintain a list of all Town Property.
4. Perform such other duties as may be imposed upon him/her by law or regulation.

## **SECTION 514 - TOWN ENGINEER**

### **514.1 Establishment and Appointment**

There shall be a Town Engineer who shall be appointed by the Town Manager subject to confirmation by the Town Council.

### **514.2 Duties of the Town Engineer**

1. Perform the duties as from time to time may be imposed upon him/her by the Planning Board, Town Council or Town Manager.
2. Perform such duties as are provided by law or by ordinance.
3. Make reports to the Town Council or Planning Board regarding public improvements or such other work that may be requested, and shall offer suggestions regarding public improvements or such other work that may be requested, and shall offer suggestions regarding the same, as shall in his/her judgment seem best and proper.
4. Staff the Traffic & Parking Committee.

## **SECTION 515 - REGISTRAR OF VOTERS**

### **515.1 Establishment and Appointment**

There shall be a Registrar of Voters who shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Registrar of Voters may appoint Deputies in accordance with provisions of M.R.S.A. 21, Section 42.

### **515.2 Duties of the Registrar of Voters**

The Registrar of Voters shall comply with State Laws and any Town Ordinance related to the position.

## **SECTION 516 - MANAGER OF WINSLOW PARK**

### **516.1 Establishment and Appointment**

There shall be a Manager of Winslow Memorial Park who shall be appointed by the Town Manager, subject to confirmation by the Town Council.

### **516.2 Duties of the Manager of Winslow Park**

1. Be responsible for the care and maintenance of Winslow Memorial Park.
2. Insure that the provisions of the Adelaide M. Harb Trust are complied with and will make recommendations to the Town Council whereby compliance with the Trust shall be assured.
3. Provide the Park Commission with an annual report on the performance of the Adelaide Harb Trust Fund Trustee.
4. The Park Manager shall act as staff for the Park Commission.
5. The Park Manager will work directly for the Town Manager.

## **ARTICLE VI BOARDS AND COMMISSIONS**

### **SECTION 601 - ESTABLISHMENT**

There are hereby continued or created and established the following Boards and Commissions to be appointed by the Town Council:

1. Planning Board
2. Conservation Commission
3. Coastal Waters Commission
4. Board of Assessment Review
5. Board of Appeals
6. Shellfish Conservation Commission
7. Freeport Community Library Board of Directors
8. Licensing Board
9. Winslow Park Commission
10. Cable TV Regulatory Board
11. Solid Waste/Recycling Advisory Board
12. Project Review Board
13. Traffic & Parking Committee

### **601.1 Appointments to Boards and Commissions**

1. Individuals appointed to boards and commissions will be limited to three terms or a total of nine (9) years, provided that the Appointments Committee may waive this limitation in exigent circumstances as determined by an affirmative vote of a majority of the Appointments Committee. Additionally, individuals who serve as chair or vice chair of the board or commission at least four (4) of

- the previous nine (9) years shall be exempt from this limitation. Appointments due to exigent circumstances must be approved by a majority of the Town Council.
2. Individuals serving on boards or commissions must be residents of the Town of Freeport.
  3. A member of a board or commission shall forfeit his or her seat if he or she (a) is convicted of a crime or offense which is reasonably related to his or her ability to serve; (b) fails to attend three consecutive regular meetings without being excused by the chairperson, or; (c) fails to attend 75% of all regular meetings in a calendar year (effective 1/1/99).
  4. The Town Council may remove any member of a board or commission for just cause but the affirmative vote of at least the majority plus one member of the Town Council shall be required.
  5. Interim Appointments - Any person appointed to fill an unexpired term shall be credited with a full term if more than half of the unexpired term remains. If less than half the unexpired term remains, it shall not count toward the two term or six year limitation.
  6. Each Board and Commission shall hold an election of officers at the first regularly scheduled meeting following the annual appointments of the Town Council.

## **SECTION 602 - PLANNING BOARD**

There shall continue to be a Planning Board as created in accordance with the provisions of Home Rule granted by Article VIII of the State of Maine Constitution by M.R.S.A. 30, Section 1917 and by the Town of Freeport Planning Board Ordinance adopted by the Town Council on March 9, 1973, and as may be amended.

