

CHAPTER 201

ADMINISTRATIVE CODE

Town of Yarmouth, Maine

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ADMINISTRATIVE CODE

ARTICLE I - GENERAL

This ordinance shall be known and may be cited as the Administrative Code of the Town of Yarmouth, Maine.

A. CORPORATE SEAL

The official seal of the Town of Yarmouth shall contain the words "Yarmouth, Maine, 'Our Latchstring Always out'" and shall be in the same appearance as the reproduction shown on this page.



B. CHARTER

The words “Town Charter” mean Chapter 128 of the Private and Special Laws of Maine 1965 entitled “An Act Providing for a Council-Manager Charter for the Town of Yarmouth”, and as may be further amended.

C. ADMINISTRATIVE MANUAL

The Town Manager is hereby authorized to issue such administrative regulations, consistent with the Town Charter and Town ordinances, as he/she deems necessary to provide for the adequate functioning of all departments. All regulations so issued shall comprise the Administrative Manual which shall be distributed to all members of the Town Council, all department heads, and to such others as the Town Manager may determine to be necessary or desirable, and shall be available in the office of the Town Clerk for public inspection.

D. BONDS

Every Town Officer and employee who collects, has custody of or disburses any public moneys, must prior thereto, at the expense of the Town, furnish to the Town and maintain in full force and effect a corporate surety bond in such amount as the Town Council may determine. Until and unless bonded as required herein, no officer or employee of the Town shall handle any public moneys at any time, except employees of bonded officers doing so under their specific direction and responsibility.

E. WARRANTS AND LEGAL DOCUMENTS

All warrants for disbursements of money and all necessary legal documents shall be signed by either the Chair of the Town Council or the Chair of the Council Finance Committee, except as otherwise ordered by the Town Council.

F. COMPENSATION

The Town Council by order shall fix the salaries of officials elected or appointed by the Town Council, including the salary of the Town Manager for his/her services as such and for all other services rendered by him/her. The salaries of the appointees of the Town Manager shall be fixed by the Town Manager subject to budget approval by the Town Council.

G. FUNDS

Every Town Official shall keep an accurate account of all moneys which may be virtue of his/her office come into his/her hands from whatever source, stating from whom received, and on what account the same was paid; he/she shall pay such moneys to the Town Treasurer at such periods as the Town Treasurer may require.

H. HEADINGS

No provision of any ordinance shall be held invalid by reason of deficiency in any CHAPTER, ARTICLE or subject heading, it being hereby expressly provided that such headings are not a part of any ordinance.

I. INVESTIGATIONS

The Council may institute through itself or the Town Manager, or any person or committee authorized by them, an inquiry into the conduct of any office, department, agency or officer of the Town and to make investigations as to Municipal affairs and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provision of this Section shall constitute a misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$100.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment, as authorized by ARTICLE X, Section 6 of the Town Charter.

J. 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:

1. by delivering the notice to the owner personally or by leaving the same at his/her residence, office, or place of business with some person of suitable age and discretion, or
2. by mailing the notice by registered mail to such owner at his/her last known address, or
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.
4. no person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any Town Officer unless permission is given to remove said notice.

K. OATH OF OFFICE

Every Town Officer shall be duly sworn to the faithful performance of the duties of his/her office as provided by ARTICLE 10, Section 7 of the Town Charter.

L. PENALTIES

Every person who shall be guilty of a violation of any provision of any ordinance to which a particular penalty is not annexed, shall forfeit and pay a sum of not more than two hundred dollars (\$200.00) to be recovered to the use of the Town on complaint or by other appropriate action before an appropriate court.

M. EFFECT OF PENALTY

The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and each day that violation is permitted to exist shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation or any ordinance shall not preclude the Town Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, removal, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

N. PROPERTY

Each official who has public property responsibility shall forthwith make up a list of all such property and deposit said list over his/her signature with the Town Clerk. Each such official shall, at the time of making his/her annual report, include therein a complete list of property for which he/she is responsible. When any official terminates his/her duties he/she shall check his/her property list with the successor in office or with the Town Manager if the latter so elects, and obtain a release from property liability prior to receiving his/her final salary payment due. Each official shall promptly reimburse the Town for the fair and reasonable value of any property for which he/she is responsible and for which he/she is unable to account, if such loss is due to his/her carelessness or negligence. The amount of such reimbursement shall be determined by the Town Council.

1. The Town Council hereby establishes the general policy that no Town property, supplies, or equipment of any kind shall be loaned or rented to any person; the Town Manager is authorized to make exceptions hereto when in his/her opinion the circumstances especially so warrant, in which case he/she shall specify the terms thereof.

O. PUBLICITY OF RECORDS

All records and accounts of every office, department and agency of the Town shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Town Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by State law to be kept confidential.

P. RECORD PRESERVATION

Each department head shall be held responsible for the preservation of all public records under his/her jurisdiction and shall provide a system of filing and indexing the same. 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 Town Manager. Each department head shall retain a copy of all communications issued by him/her of his/her department.

Q. REPEAL EFFECT

The repeal of any prior ordinance of the Town by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment 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, contact or event already affected by them.

R. REPORTS

All department heads shall make an annual report to the Town Manager, and such other reports as may be required by the Town Council or the Town Manager.

S. RESPONSIBILITY

The prohibition of any act by any ordinance of the Town, or in any amendment thereof, shall include the causing, securing, aiding or abetting of another person to do said act.

T. RULES OF CONSTRUCTION

The following rules shall be observed in the construction of ordinances, unless such construction is inconsistent with the plan meaning of the ordinance:

1. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning. The words “and” and “or” are convertible as the sense of any ordinance may require.
2. Words of the singular may include the plural; and words of the plural may include the singular. Words of the masculine gender may include the feminine.
3. Words giving authority to three or more persons authorize a majority to act when the ordinance does not otherwise determine.
4. The words “street” or “streets” shall be understood as including highways, ways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, crosswalks and bridges.

5. The word “inhabitant” means a person having an established residence in the Town.
6. The word “oath” includes an affirmation when an affirmation is allowed. Affirmation is allowed when a person required to be sworn is conscientiously scrupulous of taking an oath.
7. The word “person” as used in any ordinance, and in any amendment thereof hereafter enacted, shall include: any individual, firm, copartnership, corporation, company, association, club, joint venture, estate, trust, or any combination acting as a unit and the individuals constituting such group or unit, unless the intention to give a more limited meaning is disclosed by the context.
8. By the words “preceding” or “following”, used with reference to a section, is meant the section next preceding or following that in which it is used when not otherwise expressed.
9. The term “Municipal Officers” means the members of the Town Council.
10. The word “Town” shall be construed as if the words “of Yarmouth” followed it.
11. The term “Town Officer” means any elected or appointed official of the Town government.

