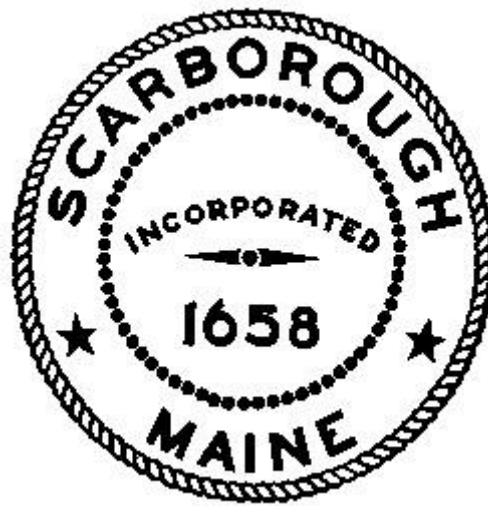


**CHAPTER 301**  
**TOWN OF SCARBOROUGH**  
**ADMINISTRATIVE CODE**



**Adopted April 1, 1970**  
**Amended September 19, 1973**  
**Amended December 19, 1973**  
**Amended June 19, 1974**  
**Amended July 1, 1982**  
**Amended March 24, 1982**  
**Amended November 20, 1985**  
**Amended February 6, 1991**  
**Amended May 15, 1991**  
**Amended July 6, 1994**  
**Amended August 16, 1995**  
**Amended September 06, 1995**  
**Amended June 19, 1996**  
**Amended October 2, 1996**  
**Amended January 5, 2000**  
**Amended August 2, 2000**  
**Amended October 18, 2000**  
**Amended February 22, 2001**

**Amended July 18, 2001**  
**Amended August 15, 2001**  
**Amended March 20, 2002**  
**Amended June 19, 2002**  
**Amended November 6, 2002**  
**Amended October 15, 2003**  
**Amended November 5, 2003**  
**Amended February 18, 2004**  
**Amended April 6, 2005**  
**Amended September 3, 2008**  
**Amended April 7, 2010**  
**Amended December 1, 2010**  
**Amended July 20, 2011**  
**Amended April 4, 2012**  
**Amended April 21, 2021**  
**Amended September 7, 2022**

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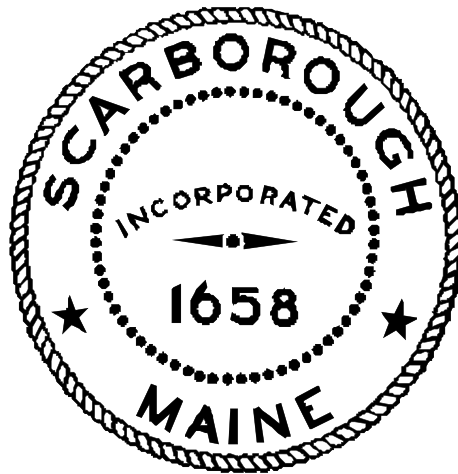
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**CHAPTER 301  
TOWN OF SCARBOROUGH  
ADMINISTRATIVE CODE**

**ARTICLE I - GENERAL**

**Section 101. Town Seal**

The design hereby annexed shall be the device of the Town Seal, and the inscription shall be as follows:



**SCARBOROUGH, MAINE, INCORPORATED IN 1658**

**Section 102. Charter**

The words "town charter" means Chapter 141 of the Private and Special Laws of Maine 1969 entitled "An Act Providing for a Council-Manager Charter for the Town of Scarborough," and may be further amended.

**Section 103. Administrative Manual**

The manager is hereby authorized to issue such administrative regulations, consistent with the Town Charter, as he 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 Manager may determine to be necessary or desirable, and shall be available in the office of the Town Clerk for public inspection.

## **Section 104. 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.

## **Section 105. Warrants and Legal Documents**

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

## **Section 106. 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 services as such and for all other services rendered by him. Salaries of the appointees of the Town Manager shall be fixed by the Town Manager. Unless otherwise provided, all members of Boards and Commissions shall serve as members thereof without compensation. This provision is subject to Section 205 of the Town Charter.

## **Section 107. Funds**

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

## **Section 108. 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 of any ordinance shall not preclude the Town Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, 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.