602.1 Establishment The Planning Board of the Town of Freeport is hereby created and constituted under the provisions of Article VIII-A of the Maine Constitution and by Title 30, Charter 201-A, Section 1917 M.R.S.A, 1964, as they can be amended.

- 1 The Planning Board shall consist of seven members appointed by the Town Council. They shall all be residents of the Town of Freeport and interested or skilled in planning, public historical preservation, environmental protection, architecture, construction, and engineering, while striving to protect the diversity of Freeport. Members shall serve without compensation.
- 2 Neither a municipal officer nor a member of the (Zoning) Board of Appeals, or Project Review Board may be a member of the Planning Board.
- 3 The term of office of a member shall be three years except for initial appointments which shall be as follows: three members for three-year terms, two members for two-year terms, and two members for one-year terms. Upon expiration of their terms, members shall continue to serve until their successors are appointed and qualified. In addition, the Planning Board has the ability to appoint members to an ad-hoc committee for specific studies.
- 4 The Board shall annually elect a Chairman and Vice-Chairman and a Secretary from its own membership, and may create and fill other

- offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
- 5 When there is a permanent vacancy, the Town Council shall, within sixty days of its occurrence, appoint a person to serve for the unexpired term.
- 6 The Chairman shall call meetings of the Board as required and shall call at least one regular meeting of the Board each month. The Chairman shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least four (4) members. Final action on any matter brought before the Planning Board shall require the concurring vote of a majority of those present and voting. The Chairman or the Vice-Chairman shall preside at all meetings of the Board. The Chairman shall be the official spokesman of the Board.
- 7 Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members present and voting, except the member who is being challenged.
- 8 The Board shall adopt rules for transaction of business, subject to the approval of the Town Council and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.
- 9 The Board, subject to the Town Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the duties and responsibilities of this Code. The cost of such services shall be borne by the applicant.

## 602.2 Duties and Responsibilities

The Planning Board shall have the duty and responsibility to:

- 1 Prepare, and revise and maintain, subject to the approval of the Town Council, a Comprehensive Plan for the Town of Freeport in accordance with the provisions of 30 M.R.S.A. Subsection 4961. The Planning Board shall constitute the "local planning committee" under 30-A M.R.S.A. section 4324(2).
- 2 Give the public ample opportunity to be heard concerning the development of the Comprehensive Plan.
- 3 Advise the Town Council on proposed changes to the Zoning Ordinance. For purposes of conducting public hearings on proposed changes to the Zoning Ordinance, the Planning Board shall constitute the "municipal review authority" under 30-A M.R.S.A. section 4352, subsections 8, 9 and 10.
- 4 Advise the Town Council on proposed changes to the Subdivision Ordinance.
- 5 Advise the Town Council on proposed changes to the Design Review Ordinance.
- 6 Investigate and report on any problems referred to it by the Town Council or by the Town Manager.



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- 7 Undertake studies as it may deem necessary.
- 8 Make recommendations to the Town Council concerning any projected Capital Improvement Programs.
- 9 Perform such duties and services necessary to its proper function within the limits of the appropriation made for the purpose.

#### 602.3 Employment of Planning Staff

1. The Town Manager shall appoint a Town Planner who will staff the Planning Board and Project Review Board and other boards as necessary.
2. The Town Planner shall carry out all planning functions as assigned by the Town Manager.

#### 602.4 Repealing

1. All prior Acts, Ordinances or Boards inconsistent herewith are hereby repealed.

#### 602.5 Saving Clause

1. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

#### 602.6 When Effective

1. The amendments to this Ordinance enacted on April 4, 2004 shall take effect immediately upon passage.

The foregoing Ordinance was adopted 3/29/73 and became effective 4/29/73 and was amended effective April 4, 2004.

### **SECTION 603 - CONSERVATION/LANDBANK COMMISSION**

There shall continue to be a Conservation/Landbank Commission as created in accordance with the provisions of Sub-Chapter II of Chapter 229 of Title 30 of M.R.S.A. and the Town of Freeport Conservation Commission Ordinance adopted by the Town Council on July 17, 1973, and as may be amended.