U. STATE LAW

All the laws of the State of Maine are hereby incorporated by reference. No person shall violate any law of the State of Maine and no enumeration of particular State laws in ordinances of the Town shall be exclusive.

V. SUITS

Every Town Officer having knowledge of any fact concerning any claim or suit for or against the Town shall report such fact forthwith to the Town Attorney. It shall be the duty of every employee of the Town to report at once to the Police Chief facts which may come to his/her notice concerning any accident for which the Town may be liable; and the heads of the several departments, agencies and offices of the Town shall instruct all their employees to report such facts and information as aforesaid. No member of the Town Council shall act as attorney, agent or representative of any person or corporation in making, prosecuting or presenting before the Town Council or any Town department, office or agency, any claim or demand against the Town.

W. TERM OF OFFICE

All officials and employees of the Town shall serve at the pleasure of the appointive power in each instance, and may be removed at any time by the appointive power whose decision shall be final and there shall be no appeal thereof to any other office, body or court whatsoever, except as provided under ARTICLE 10, Section 9 of the Town Charter. A member of a board or commission appointed by the Town Council for a definite term may be removed by the Town Council only for malfeasance, misfeasance, or nonfeasance.

X. VACANCIES ON APPOINTIVE BOARDS

Any vacancy during the unexpired term of any member appointed to any board or commission by the Town Council shall be filled by the Town Council for the remainder of the term.

ARTICLE II – TOWN COUNCIL

A. MEMBERSHIP

The Town Council of the Town of Yarmouth shall consist of seven members as provided for in ARTICLE 2, Section 1 of the Town Charter.

B. DUTIES

The Town Council shall have all the duties and responsibilities as provided for in ARTICLE 2 of the Town Charter.

ARTICLE III – ELECTIONS

A. 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 elections, so far as they may be applicable, shall govern all Municipal elections except as otherwise provided in ARTICLES 7, 8, and 9 of the Town Charter.

B. PLACE AND TIME OF OPENING OF ELECTION

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.

C. 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 the Police Chief, constable, or any resident of the Town by posting an attested copy of said warrant in five (5) public and conspicuous places seven (7) days at least before the time of said election, and said warrants shall be returned to the Town Clerk before the time of the election therein named.

D. FORM OF WARRANTS FOR TOWN ELECTIONS

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

STATE OF MAINE	
Cumberland, ss.	Yarmouth, Maine
To a police officer, constable, or any resident of said Town of Yarmouth.	
Greetings:	
In the name of the State of Maine, you are hereby required forthwith to notify and warn the inhabitants of said Town of Yarmouth, qualified to vote according to law, to meet at the _____ in said Town on _____ the day of next at _____ o'clock _____ in the forenoon, to act upon the following:	
Given under our hands and the seal of the said Town of Yarmouth this _____ day of _____ A.D. 20__	
_____ _____ _____ _____ _____ _____ _____	
Majority of Municipal Officers of Yarmouth	

E. FORM OF RETURN OF WARRANT

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

STATE OF MAINE	
Cumberland, ss.	Yarmouth, Maine _____ A.D. 20__
<p>Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town of Yarmouth to meet at the time and place and for the purposes of therein mentioned by posting up attested copies of this warrant at the _____ the same being public and conspicuous places in said Town as in said warrant directed on the _____ day of _____ A.D. 20__ being seven days before said election.</p>	
<p>_____ Police Officer, Constable, or Resident of said Town of Yarmouth</p>	

F. PRECINCTS

The Town of Yarmouth shall be a single voting district.

G. BOARD OF VOTER REGISTRATION

The Board of Voter Registration shall be appointed as provided by the State law.

H. BALLOT AND ELECTIONS CLERKS

Biennially in the month of May, the political parties shall present to the Town Clerk a list of those willing to work at the polls. Following appointment by the Town Council, the Town Clerk shall fill the positions of ballot and election clerks from that list. Before each election, the Town Clerk shall appoint at least two (2) clerks to serve at the voting district. Such clerks shall equally represent each of the political parties which case the largest number of votes in the state election next preceding their appointment.

I. COMPENSATION

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

J. WARDENS

The wardens shall, forthwith after each election, complete and deposit the records of the precinct and all papers connected therewith with the Town Clerk.

ARTICLE IV – TOWN MANAGER

A. TOWN MANAGER

- a. 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. To that end, he/she shall abide with the provisions set forth in ARTICLE 3 of the Town Charter.
- b. The Town Manager shall be an ex-officio member of all boards and commissions of the Town. He/she shall have the right to attend all meetings and to participate in the proceedings, but he/she shall have no vote.

B. DIVISION OF ADMINISTRATIVE SERVICE

The administrative service of the Town shall be divided under the Town Manager into the following departments with the following heads thereof:

Department

Head

Legal Department.....	Town Attorney
Finance Department.....	Finance Director
Human Resources Department.....	Human Resources Director
Treasury/Tax Collection	Treasurer – Tax Collector
Records Department	Town Clerk
Police Department.....	Police Chief
Fire/Rescue Department	Fire Chief
Civil Defense	Civil Defense Chief
Health Department	Health Officer
Public Welfare Department	Welfare Administrator
Public Works Department.....	Director Public Works
Community Services Department.....	Director Community Services
Planning and Development	Director Planning and Development
Engineering	Town Engineer
Wastewater	Town Engineer

C. DEFINITION OF “DEPARTMENT”

Whenever used in any ordinance, the word “department” shall be construed to mean department, agency, or office of the Town, unless the context plainly requires otherwise.

D. DEPARTMENT HEADS

The heads of departments shall:

1. 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.
2. be immediately responsible to the Town Manager for effective administration of their departments.
3. keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Town Manager, such new practices as appear to be of benefit to the services and to the public.
4. establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the Town Manager.
5. submit reports of the activities of their department when requested by the Town Manager.
6. have power to delegate to members of the departments or divisions coming under their direction such duties and responsibilities as deemed advisable, together with proportionate authority for their fulfillment, but in no case may they delegate their responsibilities or any of their accountability.
7. have authority to appoint and remove, subject to the personnel regulations and the authority of the Town Manager, all subordinates under them.
8. be responsible for the proper custody and maintenance of all Town property, records and equipment used in their departments.

E. COOPERATION WITH OTHER DEPARTMENTS

Each department shall furnish to any other department or office such service, labor, equipment, or materials as may be requisitioned by the head of such other office and as its own facilities permit. The Town Manager may direct any department or office to perform work for any other administrative unit.