## **Section 109. Practices**

All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Manager, such new practices as appear to be of benefit to the services and to the public.

## **Section 110. Property**

Each official who has public property responsibility shall forthwith make up a list of all such property and deposit said list over their signature with the Town Clerk. Each such official shall, at the time of making their annual report, include therein, a complete list of property for which the department is responsible for. When any official terminates their duties, a complete check of all property shall be made with their successor in office, or with the Town Manager, if the latter so elects, and obtain a release from property liability prior to receiving their final salary payment due. Each official shall

promptly reimburse the Town for the fair and reasonable value of any property for which they are responsible and for which they are unable to account, if such loss is due to their carelessness or negligence. The amount of such reimbursement shall be determined by the Town Council.

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 exception hereto when it is in opinion the circumstances especially so warrant, in which cases the Town Manager shall specify the terms thereof.

### **Section 111. Record Preservation**

Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing 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 them or their department.

### **Section 112. Reports**

All department, agency, and office 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.

### **Section 113. Street Names**

The Town Council alone shall have the power and authority to name all streets. The several streets of the Town shall continue to be called and known by the names previously given to them by official action of the various municipal officers of the Town, until the same shall be changed by the Town Council pursuant to the Town of Scarborough Ordinance Regulating Street Names and Numbers. (amended 09/06/95)

### **Section 114. 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 their 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.

### **Section 115. 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.

### **Section 116. Term of Office**

Notwithstanding the provisions of any Town Ordinance to the contrary, and except where otherwise required by the Council-Manager Charter of the Town of Scarborough or law of the State of Maine, the terms of office of all appointed members of any Board or Commission of the Town shall expire on December 31st. On the effective date of this Section, the terms of office of existing appointed members of any Boards or Commissions shall be reduced, if applicable, to accomplish a smooth and orderly transition. (Amended 11/20/85)

## ARTICLE II - TOWN MANAGER [Amended 04/04/2012]

### Section 201. Establishment

There shall be an officer of the Town who shall have the title of Town Manager, appointed by the Town Council, to serve during the pleasure of the council.

### Section 202. Duties

The Town Manager shall perform such duties as are specified in Article 3 of the Town Charter, including complete executive direction of the administrative service of the Town.

The Town Manager is hereby authorized to execute, for and on behalf of the Town of Scarborough, a mutual aid agreement in accordance with the provisions of the above sections with any other municipality or municipalities having similar ordinances.

### Section 203. Division of Administrative Service

The administrative service of the Town shall be divided, under the Town Manager, into the following departments:

<u>Department</u>	
Finance Department	Director of Finance
Records Department	Town Clerk
Assessment Department	Assessor
Police Department	Police Chief
Fire Department	Fire Chief
Human Resources	Director of Human Resources
Community Service Department	Director of Community Services
Planning Department	Town Planner
Health Department	Health Officer
Public Works Department	Director of Public Works
Engineering and Technical Services	Town Engineer

### Section 204. Definition of “Departments”

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.

### Section 205. Department Heads

The heads of the departments shall:

**205.1. Perform Duties.** Perform all duties required by their office by charter, by ordinance, or other laws, and he shall perform such duties not in conflict therewith as may be assigned by the Town Manager.

**205.2. Responsibility To The Town Manager.** Be immediately responsible to the Town Manager for effective administration of their departments.

**205.3. Inaugurate Sound Practices.** 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 service and to the public.

**205.4. Report To The Town Manager.** Submit reports of the activities of their departments when requested by the Town Manager.

**205.5. Maintain Records.** 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.

**205.6. Delegation of Duties.** Have power to delegate to members of the departments or divisions coming under their direction such duties and responsibilities as deems advisable, together with proportionate authority for their fulfillment, but in no case may they delegate their over-all responsibility or any of their accountability.

**205.7. Authority Over Employees.** Have authority to appoint and remove, subject to the personnel regulations and the authority of the Town Manager, all subordinated under them.

**205.8. Maintain Equipment.** Be responsible for the proper custody and maintenance of all town property and equipment used in their departments.