### **SECTION 604 - COASTAL WATERS COMMISSION**

#### 604.1 Establishment

The Freeport Coastal Waters Commission is hereby created and established for the general purpose of studying and evaluating public usage of and access to coastal waters under the jurisdiction of the Town of Freeport,

planning for its future use, to advise the Town Council on policy matters concerning the Town's coastal waters, and to hear appeals from any person aggrieved by any decision, act or failure to act of the Harbormaster. The Commission shall regularly inform the Town Council, Planning Board, and such other boards, committees, commissions or officials of the Town as is appropriate of its activities. The Harbormaster shall regularly inform the Commission of his/her activities as well as provide such available information as may be requested by the Commission for the execution of its duties.

#### 604.2 Organization

- 604.2.1 The Coastal Waters Commission shall consist of seven (7) members appointed by the Town Council. Each Commissioner shall be a resident of the Town of Freeport and shall serve without compensation. The Harbormaster shall serve as an ex-officio member of the Commission.
- 604.2.2 The term of office of a member shall be three (3) years except for initial appointments which shall be as follows: three (3) members for three-year terms; two (2) members for two-year terms; and two (2) members for one-year terms.
- 604.2.3 The Commission shall annually elect a Chairman, Vice Chairman and Secretary from its membership, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
- 604.2.4 Commissioners may be removed by the Town Council for cause, after notice and hearing. A Commissioner shall forfeit his membership on the Commission if he fails to attend three (3) consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission will notify the Town Council chairman of the forfeiture of office by a Commissioner.

#### 604.3 Duties

The Coastal Waters Commission:

- 604.3.1 Shall report to and advise the Town Council on matters concerning Freeport's coastal waters, and recommend ordinances to the Town Council on matters involving said coastal waters.
- 604.3.2 May evaluate the use of Freeport's coastal waters with respect to Federal and State Statutes, Freeport Ordinances, and the rights of any other public authority having specific jurisdiction.
- 604.3.3 May recommend rules and regulations to the Harbormaster.
- 604.3.4 May annually request funding for planning assistance and such commodities that the Commission may deem necessary.
- 604.3.5 Shall annually submit to the Town Manager a five (5) year Coastal Facilities Planning Report for use in the preparation of the Capital Improvements Program.
- 604.3.6 Shall keep records of its meetings and activities and shall make an Annual Report to the Town Council to be published as part of the Annual Report.

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- 604.3.7 Shall perform such other duties as may be delegated to it from time to time by the Town Council.
- 604.3.8 Shall conduct a regular meeting of the Commission to be held monthly, said meeting to be open to the public. The Commission may conduct special meetings which may be called by the Commission Chairman or by any three (3) Commissioners, said meetings to be open to the public.
- 604.3.9 Shall hear any appeal by any person affected directly or indirectly, from any decision, order, rule, act or failure to act on the Harbormaster. In deciding any appeal, the Commission shall hear and approve, approve with modifications or conditions, or disapprove the decision, order rule, act or failure to act of the Harbormaster, from which the appeal is made. If a person is aggrieved by a decision of the Coastal Waters Commission, he or she may appeal the decision of the Coastal Waters Commission to the Town Council within ten (10) days.

#### 604.4 Savings Clause

- 604.4.1 The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

#### 604.5 Repealer

- 604.5.1 The Freeport Harbor Commission Ordinance as adopted on May 7, 1974, and as amended, is hereby repealed.

### **SECTION 605 - BOARD OF ASSESSMENT REVIEW**

There shall continue to be a Board of Assessment Review as created by Article IV, Section 4.04(b) and (c) of the Town Charter.

### **SECTION 606 - BOARD OF APPEALS**

There shall continue to be a Board of Appeals as created by the Town of Freeport Board of Appeals Ordinance adopted by the Town Council on May 29, 1973, and as may be amended.

### **SECTION 607 - SHELLFISH CONSERVATION COMMISSION**

There shall continue to be a Shellfish Conservation Commission as established by the Ordinance adopted by the Town Council on 7-14-73, and as may be amended.