ARTICLE V – LEGAL DEPARTMENT

A. ESTABLISHMENT

There shall be a legal department the head of which shall be the Town Attorney who shall be appointed by the Town Council.

B. DUTIES

The Town Attorney shall:

1. Advise the Town Council or its committees or any Town Officer, when thereto requested, upon all legal questions arising in the conduct of Town business.

2. Prepare or revise ordinances when so requested by the Town Council.
3. Give his/her opinion upon any legal matter or question submitted to him/her by the Town Council or by the Town Manager.
4. When necessary, attend Town Council meetings for the purpose of giving the Town Council legal advice requested by its members.
5. Prepare for execution all contracts and instruments to which the Town is a party and shall approve, as to form, all bonds required to be submitted to the Town.
6. Prepare, when authorized by the Town Council, all charges and complaints against and shall appear in the appropriate court in the prosecution of every person charged with the violation of a Town Ordinance or of any regulations adopted under authority of the Town Charter, or with the commission of a misdemeanor as declared by the Charter or by virtue of its authority. In any prosecution for violation of any regulation adopted by any Board or Commission created under authority of the Charter, the Town Attorney shall act under the directions of such Board or Commission, subject to such paramount control as is given to the Town Council by the Charter.
7. Immediately report the outcome of any litigation in which the Town has an interest to the Town Council and the Town Manager.
8. Keep complete record of all suits in which the Town has or had 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.
9. Deliver all records, documents and property of every description in his/her possession, belonging to his/her office or to the Town, to his/her successor in office, who shall give him/her duplicate receipts therefore, one of which he/she shall file with the Town Manager.

ARTICLE VI – DEPARTMENT OF FINANCE

A. ESTABLISHMENT

There shall be a Department of Finance, the head of which shall be the Town Treasurer, who shall be appointed by the Town Council. There shall be a Tax Collector appointed by the Town Council. There shall be an Assessor and a Finance Director appointed by the Town Manager subject to confirmation by the Town Council.

B. BOND REQUIREMENTS

Corporate surety bonds in the following amounts shall be furnished to the Town by the following officers:

1. Town Manager, Tax Collector and Treasurer \$50,000.00
2. Town Clerk, Deputy Tax Collector, Bookkeeper and Finance Director: \$50,000.00
3. All other Town employees \$10,000.00

C. TREASURY DIVISION

There shall be a treasury division of the Department of Finance, the head of which shall be the Town Treasurer. Subject to Article III (D) (6), the Town Treasurer may delegate any or all functions to the Finance Director.

1. The Treasurer shall:
 - a. Be responsible for the proper pre-audit and recording of all financial transactions.
 - b. Collect all moneys and fees due to the Town.
 - c. Have custody of all capital reserve accounts and make withdrawals from such accounts with Council authorization.
 - d. Pay warrants and payrolls upon payrolls of the Town Manager and authorization of the Council Chair or the Chair of the Council Finance Committee.
 - e. Deposit to the credit of the Town all receipts of funds from Federal, State and miscellaneous sources.
 - f. Make periodic reports to the Council on the deposit status of all accounts of the Town.
 - g. Discharge all responsibilities conferred or imposed upon him/her by State law or Town Ordinance.
 - h. Audit and file in his/her office all policies of insurance placed on Town property.

D. TAX DIVISION

There shall be a tax division of the Department of Finance, the head of which shall be the Tax Collector. The Tax Collector shall collect all taxes in the manner authorized and required by law. Subject to Article III (D) (6) the Tax Collector may delegate any or all functions to the Finance Director.

E. ASSESSMENT DIVISION

There shall be an assessment division of the Department of Finance, the head of which shall be the Assessor. He/she shall be responsible for the performance of all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices as required by ARTICLE 6, Section 1 of the Town Charter.

F. DIVISION OF PURCHASES

There shall be a division of purchases of the Department of Finance, the head of which shall be the Town Purchasing Agent, who shall be the Town Manager. Subject to Article III (D) (6) the Tax Collector may delegate any or all functions to the Finance Director.

1. Town Purchasing Agent Shall:

- a. Do all of the purchasing required by the various departments of the Town government, subject to the provisions of ARTICLE 3 Section 1 -6 of the Town Charter.
- b. Have charge of the storage of supplies and materials purchased by the Town and not delivered directly to the various departments and shall keep proper inventory records thereof.
- c. Keep informed and maintain records as to the sources of supply for all classes of purchases, price trends and all other related matters.
- d. Adopt such rules and regulations governing requisitions and transactions of business between himself/herself, as such purchasing agent, and the heads of the departments, officers, and employees of the Town as the Town Council may approve.
- e. Give opportunity for competition on purchases and sales except when the nature of the purchase or sale is such that competition is impossible or impractical.
- f. Receive sealed bids, if authorized by the Town Council, for purchases and contracts in excess of five thousand dollars (\$5,000.00), present them to the Town Council for approval and advise the Town Council on the advantages or disadvantages on contract and bid proposals.

G. BOARD OF ASSESSMENT REVIEW

1. There shall be a Board of Assessment Review as provided in ARTICLE 6, Section 2 of the Town Charter.
2. Its duties shall be those as specified in ARTICLE 6, Section 3 of the Town Charter.

ARTICLE VII – HUMAN RESOURCES DEPARTMENT

A. ESTABLISHMENT

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

B. DUTIES

The Human Resources Director shall:

1. Provide management and direction of all human resources activities for the Town of Yarmouth, unless otherwise specified in Article 4.
2. Be responsible for the development, implementation and ongoing maintenance of the Town's human resource policies and assuring the compliance with all state and federal personnel mandates.
3. Directs and supervises the staffing function of the Town by recruiting, testing and pre-screening applicants; participates in and/or coordinates interviewing processes; coordinates with departmental managers to determine staffing needs; and recommends and develops selection standards and employment procedures and ensures their consistency.
4. Provide training, policy development and administration and maintain records of all training, qualifications, and compliance with applicable state, local, and federal employment laws and regulations, applicable ordinances and labor contracts, workplace ADA compliance, and performance standards.
5. Assists Management in budgeting, purchasing/contracting, and development of employee recruitment and compensation practices and policies to develop and maintain high performance and high efficiency staffing and work outputs within budgetary constraints.
6. Assures development and currency of competitive employee benefits and compensation program, employee assistance and support, and programs to advance employee motivation, retention, and productivity.