**205.9. Appointment.** Serve for indefinite terms at the pleasure of the Town Manager. All Town Council appointments including the Town Manager and Assessor shall also be for indefinite terms at the pleasure of the Town Council.

## **ARTICLE III - DEPARTMENT OF FINANCE [Amended 04/04/2012]**

### **Section 301. Establishment**

There shall be a Department of Finance, the head of which shall be the Director of Finance who shall be appointed by; the Town Manager. The Town Manager shall serve as the Tax Collector/Treasurer, unless those duties are otherwise designated. There shall also be a Town Purchasing Agent, who shall be, or be appointed by, the Town Manager.

### **Section 302. Duties**

The Director of Finance shall be responsible for financial planning, budgeting reporting and control and shall also, under the administrative direction of the Town Manager, supervise the lease, rental or use and the maintenance of all Town property not used by other departments of the Town.

This Department shall be divided into the following divisions:

**302.1. Division of Accounting and Control.** The head of which shall be the Director of Finance, who shall be responsible for the proper pre-audit and recording of all financial transactions.

**302.2. Division of Purchases.** The head of which shall be the Town Purchasing Agent, who shall do all of the purchasing required by the various departments, offices and agencies of the Town government, subject to the provisions of 303.7 of the Town Charter; shall 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 and shall keep informed and maintain records as to the sources of supply for all classes of purchases, price trends, and other related matters.

**302.3. Treasury Division.** The head of which shall be the Deputy Town Tax Collector and Deputy Town Treasurer, whose duty it shall be to collect all bills, either for services rendered by the Town, and in all respects comply with all laws and ordinances concerning other moneys due or coming to the town.



**Section 303. Insurance**

The Director of Finance shall audit and file in the office all policies of insurance placed on Town property.

**ARTICLE IV – ASSESSMENT DEPARTMENT [Adopted 04/04/2012]**

**Section 401. Establishment**

There shall be a Department of Assessment, the head of which shall be the Town Assessor, who shall be appointed by the Town Council and be responsible for the performance of all work in the connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices, as required by Section 601 of the Town Charter.

**Section 402. Duties: Assessor**

The Town Assessor, acting under the administrative control of the Town Manager, shall exercise all duties, power and liabilities as proved for in state laws.

**Section 403. Board of Assessment Review: Appointment and Vacancies**

There shall be a Board of Assessment Review consisting of five (5) regular members and two (2) alternate members who shall be appointed by the Town Council for a term of three (3) years. Compensation, if any, to such members, shall be determined by the Town Council. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

**Section 404. Board of Assessment Review: Powers and Duties**

The Board of Assessment Review shall:

- 404.1. Review appeals from decision of the Assessor regarding applications for abatements of property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine.
- 404.2. Have the power to administer oaths, take testimony and hold hearings as may be required in carrying out its functions.
- 404.3. Adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business.

**ARTICLE V - RECORDS DEPARTMENT [amended 04/04/2012]**

**Section 501. Establishment**

There shall be a Department of Records, the head of which shall be the Town Clerk who shall be appointed by the Town Manager and serve at their pleasure. The Town Clerk shall appoint a Deputy Town Clerk to act as their agent, and as many Assistant Clerks as approved by the Town Manager.

**Section 502. Duties**

The Town Clerk shall:

- 502.1. Serve as Clerk of the Council, and perform such other duties for the Council as it may require; shall authenticate by their signature and be responsible for the filing, indexing and safekeeping of all proceedings of the Council, which shall be open to public inspection.

- 502.2.** Make all the arrangements for elections. Keep and maintain all election records and have custody of all property used in connection with elections.
- 502.3.** Issue to every person appointed to any office by the Town Council or by the Town Manager, a certificate of such appointment.
- 502.4.** Publish all legal notices unless otherwise provided.
- 502.5.** File and preserve all contracts, surety bonds, oaths of office and other documents not required to be filed elsewhere.
- 502.6.** Issue all licenses and permits authorized by the municipal officers of the Council, and collect the fees required thereof as provided by state law or Town ordinance.
- 502.7.** Notify the Chief of Police on or within one week after the expiration date of each license or permit, when a new license or permit 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.
- 502.8.** Obtain and maintain, all statistics relating to births, marriages and deaths as required by law.
- 502.9.** Be the custodian of the official Town Seal.
- 502.10.** Perform all duties and exercise all powers incumbent upon or vested in town clerks generally, which are not inconsistent with the Town Charter.
- 502.11.** Maintain in their 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, 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 requested. 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 requires 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 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.
- 502.12.** Account for all public moneys received by them in such manner as the Treasurer may prescribe.
- 502.13.** Notify promptly all department heads of Council actions of concern to them.