### **SECTION 608 - COMMUNITY LIBRARY BOARD OF DIRECTORS**

#### 608.1 Establishment

1. There shall continue to be a Freeport Community Library Board of Trustees to be herein established as consisting of nine (9) members who shall all be residents of the Town of Freeport.
2. The term of office of a member shall continue to be three (3) years.
3. The Board of Trustees shall annually elect a Chair, Vice Chair, and Secretary from its own membership and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
4. When there is a permanent vacancy, the Town Council shall, within sixty (60) days of its occurrence, appoint a person to serve for the unexpired term.
5. The Chair shall call meetings of the Board of Trustees as required and shall call at least one regular meeting of the Board every second month. A quorum of the Board necessary to conduct an official meeting shall consist of at least five (5) members.

#### 608.2 Duties of the Freeport Community Library Board of Trustees

1. The Freeport Community Library is a municipal department of the Town of Freeport. All financial decisions are made by the Library Director with approval of the Town Manager with the exception of the Jane Hall Trust over which the Board has fiduciary and spending responsibilities.
2. Library Trustees are in an advisory capacity to the Library Director. They serve as advocates for the library to the Town Council and represent the views of the community at large to the Library Director.

#### 608.3 Employment of Library Staff

1. The Town Manager shall appoint a Library Director with feedback of the Board of Trustees.
2. Support Staff shall be hired by the Director and confirmed by the Town Manager.

### **SECTION 609 - LICENSING BOARD**

#### 609.1 Establishment

There shall be a Licensing Board consisting of nine (9) members; each of the duly elected and sworn members of the Town Council, the duly appointed and sworn Town Manager and the duly appointed and sworn Town Council Secretary, the latter serving as Secretary to the Board.

#### 609.2 Duties of the Licensing Board

1. It shall meet on an as needed basis at such time and place as they appoint by posting notices in three or more places in Freeport, at least seven (7) days previously stating the purpose of the meeting.
2. It shall consider applications of all persons for licenses to be Victualers after all of the following conditions have been complied with:
  - a) Certification by the Tax Collector that all taxes assessed to the applicant for property both real and personal used in the conduct of

said application's business have been paid by the annually specified date or by the time of the Annual Meeting in May.

- b) File with the Town Clerk a photostatic copy or written evidence or certification by the State Board of Health that the facility for which the license is applied for meets their standards.

## **SECTION 610 - WINSLOW PARK COMMISSION**

### **610.1 Establishment**

The Winslow Park Commission shall consist of nine (9) appointed members; one (1) from the Town Council and eight (8) citizens at large.

### **610.2 Duties of the Winslow Park Commission**

The Winslow Park Commission shall act as an advisory group to the Town Council. The Park Manager shall act as staff for the Park Commission. The Park Manager will work directly for the Town Manager.

### **610.3 Adelaide Harb Trust**

The Winslow Park Commission shall annually review the performance of the Adelaide Harb Trust Fund.

## **SECTION 611 - CABLE T.V. REGULATORY BOARD**

### **611.1 Establishment**

1. The Cable T.V. Regulatory is hereby created and established for the general purpose of regulating, evaluating and enforcing the Town of Freeport's Cable T.V. Franchise Agreement. The Board shall consist of five (5) members, each appointed by the Town Council for three (3) year terms. The School Department shall have a designated seat on the Board. The Board shall annually elect a Chairman, Vice Chairman and Secretary from its own members.
2. The Chairman shall call meetings of the Board as required and shall call at least one regular meeting of the Board every month. A quorum of the Board necessary to conduct business shall consist of at least four (4) members.