ARTICLE VIII – RECORDS DEPARTMENT

A. ESTABLISHMENT

There shall be a records department, the head of which shall be the Town Clerk. The Town Clerk shall be appointed by the Town Manager subject to confirmation by the Town Council. The Town Clerk shall appoint a Deputy Town Clerk to act as his/her agent, and as many Assistant Clerks as approved by the Town Council.

B. DUTIES

The Town Clerk shall:

1. Serve as clerk of the Council, and perform such other duties for the council as it may require. He/she shall authenticate by his/her signature and be responsible for the filing, indexing and safekeeping of all proceedings of the Council, which shall be open to public inspection.
2. Make all arrangements for elections. Keep and maintain all election records and have custody of all property used in connection with elections.
3. Issue to every person appointed to any office by the Town Council or by the Town Manager, a certificate of such appointment.
4. Publish all legal notices unless otherwise provided.
5. File and preserve all contracts, surety bonds, oaths of office and other documents not required to be filed elsewhere.
6. Issue all licenses and permits and collect the fees required therefore as provided by State law and or Town Ordinance.
7. Notify the Chief of Police within one week after expiration date of each license or permit, when a new license or permit is to take effect on such expiration date has not been applied for, except when the Town Clerk knows that no new license or permit is required.
8. Obtain and maintain all statistics relating to births, marriages and deaths as required by law.
9. Be the custodian of the official Town Seal
10. Perform all duties and exercise all powers incumbent upon or vested in Town Clerks generally, which are not inconsistent with the Town Charter.

11. Maintain in his/her office a public information service, to furnish information concerning the town government relative to the public service. All requests for information shall be complied with promptly and courteously, provided the required information is available in the office of the Town Clerk; otherwise the Town Clerk shall either, as the applicant for information may prefer, refer the individual applicant to the proper department or request the proper agency of the town for such information as is required, and such agency shall supply the same as quickly as reasonably possible consistent with the extent or type of the information required. Nothing herein shall be construed to require the Town Clerk to supply, or to request any other department to supply, the type of information which either State law or the public interest required to be kept confidential. Nor shall any information be prepared or supplied when the cost of so doing would result in increased expense to the town; such information, however, shall be supplied at the expense of the applicant, provided that the estimated cost is paid for in advance by the applicant, subject to final adjustment on the basis of actual cost, or at an agreed upon charge paid by the applicant in advance to the Town Clerk or to the department undertaking such extra expense.
12. Account for all public moneys received by him/her in such manner as the Treasurer may prescribe.
13. Notify promptly all department heads of Council actions of concern to them.

ARTICLE IX – POLICE DEPARTMENT

A. ESTABLISHMENT

1. There shall be a Police Department, the head of which shall be the Police Chief who shall be appointed by the Town Manager. There shall also be a Harbor Master, Canine Control Officer and a Clam Warden, all of whom shall be appointed by the Town Manager, but who shall be directly responsible to the Chief of Police.
2. Rank. Following the Police Chief in rank shall be a Lieutenant, two Sergeants and the officers.

B. POLICE CHIEF

1. Appointment and Powers. The Police Chief shall be appointed by the Town Manager subject to confirmation by the Town Council. He/she shall be the chief executive officer of the Police Department subject always to the orders and regulations of the Town Manager and Council. In the exercise of his/her duties, the police Chief shall have the power to establish and enforce rules and regulations for the members and employees of the department, which rules shall, however, be consistent with the ordinances for the Town and the laws of the State.
2. Duties. The Police Chief shall be responsible for and have control over the Police Department and all police equipment belonging to the Town, and shall have the following duties:
 - a. to see to the proper service of all summonses, subpoenas, citations, executions, attachments, and rules of the Town Council.
 - b. to see that ordinances, rules and regulations of the Town and all statutes applicable therein are faithfully enforced;
 - c. to preserve the public peace, prevent infractions of the law, and arrest violators thereof;
 - d. to protect the rights of person and property;
 - e. to oversee the conduct of the officers and the employees of the police force, and to be held strictly responsible for such conduct and for the general good order of the department;
 - f. to keep adequate records of all personnel and equipment of the department including a log of all question, activities, and investigations;
 - g. to submit a monthly report to the Town Manager outlining the number and type of arrests for State offenses and the number and type of cases involving violations of Municipal ordinances;
 - h. to submit monthly to the Maine Department of Public Safety the "Uniform Crime Report" prescribed by State law;
 - i. to work with the Fire Chief to establish rules and regulations concerning activities which involve the two departments; and
 - j. to discharge such other duties as may be required of him/her by the Town Manager.

3. Resignation, removal, death, or disability. In the event of resignation, removal, death, or disability of the Police Chief, the officer deemed best qualified by the Town Manager shall perform the duties of the chief until removal of such disability or until a successor has been duly appointed.

C. POLICE OFFICERS

Qualifications - Any person employed by the Town as a police officer shall have the following qualifications:

1. be at least 18 years of age;
2. be a citizen of the United States;
3. have a high school diploma or its recognized equivalent;
4. not have been convicted, by any State or by Federal government, of any crime, the punishment for which could have been imprisonment in a Federal or State prison or institution; nor shall he/she have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law;
5. be finger printed and a search made of local, State, and national fingerprint files to disclose any criminal record;
6. possess good moral character;
7. be found after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his/her exercising the power or duties of a police officer; and
8. complete satisfactorily at least a basic course of instruction within 12 months of the date of his/her appointment as a police officer.
9. Duties – It shall be the duty of the officers of the Police Department to acquire a full knowledge of and to enforce all ordinances of the Town and all statutes applicable therein, to become familiar with the rules and regulations established by the Police Chief concerning discipline, good order, property conduct, care and management of the police department and to respect and obey all orders of the Police Chief not in conflict with the laws or ordinances of the Town.

D. OTHER LAW ENFORCEMENT OFFICERS

The Police Department shall also include Reserve Patrol Officers, Harbor Master, Canine Control Officer, and Clam Warden, all of whom shall be appointed by the Town Manager but who shall be directly responsible to the Chief of Police in the performance of assigned duties.

1. Duties of Reserve patrol officers. The same as for Regular Patrol officers.
2. Duties of Police Matron. It shall be the duty of a Matron to assist regular officers in law enforcement functions involving female persons.
3. Duties of Harbor Master. It shall be the duty of the Harbor Master to operate under the Harbor Rules and Regulations (CHAPTER 308).
4. Duties of the Clam Warden. It shall be the duty of the Clam Warden to enforce the Municipal Shellfish Ordinance of the Towns of Yarmouth and North Yarmouth (CHAPTER 305).
5. Duties of Canine Control Officer. It shall be the duty of the Canine Control Officer to enforce State and local laws regarding dogs (CHAPTER 309)

E. DIVISION OF COMMUNICATIONS

1. This division shall be responsible for all Municipal radio communications as the Town Manager and Council shall prescribe. It shall be under the direct daily supervision of the Police Chief who shall promulgate rules for this division in cooperation with the Fire Chief.
2. Dispatchers shall be appointed by the Town Manager following consultation with the Police and Fire Chiefs.

