CHAPTER 2

ADMINISTRATION

SUBCHAPTER I - IN GENERAL

SECTIONS 2-101 THROUGH 2-103 (Reserved)

SECTION 2-104 THE CITY SEAL

The design hereunto annexed shall be the device of the City Seal, and the inscription shall be as follows, to wit:

"Hallowell Founded A.D. 1771" "City Incorporated A.D. 1850."

The City Seal shall be as follows:

A circular seal containing two closely spaced outer and one inner concentric circles. Between these circles the words "Hallowell Founded A.D. 1771" shall appear in the upper half, and "City Incorporated 1850" in the lower half. Within the inner circle is a scene depicting the west bank of the Kennebec River. A sailing ship and wharf appear at the left, with two derricks on the shore above, three buildings center and right, and with church steeple, ship and wharf at far right. In the foreground is a small sailing vessel.

[Derivation: Section 2-1, 1973 Revised Code of Ordinances]

SECTION 2-105 ORDERS AND RESOLVES

In all votes, when anything is to be expressed by way of command, the form of expression shall be, "Ordered"; and when opinions, principles, facts or purposes are to be expressed, the form shall be "Resolved."

[Derivation: Section 2-2, 1973 Revised Code of Ordinances]

SECTION 2-106 FORM AND ENACTMENT OF ORDINANCES

1. Enacting Style. All by-laws passed by the council shall be termed ordinances, and the enacting style shall be, "Be it ordained by the City Council of the City of Hallowell, as follows:"

2. Integration with Code. It is the intent of the City Council that all ordinances adopted after the effective date of the Code be integrated into the Code based on the organization, format, subject classifications, and numbering system used in the Code as adopted.

3. Proposed Ordinances. Each ordinance prior to final passage shall be marked "PROPOSED ORDINANCE."

4. Numbering. Each ordinance, upon enactment, shall be numbered sequentially in chronological order beginning with each calendar year, showing the calendar year as a prefix. For example, the first ordinance enacted in 1998 would be numbered "98-1," and the first ordinances enacted in 1999 and 2000 would be numbered "99-1" and "00-1" respectively.

[Derivation: Section 2-2, 1973 Revised Code of Ordinances]

SECTION 2-107 RECORD OF ORDINANCES

All ordinances shall be enrolled and recorded by the City Clerk and such ordinances shall be preserved in the office of the City Clerk, subject to the inspection by the public, in accordance with statute.

1. Record of Ordinances. Upon final passage of any additions and amendments to the Code or any other ordinances of whatever nature, a copy of the full text of such ordinance as finally enacted shall be prepared by the City Clerk. The City Clerk shall note the date of each reading and final passage on the face of the ordinance, and place the City seal and the Clerk's signature thereon. This signed copy of each ordinance shall be preserved as a permanent record in a separate loose leaf notebook kept in the City's safe. An attested copy of each ordinance as enacted shall be kept in a separate loose leaf notebook by the City Clerk, and shall be available for public inspection and copying during regular office hours. The Clerk shall maintain an index to the record of ordinances listing each ordinance sequentially by number, showing the title of the ordinance, the section numbers of the Code affected, and the effective date.

2. Preservation of Code. An official copy of the Code, as amended from time to time, shall be kept by the City Clerk in a loose leaf notebook and preserved as a public record in the City's safe. One or more attested copies of the Code, as amended, shall be kept in the Clerk's office and shall be available for public inspection and copying during regular office hours.

3. Supplementation of Code. Immediately after the enactment of any addition or amendment to the Code, the City Clerk shall prepare replacement pages, and supplementary pages if necessary, with respect to all changes and additions to the Code. Additional inserted pages shall be numbered with alphabetical suffixes (i.e., 50A, 50B, etc.) until such time as the entire Code is repaginated. Index pages shall be replaced as necessary. After each section of the Code that is added or amended, there shall be a notation of its derivation showing the ordinance number, date of adoption, and dates of amendment, as applicable. Each new page, at the bottom, shall include a printed notation of the month and year of the filing of the page by the City Clerk, who shall immediately insert the pages into the official copy of the Code and each public review copy kept in the Clerk's office. The pages replaced in the

official copy of the Code shall be removed by the City Clerk, who shall note the date of removal on each of the pages removed, and preserve them as a permanent record in a separate file containing all pages removed from the official copy of the Code.