## **ARTICLE VI - POLICE DEPARTMENT [amended 04/04/2012]**

### **Section 601. Establishment**

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 within this department a Harbor Master, an Animal Control Officer, and a Sealer of Weights and Measures, all of whom shall be appointed by the Town Manager, but who shall be directly responsible to the Chief of Police.

**601.1.** The number of regular and special policemen, including special fire policemen, shall be determined by, and each such policeman shall be appointed by, the Town Manager, or the Town Manager may delegate the appointive power to the Police Chief. 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 rendered, as the Town Manager may determine. No special policeman shall be on duty as a special policeman at any time or place without being ordered to do so by the Police Chief and no special policeman shall be paid for police services by any person directly other than the appropriate Town official.

## **Section 602. Duties of Police Chief**

The Police Chief shall be the commanding officer of the police force and shall:

- 602.1.** Be responsible for the enforcement of law and order.
- 602.2.** Direct the police work of the Town.
- 602.3.** Arrange for the attendance of one or more Police Officers at every fire, to preserve order and to prevent theft and destruction of property.
- 602.4.** 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.
- 602.5.** Cause to be observed, and reported immediately to the Director of Public Works, all defects and want of repair in streets and sidewalks.
- 602.6.** Receive and deliver all notices and papers to members of the Town Council and to the Town Manager and officers appointed by either, when requested by the Town Clerk, and make due return thereof.
- 602.7.** Be responsible for the maintenance and care of all property used by the Police Department.
- 602.8.** 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 such accidents; and notify the Town Manager promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the Town may be liable, it shall be the duty of such police officer forthwith to communicate such facts and information as he may have to the Police Chief.
- 602.9.** 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 refusal to so certify.
- 602.10.** The Chief, or his/her duly authorized representative of the Police Department of the Town of Scarborough, upon request for aid from a fully authorized representative of another municipality having similar ordinances, within or without the state, is hereby authorized to send to such other municipal Police Department such equipment and/or personnel as he/she shall deem feasible for the purpose of rendering aid within such other municipality.

**602.11.** During the course of rendering such aid to another municipality, the aiding municipality shall be responsible for damage to its own equipment, personal injury or property damage caused by the negligence of its personnel in the operation of its equipment, and for any payments which it is required to make to any member of its Police Department or to his widow or other dependents on account of injuries or death, as required by the Workmen's Compensation Act of the State of Maine.

**602.12.** Pursuant to 30-A M.R.S.A. §2671, the Town Council delegates to the Chief of Police the Council's authority to authorize any police officer of the Town, including the Chief, to prosecute alleged violations of any ordinance which such police officer is empowered to enforce, provided the police officer is duly certified in accordance with 25 M.R.S.A. §2803,[3][A].

**602.13.** Prepare and administer the Department Budget.

### **Section 603. Sealer of Weights and Measures**

The Town Manager shall appoint for an indefinite term to serve as an officer of the Town titled Sealer of Weights and Measures, who is hereby placed under the direction of the Police Chief and shall have such powers and perform such duties as may be authorized by state law or Town ordinance.

### **Section 604. Animal Control Officer**

The Town Manager shall designate one or more police officers to be titled Animal Control Officer, whose duties shall be to enforce state and local laws regarding dogs.

### **Section 605. Harbor Master**

The Town Manager shall appoint for indefinite term to serve as Harbor Master. It shall be the duty of the Harbor Master to:

**605.1.** Have the care and regulation of the harbor and port of Scarborough.

**605.2.** Provide printed rules and regulations of the port, for distribution.

**605.3.** Remove, or cause to be removed, any vessel, boat or raft from any wharf in the port at the request of the owner of said wharf; and whenever deemed necessary, shall remove or cause to be removed, any vessel lying in tier.