ARTICLE X – FIRE/RESCUE DEPARTMENT

A. ESTABLISHMENT

There shall be a Fire/Rescue Department, the head of which shall be the Fire Chief, who shall be appointed by the Town Manager.

1. Rank
Following the Fire Chief in rank shall be the Deputy Chiefs, Officers and volunteers as Fire Chief shall determine.
2. Duties
The Fire Chief shall be responsible for and have control over the Fire Department and all fire stations and equipment belonging to the Town, and shall have the following duties:
 - a. to see to the proper and speedy extinguishment of all accidental or intentionally caused fires;
 - b. to keep, or cause to be kept, adequate records of all fires, inspections, equipment, fire prevention efforts, and other activities of the department;

- c. to submit a monthly written report to the Town Manager and Council on the activities of the department;
- d. to establish rules and regulations concerning the discipline, good order, proper conduct, care, and management of the fire division, subject to approval by the Town Manager;
- e. to investigate the causes of all extended or destructive fires occurring within the Town;
- f. to work with the Police Chief to establish rules and regulations concerning activities which involve the two departments; and
- g. to discharge such other duties as may be required of him/her by the Town Manager.

C. VOLUNTEER FIREFIGHTERS

It shall be the duty of all volunteer firefighters to become familiar with, and proficient in, the handling of all of the apparatus of the Department, to be prepared at a moment's notice to respond to all alarms of fire, to observe all rules and regulations of the Fire/Rescue Department as established by the Fire Chief.

D. EMERGENCY RESCUE DIVISION

Within the Fire/Rescue Department there shall be a Division of Emergency Rescue which shall consist of the Fire Chief and such subordinate officers and volunteer rescue personnel as may be determined necessary by the Chief.

1. Rank

Following the Fire Chief in rank shall be such deputies, officers, employees and volunteers as the Fire Chief shall determine.

2. Powers and Duties

The Fire Chief shall be responsible for and have control over the Emergency Rescue Division and all apparatus belonging to the Town, and shall have the following duties:

- a. to see to the maintenance of technical proficiency of rescue personnel;
- b. to establish rules and regulations concerning the discipline, good order, proper conduct, care and management of the Emergency Rescue Division, subject to approval of the Town Manager.
- c. to work with the Police Chief to establish rules and regulations concerning activities which involve the two departments; and

- d. to submit an annual written report to the Town Manager on the activities of the department.

ARTICLE XI - CIVIL DEFENSE DEPARTMENT

A. ESTABLISHMENT

The Department of Civil Defense shall consist of a Director and such other volunteer personnel as may be determined necessary by the Director.

B. DIRECTOR

1. Appointment

The Civil Defense Director shall be appointed by the Town Manager.

2. Powers and Duties

The Civil Defense Director shall be responsible for the effective direction of emergency operations deemed necessary to protect life and property in disasters resulting from natural causes or from enemy action, and shall have the following duties:

- a. prepare and maintain and Emergency Operations Plan for the Town, subject to the approval of the Town Manager;
- b. submit an annual written report to the Town Manager on the activities of the Division.

3. Resignation, Removal, Death, or Disability

In the event of resignation, removal, death, or disability of the Director, the Town Manager shall perform the duties of the Director until removal of such disability or until a successor has been appointed.

ARTICLE XII – PLANNING AND DEVELOPMENT

A. ESTABLISHMENT

There shall be a Department of Planning and Development, the head of which shall be the Director of Planning and Development who shall be appointed by the Town Manager. He/she shall be assisted by the Code Enforcement Officer, Building Inspector, Plumbing Inspector, Electrical Inspector, the Sealer of Weights and Measures, and the Tree Warden, all of whom shall be appointed by the Town Manager. In addition, these inspectors will coordinate their work with the Fire Chief to assure that all safety regulations are being complied with.

B. DUTIES OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

The Director shall be responsible for all matters pertaining to Land Use Planning, Code Enforcement, Site and Building Inspections and staffing of the Planning Board and Zoning Board of Appeals.

C. DUTIES OF CODE ENFORCEMENT OFFICER

The Code Enforcement Officer under the direction and supervision of the Director of Planning and Development shall be responsible for the enforcement of all codes and ordinances relating to the development of property, the construction of all buildings and the maintenance of all buildings and property. He/she shall insure that building standards and housing conditions are established and maintained, insure the structural safety and adequacy of new residential, industrial and commercial property, and detect and prevent the deterioration of existing facilities through periodic inspections.

D. DUTIES OF THE PLUMBING INSPECTOR

The Plumbing Inspector shall be responsible for issuing all plumbing permits and the inspection of work so permitted according to State Plumbing Rules and Sewerage Ordinance.

E. DUTIES OF THE ELECTRICAL INSPECTOR

The Electrical inspector shall be responsible for issuing all electrical permits and the inspection of work so permitted in according to statutes and codes adopted by the Town.

F. SEALER OF WEIGHTS AND MEASURE

The Town Manager shall appoint for an indefinite term to serve at his/her pleasure an officer of the Town titled Sealer of Weights and Measures, who is hereby placed under the direction of the Director or Planning and Development. He/she shall have such powers and perform such duties as may be authorized by State law or Town ordinance.

G. DIVISION OF TREE CARE

There shall be a Division of Tree Care, the head of which shall be the Tree Warden who shall be appointed by the Town Manager.

H. DUTIES OF THE TREE WARDEN

The Tree Warden shall:

1. be responsible for the care and control of all public shade trees upon and along all highways, streets and parks and shall enforce all laws relative to the preservation of the same.
2. be responsible for initiating an adequate tree planting program for the Town.
3. be responsible for a Town forest should one be developed.