### **611.2 Duties of the Cable T.V. Regulatory Board**

1. Create, revise, and update the application form for CATV Systems;
2. Recommend regulations to the Municipal Officers concerning CATV Systems;
3. Review and recommend to the Municipal Officers all applications and any renewals or extensions for CATV Systems within the Town;
4. Review the performance of the Company and its compliance with the franchise agreement at least once a year;
5. Review the rates, fees, and deposits for CATV System services at least once a year;
6. Review all applications for rate increases and make recommendations to the Municipal Officers;

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7. Review and recommend to the Municipal Officers and Town Manager topics for local programming and services;
8. Review and settle disputes and grievances concerning CATV Systems;
9. Assume other CATV related duties as designated by the Municipal Officers of this Ordinance.
10. Review and recommend an annual Five Year Capital Plan in conjunction with the Cable T.V. Director
11. Promote and facilitate FCTV programming and production.
12. Advise the Cable T.V. Director on CATV program scheduling.

#### **611.3 Employment of Cable TV Staff**

1. The Town Manager shall appoint a Cable TV Director who will staff the Cable TV Regulatory Board.
2. The Cable TV Director shall carry out all cable TV functions as assigned by the Town Manager.

### **SECTION 612-SUSTAINABILITY ADVISORY BOARD** *Amended 07/05/16*

#### **612.1 Establishment**

The Sustainability Advisory Board shall consist of seven (7) members serving three year staggered terms. A quorum of the Committee is necessary to conduct an official meeting and shall consist of at least four (4) members. Members shall all be residents of the Town of Freeport. The Committee shall annually elect officers from its own membership. The officers shall be eligible for re-election.

#### **612.2 Duties and Responsibilities**

The Committee shall:

1. advise/recommend to the Town Council through the Town Manager;
2. advise/recommend all sustainability related policies to the Town Council and/or through Town Staff;
3. study any other matters or duties that from time to time are requested by the Town Council and/or Town Staff as it pertains to the above matters;
4. meet monthly as determined by the Committee.

#### **612.3 Employment of Town Staff**

- 1) The Town Manager may appoint a town staff person to staff the Sustainability Advisory Board.
- 2- Appointed staff will perform sustainability functions as assigned by the Town Manager.

### **SECTION 613- PROJECT REVIEW BOARD**

#### **613.1 Project Review Board Establishment**

- 1.1 There is hereby created the Project Review Board, which shall consist of seven (7) members appointed by the Town Council who shall be residents of the Town of Freeport and interested or skilled in historical preservation, environmental protection, architecture,

- construction, and engineering, while striving to protect the diversity of Freeport. Members shall serve without compensation.
- 1.2 Neither a municipal officer nor a member of the (Zoning) Board of Appeals or the Planning Board may be a member of the Project Review Board.
  - 1.3 The term of office of a member shall be three years except for initial appointments which shall be as follows: three members for three-year terms, two members for two-year terms, and two members for one-year terms. Upon expiration of their terms, members shall continue to serve until their successors are appointed and qualified.
  - 1.4 The Board shall annually elect a Chairman and Vice-Chairman and a Secretary from its own membership, and may create and fill other offices as it may determine necessary. Officers shall serve one-year terms and shall be eligible for re-election.
  - 1.5 When there is a permanent vacancy, the Town Council shall, within sixty days of its occurrence, appoint a person to serve for the unexpired term.
  - 1.6 The Chairman shall call meetings of the Board as required and shall call at least one regular meeting of the Board each month. The Chairman shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least four (4) members. Action for a Design Review Certificate shall follow the procedure outlined in the Freeport Design Review Ordinance, Chapter 22, Section VI.A. All other decisions of the Project Review Board shall require the concurring vote of a majority of those present and voting. The Chairman or the Vice-Chairman shall preside at all meetings of the Board. The Chairman shall be the official spokesman of the Board.
  - 1.7 If there is any question of whether a particular issue involves a conflict of interest or bias sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members present and voting, except the member who is being challenged.
  - 1.8 The Board shall adopt rules for transaction of business, subject to the approval of the Town Council and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.
  - 1.9 The Board, subject to the Town Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the duties and responsibilities of this Code. The cost of such services shall be borne by the applicant.
  - 1.10 The Board shall hold regular meetings, at least monthly. All meetings of the Board shall be open to the public and a public record shall be kept of the Board's resolutions and decisions.