**605.4.** Promote order in the harbor, and assure the safety and convenience of users of the harbor and the general public.

**605.5.** Prevent the mooring of any floating craft used primarily for residence purposes except with the permission of Harbor Master and that of the riparian owner.

**605.6.** 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 specified by the Harbor Master.

**605.7.** Enforce the provisions of any statute, ordinance and any rules and regulations lawfully promulgated thereunder, applicable to the harbor, waterfront and watercraft.

**605.8.** Exercise the same powers and duties with respect to the Town Landings as are authorized in connection with their jurisdiction over Scarborough harbor and waterfront and any watercraft.

**605.9.** Prepare rules and regulations for the keeping open of convenient channels for the passage of vessels in Scarborough harbor, for the establishment of boundary lines of such channels, and

for the assignment of suitable portions of the harbor for anchorage, which rules after approval by the Town Council shall be enforce.

**605.10.** Prepare such other rules and regulations for the government of the harbor, waterfront and watercraft as he may deemed necessary, which rules after approval by the Town Council, shall be enforce.

## **ARTICLE VII - FIRE DEPARTMENT [Amended 04/04/2012]**

### **Section 701. Establishment**

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

### **Section 702. Duties of the Fire Chief**

The Fire Chief is charged with the prevention and extinguishment of fires, the protection of life and property against fire, and the removal of fire hazards. Shall be responsible for the care and maintenance of all property used by the Fire Department. Shall inspect promptly all premises for which a license or permit is applied for, which requires certification by the Fire Chief, and either deliver promptly to the Town Clerk, a certificate approving the license or permit applied for, or promptly advise the Town Clerk OF refusal to certify.

**702.1.** The Chief, or a duly authorized representative of the Fire Department of the Town of Scarborough, upon request for aid from a duly authorized representative of another municipality or incorporated volunteer fire department of another municipality, having a similar ordinance, within or without the state, is hereby authorized to send to such other municipal or incorporated volunteer fire department, such equipment and/or personnel belonging to the Fire Department of the Town of Scarborough as he shall deem feasible for the purpose of rendering aid within such other municipality.

**702.2.** During the course of rendering such aid to another municipality, the aiding municipality shall be responsible for damage to its own equipment, personal injury or property damage caused by negligence of its personnel in the operation of its equipment, and for any payments which it is required to make to any member of its Fire Department or to the widow or other dependents on account of injuries or death, as required by Workmen's Compensation Act of the State of Maine.

**702.3.** Prepare and administer the Department Budget.

**702.4.** The Fire Chief shall, after review by the Board of Engineers and Safety Review Board when applicable, establish rules and regulations for the Fire Department and its members, subject to the approval of the Town Manager. [amended 08/16/95]

### **Section 703. Board of Engineers [Amended 09/06/95]**

**703.1.** There is hereby established a Board of Engineers for the Scarborough Fire Department consisting of the Fire Chief, Deputy Chiefs, EMS Director, Captains, and/or their designee from each company and one member of the Town Council appointed by the Town Council. The Board of Engineers shall serve in an advisory capacity to the Fire Chief.

**703.2.** The Board of Engineers shall advise the Fire Chief and the Town Manager on the needs of the fire and rescue companies of the Town and on the effective operation of the Fire Department.

This ordinance shall take effect on July 1, 1982. (Section 702.2, 3 and 4 enacted 9/19/73) (Section 702.5 and 702.1 and 2 enacted March 24, 1982)

## **ARTICLE VIII - TOWN PLANNING DEPARTMENT**

[Amended 11/20/85; Amended 04/04/2012]

### **Section 801. Establishment**

There shall be a Town Planning Department, the head of which shall be the Town Planner who shall be appointed by the Town Manager. In addition to the Town Planner, this department shall consist of an Assistant Town Planner, Zoning Administrator and Code Enforcement Officer(s).

### **Section 802. Duties of Town Planner**

The Town Planner shall be the head of the Town Planning Department and shall:

**802.1.** Serve as Technical Staff to the Planning Board, reviewing proposals, site plans, subdivision submissions, land use regulations, ordinances and recommending amendments or new regulations.