ARTICLE XIII – HEALTH DEPARTMENT

A. ESTABLISHMENT

There shall be a Department of Public Health, the head of which shall be the Health Officer who preferably shall be a physician appointed by the Town Manager, as provided under ARTICLE 3, Section 3 of the Town Charter

B. DUTIES

The Health Officer shall have charge and control of all functions involved in protecting and preserving public health; he/she shall have all power provided by State law or Town ordinance relative thereto. Among other powers, he shall exercise functions:

1. Communicable Disease Control, which shall include the power of quarantine and detention, and the adoption of such other measures will prevent the spreading, or aid in the prevention, of communicable diseases.
2. Nursing, which shall consist of the inspection of the operation of all private or public infant, pre-school, and school hygiene programs and their direct operation if and when so authorized by ordinance.
3. Enforce the Sewerage Ordinance as it relates to private systems.
4. License Inspector: Inspect promptly all premises which satisfactory sanitary conditions are a pre-requisite to issuance of a license and either deliver to the Town Clerk a certificate to the effect that health laws are complied with and that proper sanitary conditions exist or advise the Town Clerk of his/her refusal to so certify.
5. Complaints: The Health Officer shall receive and examine into all complaints made by any of the inhabitants of the Town concerning nuisances dangerous to life and health within the limits of the Town; enter upon or within any place or premises where nuisances or conditions dangerous to life or health are known or believed by him/her to exist, and personally, or by appointed agents, inspect and examine the same; and all owners and occupants shall permit such sanitary examinations. He/she shall have the power and it shall be his/her duty to order the suppression and removal of nuisances and conditions detrimental to life and health known by him/her to exist within the limits of the Town.

C. BOARD OF HEALTH

1. A Board of Health consisting of five members shall be appointed by the Town Council. Appointments shall be for staggered three-year terms.
2. The Board of Health shall constitute an advisory body for the Health Officer.

ARTICLE XIV – DEPARTMENT OF PUBLIC WELFARE

A. ESTABLISHMENT

There shall be a Department of Public Welfare, the head shall be the Welfare Administrator who shall be appointed by the Town Manager.

B. DUTIES

The Public Welfare Administrator shall:

1. Be responsible for the planning, budgeting, reporting and control of the Town welfare program.
2. Exercise all powers and perform all duties conferred or imposed by State law upon welfare administrators.

ARTICLE XV – DEPARTMENT OF PUBLIC WORKS

A. ESTABLISHMENT

There shall be a Department of Public Works, the head of which shall be the Public Works Administrator who shall be appointed by the Town Manager subject to confirmation by the Town Council. The number of employees shall be determined by, and each such employee shall be appointed by the Town Manager, except as he/she may delegate such power to the Public Works Administrator.

B. DUTIES

The Public Works Administrator shall:

1. Be responsible for all matters pertaining to construction, management, maintenance, and operation the physical properties of the Town under the administrative direction of the Town Manager, except as otherwise provided by the Town Charter or by any ordinance.
2. Be responsible for all planning in connection with such changes or improvements to the physical properties as are essential or desirable for the future growth of the Town.
3. Be responsible for the care and maintenance of all property used by the public Works Department.

4. See that no encroachments are made upon any street, public landing, place, square, land or ground of the Town, by fences, buildings or otherwise, and whenever any encroachments shall hereafter be made upon the same, and the party making such encroachment shall neglect or refuse after notification to remove the same, to report the facts at once to the Police Chief and cooperate to the end that the person so offending shall be prosecuted and the nuisance abated.
5. Prepare or cause to be prepared all contracts and specifications that may be required for public works subject to final approval by the Town Manager.
6. Keep and maintain the Municipal landfill, solid waste transfer, and recycling and enforce any and all regulations concerning the same.

C. HIGHWAY DIVISION

There shall be a Highway Division of Public Works. The Public Works Director shall be responsible for the operation and maintenance of the Highway Division including proper care, construction, maintenance, and improvements to all town highways, ditches, drains, intersections, sidewalks, and related facilities.

D. SOLID WASTE DIVISION

There shall be a Solid Waste division of Public Works. The Public Works Director shall be responsible for the operation and maintenance of the Solid Waste Division including proper care, construction, maintenance, monitoring and improvements to landfill, transfer, and solid waste facilities and equipment, and the promotion of programs and policies to promote waste reduction, re-use, and recycling.

E. MECHANICAL DIVISION

There shall be a Mechanical Division of Public Works. The Public Works director shall be responsible for the operation and maintenance of the Mechanical Division including the care, record-keeping, maintenance and repair of all vehicles, equipment and fuel supplies for all divisions and departments of the town and to cooperate and assist the School Department as necessary. The Mechanical Division shall also provide welding, fabrication and similar services to all departments and divisions as requested.

F. BUILDING CUSTODIAL DIVISION

Building Custodial (Janitorial) services shall be provided by the Public Works Department for all public facilities open for public meetings and services except school buildings.

G. SUPERINTENDENT OF CEMETERIES

There shall be a superintendent of Cemeteries who shall be appointed by the Town Manager. The superintendent of Cemeteries shall be responsible for the care and maintenance of the cemeteries in the town. He/she shall also keep and maintain a plan of the cemetery lots in the town.

H. (reserved)

ARTICLE XVI - DEPARTMENT OF ENGINEERING

A. ESTABLISHMENT

There shall be established a Department of Engineering, the head of which shall be the Town Engineer who shall be appointed by the Town Manager subject to the confirmation of the Town Council.

B. DUTIES OF THE TOWN ENGINEER

1. Be responsible to provide engineering support, advice, and services to all divisions and departments of the Town and to the Town officers.
2. To review and comment on all proposed subdivisions, site plan reviews, and proposed private and public developments and public infrastructure changes and additions as required by applicable land use ordinances and regulations and town ordinances.
3. To inspect and approve all such developments and activities and to assure such improvement or changes conform to applicable standards for design and construction.
4. To head the Sewerage Division as hereinafter established.
5. To be responsible for capital facilities planning and major public infrastructure improvements (design, planning, permitting, construction, and capital improvements) including but not limited to municipal buildings, bridges, dams, piers, wharves, floats, parking areas associated with public buildings, outdoor recreational and sport facilities, flood controls, transportation facilities and terminals, and similar public resources. This shall not include routine maintenance, repair, scheduling or care.

C. WASTEWATER DIVISION

There shall be a Wastewater Division of the Department of Engineering, the head of which shall be the Town Engineer. The Town Engineer shall appoint a Wastewater Superintendent.

The Wastewater Division Superintendent shall:

- a. be responsible for the operation and maintenance of the Sewerage Treatment Plant.
- b. is responsible for the operation and maintenance of the various pumping stations in the Town.
- c. Supervise house connections to the public sewerage system and issue permits for the same.
- d. Enforce the Sewerage Ordinance of the Town of Yarmouth in-so-far as it applies to the Public Sewerage System of Yarmouth.
- e. Maintain all plan and data files pertinent to the Public Sewerage System.
- f. Discharge all responsibilities conferred or imposed upon him/her by State law or Town ordinance and applicable licenses and permits.