#### 613.2 Duties and Responsibilities

The Project Review Board shall have the duty and responsibility to:

- 2.1 Review and issue its order with respect to all proposed subdivisions including the approval of road names within a proposed subdivision. The Project Review Board shall constitute the “municipal reviewing authority” for subdivisions under 30-A M.R.S.A section 4403.
- 2.2 Review and issue its order with respect to all reviews as required by the Freeport Zoning Ordinance.
- 2.3 Review and issue its order with respect to all reviews as required by the Freeport Design Review Ordinance. In reviewing such applications, the Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or historic preservation that affect the visual quality of the Design Review District. The Board shall not consider use or interior arrangements. The Board may make any requirement consistent with the specific intent of the Design Review Ordinance as set forth in Section IB and Sec. VIII of the Design Review Guidelines thereof.

### 613.3 Repealing

- 3.1 The Design Review Board previously established under the Design Review Ordinance and the Administrative Code is hereby abolished and all powers and duties previously exercised by the Design Review Board shall be exercised by the Project Review Board on and after 04/01/04, except with respect to pending applications as provided in Section 615.4.

### 613.4 Transition Clause

- 4.1 Effective March 3, 2004 the Project Review Board shall have those powers and duties previously exercised by the Planning Board and the Design Review Board, which relate to the review of applications for permits or approvals of any kind, except where review of such applications has been expressly assigned to the Board of Appeals, Codes Enforcement Officer, Staff Review Board, or Coastal Waters Commission. If any ordinance existing as of 04/01/04 continues to refer to the Planning Board or the Design Review Board with respect to an application for a permit or approval, the Project Review Board shall be substituted as the permitting authority, Notwithstanding the foregoing, any application filed before March 3, 2004, shall continue to be reviewed by the board with which the application was filed until a final decision is rendered, except that any application for a new subdivision or a major site plan filed after February 3, 2004 shall not be reviewed or acted on by the Planning Board, but shall be taken up by the Project Review Board at its first meeting on or after April 1, 2004.

### 613.5 When Effective

- 5.1 The amendments to this Ordinance enacted on March 3, 2004 shall take effect immediately upon passage



**SECTION 614 - COMPLETE STREETS COMMITTEE** *(Amended 7/22/19 from Traffic and Parking Committee)*

614.1 Establishment

The Complete Streets Committee shall promote, advise, and recommend policies related to Freeport's public multi-modal transportation system, with emphasis on best practices for enhancing safety, community connectivity, system sustainability, and economic development.

"Complete Streets" (for purpose of general definition within this ordinance) is a transportation policy, which encourages street planning, design, operation, and maintenance that enables safe access for all members of our community, to include pedestrians, bicyclists, motorists, and transit riders, regardless of age and abilities. A 'complete street' safely accommodates all users. An 'incomplete street' does not.

The Complete Streets Committee shall consist of nine members. The membership shall include:

- Police Chief, Town of Freeport
- L.L. Bean representative
- Town Councilor
- Six (6) At-Large representatives

All Complete Streets Committee members shall be appointed by Town Council. Appointments will be for staggered three-year terms. The Complete Streets Committee shall elect a Chair and Vice-Chair consistent with Section 601.1 of the Freeport Administrative Code. All municipally imposed term limits for Board or Committee members (including those in Section 601.1 of this code) shall not apply to the Police Chief or L.L. Bean representative regarding their membership on the Complete Streets Committee.

All Complete Streets Committee members must be Freeport residents, with the exceptions of the Police Chief and L.L. Bean representative. The Complete Streets Committee Chair shall be a Freeport resident.

The Complete Streets Committee shall be staffed by the Town Engineer.

614.2 Duties and Responsibilities

The Complete Streets Committee shall advise Town Council on public multi-modal transportation system projects and related issues to include, but not limited to:

- Town of Freeport Complete Streets Policy — develop, propose, implement, and update;
- short- and long-term improvements that implement the goals of the Complete Streets Project Plan and Active Living Plan dated 7/9/2014;

- traffic flow and circulation;
- pedestrian flow and circulation, to include crosswalks;
- shared use pathways, particularly those that address community connectivity;
- on- and off-street parking;
- signage;
- general safety issues;
- funding sources for multi-modal transportation maintenance and improvements;
- alternative transportation accommodation and ADA compliance;
- integration of sustainability practices.