**802.2.** Direct the activities of staff involved with Planning, Zoning and Code Enforcement, providing guidance and directing and coordinating workload.

**802.3.** Prepare and administer the Department Budget.

**802.4.** Supervise the compilation and analysis of studies on economic, social and physical factors affecting land use, housing or transportation.

**802.5.** Prepare long-range, comprehensive plans for the utilization of land and physical facilities of the Town and serving as Technical Staff to the Long Range Planning Committee.

### **Section 803. Planning Department Structure**

The Planning Department shall be divided into the following divisions:

### **Section 804. Duties of Assistant Town Planner**

The Assistant Town Planner is responsible for administrative and technical work performed under the supervision of the Town Planner in the performance of the Town's planning, development review and development inspection function. In particular this position shall serve as staff support to the Planning Board.

### **Section 805. Duties of the Zoning Administrator**

The Zoning Administrator works under the general policy direction and guidance of the Town Planner, but directly manages and oversees the operation of the Town's building and code enforcement duties and staff. This position is responsible for managerial, technical and administrative zoning and code work including interpreting, articulation and enforcing zoning and land use ordinances, building, plumbing and electrical-related codes, and other applicable state and federal laws.

### **Section 806. Duties of the Code Enforcement Officer(s)**

The Code Enforcement Officer(s) work under the general policy direction and guidance of the Zoning Administrator. This position entails technical and administrative work responsible for the enforcement in an equitable and uniform manner of all building, plumbing health and electrical-related codes, zoning and land use ordinances, and other applicable state and federal laws.

### **Section 807. Long Range Planning Committee**

There shall be a Long Range Planning Committee, as established by the Town Charter Article XXIV and replicated in the Town Committee's Manual.

## **ARTICLE IX - HEALTH DEPARTMENT [Amended 04/04/2012; Amended 04/21/2021]**

### **Section 901. Establishment**

There shall be a Department of Public Health, the head of which shall be the Health Officer who shall hold the required certification of a Local Health Officer from the State and be appointed by the Town Manager, as provided under Section 303 of the Town Charter.

### **Section 902. Duties of Health Officer**

The Health Officer shall have charge and control of all functions involved in protecting and preserving the public health and shall have all power provided by state law [Title 22, M.R.S.A. Chapter 153 – Local Health Officer –on file with the Town Clerk] or Town ordinance relative thereto.

## **ARTICLE X - DEPARTMENT OF HUMAN RESOURCES [Adopted 04/04/2012]**

### **Section 1001. Establishment**

There shall be a Department of Human Resources, the head of which shall be the Director of Human Resources who shall be appointed by the Town Manager. The Director shall report to and serve at the pleasure of the Town Manager.

### **Section 1002. Duties**

The Human Resources Director shall be responsible for the human resources functions of the Town. The Human Resources Director shall:

- 1002.1.** Serve as advisor to the Town Manager and the Town Council with respect to the development and implementation of human resources policies and labor relations matter.
- 1002.2.** Serve as an ex officio, nonvoting member of the Personnel Appeals Board as established in Section 308 of Chapter 303 – the Town of Scarborough Personnel Ordinance.
- 1002.3.** Be responsible for administering a central personnel program to provide the Town with qualified and competent employees and to promote desirable and adequate conditions of employment.
- 1002.4.** Be responsible for the overall administration of the Personnel Ordinance of the Town of Scarborough and oversee development and maintenance of human resources policies and guidelines.
- 1002.5.** Be responsible for monitoring compliance with federal and state law and Town policies regarding human resource issues.
- 1002.6.** Administer employee recruitment and retention programs, employee classification and compensation, personnel records, employee benefits program, workers' compensation, unemployment compensation, employee relations and negotiate and administer collective bargaining agreements.

**1002.7.** Prepare and administer the department's budget.

**1002.8.** Represent the Town at personnel related hearings and investigations.

**1002.9.** Perform other human resources and administrative functions and duties as assigned by the Town Manager.

### **Section 1003. Personnel Records**

The Human Resources Director shall be the custodian of all official personnel records of employees and appointees to boards and committees of the Town.