ARTICLE XVII - COMMUNITY SERVICES DEPARTMENT

A. ESTABLISHMENT

There shall be a Department of Community Services, the head of which shall be the Community Services Director who shall be appointed jointly by the Town Manager and School Superintendent subject to confirmation by the Town Council and School Board.

B. DUTIES OF COMMUNITY SERVICES DIRECTOR

1. be responsible for all recreation programs.
2. be responsible for maintenance of parks, grounds adjacent to Municipal buildings, and Royal River Parkway. Also responsible for winter maintenance of ice rinks including snow removal and flooding.
 - a. be responsible for the stewardship, coordination, care of town open space and conservation lands and pedestrian trails, excluding sidewalks and pedestrian ways directly associated with roads and highways and maintained by the Public Works Department.
3. be responsible for all Adult Education programs.

ARTICLE XVIII – BOARDS, COMMISSIONS AND COMMITTEES

A. ESTABLISHMENT

There are hereby established the following boards, committees and/or commissions: Harbor and Waterfront, Board of Health, Shellfish Conservation, Program Advisory Committee, Parks and Lands, Tree Advisory Committee, Recycling, Police Services Advisory Committee, and Affordable Housing.

B. MEMBERSHIP

Each Board and Commission shall be appointed by the Town Council and its membership shall be as follows:

1. The Program Advisory Committee shall consist of seven members with the term of office of each member to be three years. The term of office shall be staggered with two member terms expiring each year and three member terms expiring each third year. Two of the seven members shall be appointed by the Yarmouth School Committee. The Community Services Director shall be advisor to the committee.
2. The Harbor and Waterfront Advisory Committee shall consist of five members with the term of office of each member to be three years. The term of office shall be staggered terms with the term of office of one member expiring in one year and the term of office of two members expiring in each of the other two years. The Harbor Master shall be advisor of the Committee.
3. The Board of Health shall consist of five members besides the Health Officer as specified in the Health Code.
4. The Parks and Lands committee shall consist of seven members with the term of office of each member to be three years. The term of office shall be staggered with two member terms expiring each year and three member terms expiring each third year. The members shall be appointed by the Town Council.
5. The Shellfish Conservation Commission shall consist of representatives from the Towns of Yarmouth and North Yarmouth. There shall be six (6) members, the term of office of each to be three years as defined in the Shellfish Conservation Ordinance. (Chapter 305)
6. The Recycling Committee shall consist of seven members appointed by the Town Council. The term of office shall be staggered with two member terms expiring each year and three member terms expiring each third year.
7. The Affordable Housing Committee shall consist of seven members with the term of office of each member to be three years. The term of office shall be staggered with two member terms expiring each year and three member terms expiring each third year. The members shall be appointed by the Town Council.

8. The Tree Advisory Committee shall consist of seven members with the term of office of each member to be three years. The term of office shall be staggered with two member terms expiring each year and three member terms expiring each third year. The members shall be appointed by the Town Council.
9. The Police Services Advisory Committee shall consist of seven voting members from the community and non-voting members who shall be comprised of up to two high school students, a liaison from the town council, and a town police officer. The voting members, high school students, and Council liaison shall be appointed by the Town Council. The town police officer shall be appointed by the Police Chief. The term of office for the voting members shall be three years and the terms shall be staggered with two member terms expiring each year and three member terms expiring each third year. The term of non-voting members shall be one year. All members may serve up to two consecutive terms.

And be it Further Ordered that that Police Services Advisory Committee shall be established with the following structure and mission, subject to subsequent review and modification by the Town Council:

Police Services Advisory Committee

Mission

The Police Services Advisory Committee strives to improve lines of communication between police and the public, businesses, and community stakeholders; to help foster a climate of transparency, collaboration, responsiveness, high levels of professionalism and the rule of law, equity, and accountability; and to advise the Yarmouth Police Department and Yarmouth Town Council on police policies to reflect the values of Yarmouth's residents, businesses, and community stakeholders, including, but not limited to:

- Animal control
- Bicycle safety
- Coordination and cooperation with other agencies
- Crisis response
- Domestic violence
- Financial and cyber crime
- Hate or Bias Motivated Crimes
- Implicit and explicit bias
- Juvenile misconduct and underage drinking
- Mental health issues
- Missing persons
- Operating Under the Influence
- Public information, social media, press
- Role in the Schools
- Substance abuse
- Traffic calming and speed

- Use of force

The Police Services Advisory Committee is to act as a resource for both the community and the Police to enhance community involvement regarding policy issues. The Police Services Advisory Committee acts in a non-binding advisory capacity and will be driven by the active participation, creativity, and vision of its members. To carry out its purpose, the Committee will address issues associated with police-community relations, the improvement of the Yarmouth Police Department's operations, and public safety issues to further enhance the quality of life in our community. The Committee will focus on contemporary challenges that affect the community and its Police Department.

It is critical to protect confidential information, evidence, witness and victim identities and privacy, due process rights of alleged violators of law, as well as of police officers or other persons, and to maintain lines of accountability, supervision, and management control. Therefore, the committee shall not have authority to investigate, review, or otherwise participate in matters involving specific police personnel or specific police-related incidents. It will not receive, or review complaints initiated against personnel of the police, nor play any role in civil or criminal litigation. In its capacity as an advisory committee, the Committee is intended to be an expression of the Yarmouth community's viewpoints. The Committee may, however, review policies and training standards, resources, aggregate trends in police activities and responses, best practices, to advise and assist the Police Department and community to enhance the shared goals of effective, professional, compassionate, and accountable police work.

Committee Structure

Voting members shall have staggered 3-year terms with:
2 members to serve an initial term to end December 31, 2023,
2 members to serve and initial term to end December 31, 2024
3 members to serve and initial term to end December 31, 2025

Due to the nature of the Committee, it is recommended that membership be diverse across a range of dimensions--not only in terms of demographic makeup, but also by a range of professional backgrounds, experience, skills, and perspectives on policing.

The Committee shall annually elect from its membership a Chair and Secretary who shall preside over meetings and provide for the development and distribution of an agenda, respectively.

The Committee shall meet on such a schedule and at such dates as it shall deem necessary and expedient, but not less frequently than quarterly.

A quorum shall consist of four voting members.

All meetings and records of the Committee shall be subject to Maine's Freedom of Access Act, and the Committee members shall be subject to Conflict-of-Interest provisions established by Council Rules.