The Complete Streets Committee shall monitor and maintain the Freeport Complete Streets Project Plan. This plan will include project priorities, current status, estimated costs, project scope and timing, funding sources, and anticipated community benefit. The Complete Streets Project Plan shall be updated each year, no later than December 31, and submitted to Town Council for consideration during budget development.

The Complete Streets Committee shall provide advice, when requested, for other Boards and Commissions such as the Planning Board, Project Review Board, Coastal Waters Commission, and others.

The Complete Streets Committee shall develop and gather technical information through consultants, and advocacy groups, as needed, and from committee staff.

The Complete Streets Committee shall conduct special projects related to Complete Streets Committee Duties and Responsibilities.

Complete Streets Committee members are expected to participate in workgroups and on special projects related to Complete Streets Committee Duties and Responsibilities.

The Complete Streets Committee shall recommend ordinance revisions, as necessary, and advise on proposed ordinance revisions.

The Complete Streets Committee shall provide for public comment from residents with questions and concerns about multi-modal transportation system elements, to include safety, community connectivity, economic impact, and other related issues.

The Complete Streets Committee shall decide on public peddler locations.

The Complete Streets Committee shall act in any capacity required by specific Town ordinances.

The Complete Streets Committee shall periodically review the efficacy of its structure and governing ordinance and annually provide guidance to the Appointments Committee regarding qualifications for open seats.

The major focus of Complete Streets Committee efforts shall be on the Village, Route 1 corridor, high density areas, and opportunities for connectivity, though it will provide advice and recommendations, as needed, about issues within its purview in other sections of Freeport.

## **Section 615 Hunter Road Fields Advisory Committee**

### **615.1 Establishment**

The Hunter Road Fields Advisory Committee shall consist of seven (7) members appointed by the Town Council for staggered three-year terms. The members shall include a Town Councilor, a Conservation Commission member, an RSU #5 representative and a member from each of the Town of Freeport's 4 voting districts. The Committee shall annually elect a Chair and a Vice-Chair.

### **615.2 Duties and Responsibilities**

Develops a purpose statement for the Hunter Road Fields and Trails that contains intended purposes including, but not limited, to accessibility by all residents, fulfills longstanding need for fields within community, provides opportunities for outdoor activities for people of all ages and abilities, groups and individuals, organized and informal activities.

The Hunter Road Fields Advisory Committee shall advise the Town Council on field and related trail issues such as, but not limited to, the following:

- Fee structures
- Process and protocol for scheduling
- Management structure
- Field and trail maintenance
- Preparing annual budgets, both capital and operating, in consultation with the Finance Director
- Develop use priorities
- Signage
- Parking
- Review and settle disputes and grievances concerning field operations.

The Hunter Road Fields Advisory Committee shall provide advice, when requested, for other Boards and Commissions.

Develop and gather technical information, as needed.

Recommend ordinance revisions and advise on proposed ordinance revisions.

Provide for public comment from citizens with concerns about issues related to fields and trails.

Act in any capacity required by specific Town ordinances.

## **SECTION 616 – ACTIVE LIVING ADVISORY COMMITTEE**

### **616.1 Establishment**

The Active Living Advisory Committee shall consist of seven (7) members serving three year staggered terms. The members shall include one Town Councilor, two at large members, and one member from each of the Town's four voting districts. A quorum of the Committee is necessary to conduct business and shall consist of at least four (4) members. Members shall all be residents of the Town of Freeport. The Committee shall annually elect a chair and vice-chair.

*Amended 04/25/2023*

The Committee shall exist for six years, ending on June 30, 2021, unless this ordinance is amended by future action of the Town Council.

**616.2 Duties and Responsibilities**

The Committee shall serve as a resource to the Town of Freeport citizens for initiatives outlined in the Town of Freeport Active Living Plan.

**616.3 Employment of Planning Department Staff**

1. The Town Manager shall employ a Town Planner, who will staff the Active Living Advisory Committee.
2. The Town Planner shall carry out Planning functions as assigned by the Town Manager.