### **Section 1004. Division of Public Welfare**

Within the Department of Human Resources there shall be a Division of Public Welfare. The head of which shall be the General Assistance Office. The Division shall oversee Chapter 1301 – the Town of Scarborough General Assistance Ordinance.

**1004.1.** The General Assistance Officer shall:

**1004.1.1.** Be responsible for the planning, budgeting, reporting and control of the Town's Public Welfare program.

**1004.1.2.** Exercise all powers and perform all the duties conferred or imposed by state law upon Overseers of the Poor.

## **ARTICLE XI – DEPARTMENT OF COMMUNITY SERVICES [Adopted 04/04/2012]**

### **Section 1101. Establishment**

There shall be a Department of Community Services, the head of which shall be the Director of Community Services, who shall be appointed by the Town Manager.

### **Section 1102. Duties**

The Director of Community Services shall be the head of the Community Services Department and shall be responsible for:

**1102.1.** The development, implementation and administration of a comprehensive community services program.

**1102.2.** The maintenance of all Town recreational/athletic fields and municipal facilities, including the operation of all beaches and town-owned parking lots.

**1102.3.** The Scarborough Community Television, for contract negotiations.

**1102.4.** Prepare and administer the department budget.

**1102.5.** The Collection of fees.

**1102.6.** Preparing appropriate records of personnel needs and equipment and materials.

**1102.7.** Preparing reports for the Town Manager, Town Council, the Community Services and Recreation Advisory Board, as well as the Seniors Program Advisory Board:

**1102.8.** Performing other Community Services and administrative functions and duties as assigned by the Town Manager, which include construction projects within the Town.



### **Section 1103. Department Structure**

This Department shall be divided into the four divisions.

### **Section 1104. Recreation (Youth, Adult and 55+ Populations, Summer Camps)**

The Recreation Division shall be responsible for

**1104.1.** The organization and facilitation of all community services sports activities.

**1104.2.** The planning, developing and supervising a wide variety of recreational activities which includes the organization of teams, scheduling practices and games, training coaches, and program supervision;

**1104.3.** Establishing contracts with private and public organizations to offer additional recreational opportunities for all members of the public;

**1104.4.** The organization of all adult fitness-related activities, including hiring fitness instructors, organizing teams, scheduling practices and games, training coaches, and supervising of programs.

**1104.5.** The organization and coordination of all aspects of the 55+ programs, including organizing and scheduling of all weekly programs, scheduling and coordinating trips, bus driver, and other weekly transportation needs;

**1104.6.** The organization of volunteers, hiring personnel and entertainment/programming for weekly events; and will work closely with the Senior Advisory Board in the development of senior programs and services.

**1104.7.** The operation of all beaches and town-owned parking lots which includes hiring of staff, collection of parking fees, general custodial and general maintenance duties.

### **Section 1105. Child Care**

The Child Care Division shall be responsible for

**1105.1.** The organization and facilitation of all child care programs within the town which includes before and after-school care, preschool programs and day camps.

**1105.2.** Budget preparation, hiring, supervising, training, planning, developing of policies and.

**1105.3.** Strictly adhering to state and town policies.

**1105.4.** Maintaining documented reports for the State of Maine's Department of Health and Human Services as required by licensing.

### **Section 1106. Facilities and Grounds Maintenance**

The Facilities and Grounds Maintenance Division will be responsible

**1106.1.** The maintenance and upkeep of all town recreational/athletic facilities, which includes all town fields, parks, beaches, outdoor ice rink, concession stands, community gardens, skateboard park, tennis courts and trails.

**1106.2.** Municipal facilities, all mowing, trimming, field lining, baseball/softball skin care, turf care, irrigation, leaf collection, trash collection, and snow removal at select/certain town-owned sites.

## **Section 1107. Administrative**

The Administrative Division is responsible for:

**1107.1.** Support to the Director of Community Services and staff and all its activities, which includes assisting in the facilitation of all programs under its umbrella.

**1107.2.** The enforcement of all policies and procedures.

**1107.3.** The management of departmental functions including budgeting, purchasing, bookkeeping, scheduling, personnel and payroll records, preparation of reports, department brochures, and the administration and management of departmental records and systems.