10. The Complete Streets Advisory Committee shall consist of the Yarmouth Planning Director, Director of Public Works, Fire Chief, Police Chief, Town Engineer, Director of Community Services, and a representative from the Bicycle and Pedestrian Committee (to be appointed by the Town Council for a four-year term), or their respective designees. The Committee shall meet at least quarterly and as the need arises to review and evaluate for compliance with the Yarmouth Complete Streets Policy adopted by the Town Council on November 19, 2015. any:

- Major developments,
- Roadway projects,
- Capital improvement projects,
- Regulatory issues, and/or

To make recommendations for policies, constructed improvements, public services and programs, budgets and other measures to advance the policy's goals and design.

And be it Further Ordered that that Tree Advisory committee shall be established with the following structure and duties, subject to subsequent review and modification by the Town Council:

11. Tree Advisory Committee

Vision

The Yarmouth Advisory Tree Committee strives to make the town tree canopy healthy, diverse, sustainable, and well-managed.

Mission

As an advisory group to town staff, boards, committees and the public, the Tree Committee promotes the conservation and stewardship of trees along the town roadways and on town lands. The Tree Committee also provides public education, information, and support for our public and private sectors to understand and maintain tree health and proper tree care (plantings, maintenance, pruning, and removals).

Areas of Responsibility

- ◆ Town-owned trees in parks, open spaces, municipal and school campuses, or public Rights-of-Way.
- ◆ Review policies and projects regarding trees and landscaping.
- ◆ Support to town staff projects and planning efforts, as needed.

Tasks

- ◆ Advise the Town Council staff, boards, committees and the public concerning the maintenance, protection, and enhancement of town trees;
- ◆ Upon request, provide advice to the Planning and Codes offices and the Yarmouth Planning Board, Town Council, General Board of Appeals, and Economic Development Advisory Board, Complete Streets Advisory Committee, and any Comprehensive Plan Advisory Committee which may be established, on matters, policies, and plan reviews related to tree considerations on private development proposals and plans.
- ◆ Monitor for and recommend actions to treat diseases, pest infestations, and other threatening conditions;
- ◆ Engage in community education including, but not limited to, Arbor Day, private tree plantings, disease prevention, pest infestations, and other community tree programming;
- ◆ Identify sources of funding to support town tree efforts;
- ◆ Advise on projects that involve plantings, removals, or other impacts to the town tree canopy;
- ◆ Recommend policies related to town trees; and
- ◆ Provide education and advocacy for policies and programs needed to implement the tasks described above.

Committee Structure

Staggered 3-year terms with:

- 2 members to serve an initial term to end December 31, 2022
- 2 members to serve an initial term to end December 31, 2023
- 3 members to serve an initial term to end December 31, 2024

The Committee shall annually elect from its membership a Chair and Secretary who shall provide for the development and distribution of an agenda and shall preside over meetings.

The Committee shall meet on such schedule and at such dates as it shall deem necessary and expedient, but not less frequently than quarterly.

A quorum shall consist of four members.

All meetings and records of the Committee shall be subject to Maine's Freedom of Access Act, and the Committee members shall be subject to Conflict-of-Interest provisions established by Council Rules

12. Historic Preservation Advisory Committee as provided in Chapter 701 Article X.

C. DUTIES

Each Board and Commission created herein shall act as an advisory group regarding the betterment of service within its field and as to any specific problems referred to it. Each Board and Commission shall discharge all duties given to it either by order of the Town Council or by ordinance.

D. STATUTORY BOARDS

The following Boards are continued as required by Ordinance or State statutes.

1. Board of Assessment Review:
There shall be a Board of Assessment Review whose membership and duties shall be as outlined in ARTICLE XVI.C of this ordinance.
2. Planning Board:
There shall be a Planning Board whose membership and duties shall be those outlined in the Planning Board Ordinance. (Chapter 202)
3. General Board of Appeals:
There shall be a General Board of Appeals whose membership and duties shall be those as outlined in the General Board of Appeals Ordinance. (Chapter 203).

ARTICLE XIX – LICENSING BOARD (Repealed)

ARTICLE XX – CABLE TELEVISION

A. ESTABLISHMENT

There shall be a Yarmouth Cable Television System, the head of which shall be the Yarmouth Cable Television Committee.

B. MEMBERS APPOINTED BY THE TOWN COUNCIL

1. The Yarmouth Cable Television Committee shall consist of three members to be appointed by the Town Council. The initial appointment will be for 1-, 2- and 3-year terms and 3-year terms thereafter.
2. A chair shall be selected by the Committee from within its membership.

C. PUBLIC INVOLVEMENT

The Yarmouth Cable Television Committee is authorized and responsible for the establishment, modification, supervision and disestablishment of such subordinate committees, groups, and teams as that committee may deem necessary; to appoint and remove volunteers to and from such committees, groups and teams, and to perform the foregoing functions in accordance with rules approved by the Town Council.

D. MISSION

The Yarmouth Cable Television Committee is responsible for providing the citizens of Yarmouth as extensive and imaginative television coverage of civic and public events as the interest of the public and the availability of equipment and citizen volunteers permits. Such coverage may include, but need not be limited to:

Official meetings workshops and public hearings of, or sponsored by, the Yarmouth Town Council, the Yarmouth School Committee, and/or committees, boards and/or officials subordinate to the foregoing elective bodies.

Activities of, or sponsored by, the principal of a Yarmouth School or the Yarmouth Community Services Department.

E. CUSTODY OF PROPERTY AND SUPPLIES

1. Ownership

All equipment received from the Public Cable Company or other sources shall be the property of the Town of Yarmouth. All materials and supplies procured or received by the Yarmouth Cable Television Committee shall, upon receipt, become the property of the Town of Yarmouth.

2. Custody

The Town Manager shall be responsible for the primary custody of all property, materials and supplies, and shall provide adequate facilities for the storage, maintenance repair and testing of television equipment and systems, which facilities shall be accessible to the Yarmouth Cable Television Committee.

F. PUBLIC SERVICE ANNOUNCEMENTS

Official announcements shall be approved by the Town Manager, the Superintendent of Schools, or the Chair of the committee or board, as appropriate in each case.

G. CHANNEL RESTRICTIONS

There shall be no advertising material designed to promote the sale of commercial products or services including advertising by and on behalf of candidates for public office.

No indecent or obscene material shall be cablecast.

No material shall be cablecast which violates any Federal or State law.

H. EDITORIAL

Responsibility

The Yarmouth Cable Television Committee shall have final authority, subject to appeal to the Town Council, in regard to content, scheduling and subject matter videotaped and/or transmitted. The Chair of the Cable Television Committee shall act for the Committee subject to formal appeal to that Committee, when decisions have to be made prior to the next scheduled regular or special meeting.