**SECTION 617 – MUNICIPAL TREE TASK FORCE**

**617.1 Establishment**

The Municipal Tree Task Force is hereby created and established. The Tree Task Force shall report to the Sustainability Advisory Board and shall consist of three community members appointed by the Sustainability Advisory Board. The term of the members shall be for two years.

In consultation with the Sustainability Advisory Board, the Town Council shall assess the effectiveness of the Municipal Tree Task Force in 2025. The Task Force shall end on June 30, 2025 unless this Ordinance is amended by future action of the Town Council.

**617.2 Duties and Responsibilities**

The Municipal Tree Task Force shall determine the needs of the Town of Freeport in connection with its public tree program. The Tree Task Force shall meet at least semiannually. It shall assist in the establishment of standards for the selection, planting, maintenance and removal of public trees, and in the dissemination of news and information on these standards and on the public tree program.

The Municipal Tree Task Force shall formulate and continually update a management plan for public trees. Such plan shall be presented to the Freeport Town Council, and, upon acceptance and approval by the Council, the plan shall serve as the basis for the public tree program.

**SECTION 618 – POLICE ADVISORY COMMITTEE**

**618.1 Establishment**

*Amended 04/25/2023*

The Police Advisory Committee shall consist of five (5) full members. Full members shall be Freeport residents, over the age of 18, without current or previous work experience in the field of law enforcement in a Police, Sheriff or Corrections Department within the last four years. A quorum of three full members shall be required to conduct business. The Committee shall elect annually a Chair, Vice-Chair, and Secretary.

Additionally, there shall be four (4) associate members as follows:

- One (1) Town Council liaison.
- Two (2) high school students, who shall be Freeport residents enrolled in a public, private, or home study course of high-school level education.
- One (1) Freeport Police Officer, who shall attend meetings at the request and pleasure of the Committee Chair.

Associate members shall have the right to participate in all discussions but shall not have the right to vote.

Committee members shall be appointed and serve as follows: All five (5) full Committee members and the two (2) associate high school students shall be appointed by the Town Council and shall serve three year, staggered terms. The one (1) associate Town Council liaison shall be appointed annually by the Town Council Chair. The one (1) associate Freeport Police Officer shall be appointed annually by the Chief of Police.

## **618.2 Mission**

The mission of the Committee shall be to increase equity in policing, minimize harm in the community, and improve lines of communication and accountability between residents and the Freeport Police Department.

## **618.3 Duties**

The duties of the Committee shall be as follows:

- 1) Study, review, and recommend policy to the Freeport Police Department based on community input and expertise.
- 2) Assist the Town with Police Department Staffing.
- 3) Provide the public with transparency of complaints to ensure it is thorough, objective, fair and timely.
- 4) Provide a forum for the public discussion of law enforcement effectiveness and policing procedures in our community, recommend ways to improve community relationships and provide advice on various law enforcement initiatives.
- 5) Research best practices for use of Town resources related to policing and safety, and make appropriate recommendations to the Town Council.

*Amendments as of 6/16/2015:*

*Section 506.7 (1) & (2) Amended by the Town Council on February 24, 2015.*

*Section 614.1 Amended by the Town Council on April 7, 2015.*

*Section 601.1 Amended by the Town Council on June 16, 2015*

*Section 616 Adopted as new ordinance on June 16, 2015.*

*Amended 04/25/2023*

*Amendments as of 07/05/2016:*

*Section 612 on 7/5/2016. Changed Solid Waste/Recycling Advisory Board to Sustainability Advisory Board.*

*Amendments as of 01/08/2019:*

*Section 509 Inspections Department . Amended by Town Council on 01/08/2019.*

*Amendments 7/22/2019-amended Traffic and Parking to be the new Complete Streets Committee. New charge of committee.*

*Amendments 04/28/2020 -added Section 617: Municipal Tree Task Force*

*Amendment 06/01/2021-added Section 618: Police Advisory Committee*

*Amendment 08/03/2021-amended Section 509-Inspections Department-updated dates*

*Amendments 04/25/2023 to change management rights from Board of Directors to Director/Manager and to change Board of Directors to Board of Trustees.*