**1107.4.** The management of indoor and outdoor facility reservations, lighting management of all outdoor fields and courts,

**1107.5.** The community television staffing and scheduling for all town and community meetings, preparing and managing the town's community TV bulletin board.

**1107.6.** The administration of sponsorships for special events, processing of scholarships, community outreach services (selling of all community discount tickets, going green products [dragonfly nymphs], tree and bench sponsorships.).

## **ARTICLE XII - DEPARTMENT OF PUBLIC WORKS [Amended 04/04/2012]**

### **Section 1201. Establishment**

There shall be a Department of Public Works, the head of which shall be the Director of Public Works who shall be appointed by the Town Manager. The number of employees shall be determined by, and each such employee shall be appointed by the Town Manager, or the Town Manager may delegate such power to the Director of Public Works.

### **Section 1202. Duties**

The Director of Public Works Shall:

**1202.1.** Be responsible for all matters pertaining to construction, management, maintenance, and operation of 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 ordinances.

**1202.2.** Be responsible for the care and maintenance of all property used by the Public Works Department.

**1202.3.** 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 nuisance abated.

**1202.4.** Prepare or cause to be prepared all contracts and specifications that may be required for public works; all such specifications and contracts shall be subject to final approval by the Town Manager.

**1202.5.** Prepare and administer the Department Budget.

### **Section 1203. Division of Tree Care**

**1203.1.** 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.

### **Section 1204. Duties of the Tree Warden**

The Tree Warden shall:

**1204.1.** 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.

**1204.2.** Be responsible for initiating an adequate tree-planting program for the Town.

**1204.3.** Be responsible for a Town forest should one be developed.

## **ARTICLE XIII – DEPARTMENT OF DEPARTMENT OF ENGINEERING AND TECHNICAL SERVICES [Adopted 09/07/2022]**

### **Section 1301. Establishment**

There shall be a Department of Engineering and Technical Services, the head of which shall be the Town Engineer who shall be appointed by the Town Manager. The number of employees shall be determined by, and each such employee shall be appointed by the Town Manager, or the Town Manager may delegate such power to the Town Engineer.

### **Section 1302. Duties**

The Town Engineer is responsible for the administrative and technical work in the performance of the Town's civil engineering, infrastructure planning, GIS services, Sustainability efforts, and development review functions. The Town Engineer shall be the head of the Town Engineering and Technical Services Department and shall:

**1302.1.** Be responsible for the administrative and technical work in the performance of the Town's civil engineering, infrastructure planning, GIS services, Sustainability efforts, construction oversight, Federal and State Stormwater compliance, and development review functions.

**1302.2.** Be responsible for all matters pertaining to construction of 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 Ordinances.

**1302.3.** Be responsible for all planning and implementation of infrastructure improvements as are essential or desirable for the future growth of the Town.

**1302.4.** Prepare and administer the Department Budget.

### **Section 1303. Duties of Sustainability Coordinator**

The Sustainability Coordinator works under the general direction and guidance of the Town Engineer. This position is responsible for the administrative and technical work in performing a wide range of sustainability related duties: including programming and initiatives involving recycling and composting and reducing the rate and cost of solid waste disposal; renewable and alternative energy initiatives and energy conservation efforts; coastal resiliency planning and initiatives; coastal resource and beach monitoring tasks; assistance with stormwater and watershed planning efforts; and related duties as assigned. This position directly manages and oversees the administrative tasks associated with the Plover Protection Volunteer Program.

**Section 1304. Duties of GIS Administrator**

The GIS Administrator works under the general direction and guidance of the Town Engineer. This position is responsible for the coordination, development and maintenance of the Geographical Information System (GIS) data and other applications utilized by the Town of Scarborough municipal departments and the public.

**Section 1305. Duties of Engineering Technician**

The Engineering Technician works under the general direction and guidance of the Town Engineer. This position is responsible for: erosion and sediment control inspections; general construction oversight; and a variety of field services, technical review of town infrastructure specifications, data collection, and infrastructure inspections in support of the Town's Geographic Information System (GIS) and federal Stormwater Management (MS4) Compliance.