4. Items Incorporated by Reference. All writings incorporated or adopted by reference in this Code, including but not limited to the Maine Uniform Building and Energy Code under Section 4-501, the Official Zoning Map under Section 9-171, and the "Flood Insurance Study" and "Flood Insurance Rate Map" under Section 9-531, shall be filed by the Clerk with the official Code, and attested copies of such items shall be made available in the Clerk's office for review and copying by the general public during regular office hours.

[Derivation: Section 2-3, 1973 Revised Code of Ordinances; Ord. No. 12-03, Eff. 5/23/2012; Ord. No. 15-03, eff. 07/23/2015]

SECTION 2-108 OFFICE HOURS AT CITY HALL

The office hours at City hall shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays recognized by the State of Maine.

[Derivation: Section 2-8, 1973 Revised Code of Ordinances]

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SUBCHAPTER II - CITY COUNCIL

DIVISION A - IN GENERAL

SECTIONS 2-201 THROUGH 2-210 (Reserved)

SECTION 2-211 COUNCILOR'S REQUEST REGARDING DEPARTMENTS OR OTHER BUSINESS TO GO THROUGH MANAGER

All requests from members of the City Council pertaining to individual departments or any other business shall go through the City Manager.

[Derivation: Section 2-129, 1973 Revised Code of Ordinances]

DIVISION B - RULES OF PROCEDURE

SECTION 2-221 PRESIDING OFFICER

The Mayor, or in his absence the elected President of the City Council, shall take the chair at the meetings of the council.

In the absence of the Mayor and the President of the City Council, the City Clerk shall call the meeting to order, and a presiding officer for the time being shall be elected by the council.

[Derivation: Section 2-136, 1973 Revised Code of Ordinances]

SECTION 2-222 DUTIES OF THE PRESIDING OFFICER GENERALLY

The presiding officer shall do the following:

1. Take any question by yeas and nays, on demand of any member.

2. Preserve order and decorum and may speak on points of order in preference to members on the floor. (Reference Roberts' Rules of order.)

3. Decide all questions of order, subject to an appeal on motion of any member regularly seconded.

4. Address the council, state facts, put questions and read to the council.

5. Propound all questions in the order in which they are moved unless the subsequent motion shall be previous in nature; except that in naming sums and fixing times, the largest sum and the longest time shall be put first.

6. Nominate all committees, unless otherwise provided for or especially directed by council.

7. Declare all votes, but if a vote be doubted he may call for a revote or roll call vote.

8. Call any member to the chair, who may preside for one (1) meeting.

9. May only express his opinion on any subject under debate, by leaving the chair, and appointing a member to take it; and in such case, he shall return to the chair after speaking; however, he may state facts and give his opinion on questions of order, without leaving his place.

[Derivation: Section 2-137, 1973 Revised Code of Ordinances]

SECTION 2-223 SUSPENSION OF RULES BY VOTE

The rules and order of business set out in this division shall be observed in all cases, unless suspended by a vote of five-seventh (5/7) of the council members present.

[Derivation: Section 2-138, 1973 Revised Code of Ordinances]

SECTION 2-224 SUBMISSION OF SUGGESTED BUSINESS PRIOR TO COUNCIL MEETING: PLACING MATTERS ON AGENDA. AGENDA FOR CITY COUNCIL MEETINGS

1. All matters to be taken before the council for discussion or action shall be listed in an agenda prepared by the City Manager. Items proposed for the agenda by council members shall be received by the City Manager not later than four (4) calendar days prior to the meeting.

2. Any business or matter not on the agenda must in order to be discussed or acted upon, have the approval of five-seventh (5/7) of the council members present.

3. The council members or the City Manager or Mayor shall have the exclusive authority to place matters on the agenda for council meetings.

[Derivation: Section 2-139, 1973 Revised Code of Ordinances]

SECTION 2-225 ORDER OF BUSINESS

The order of business at a council meeting shall be as follows:

1. Items on agenda.

2. New business.

3. Reports of committees.

4. Communications.

5. Petitions.

[Derivation: Section 2-140, 1973 Revised Code of Ordinances]

SECTION 2-226 ORDER OF PRECEDENCE OF MOTIONS

The order of precedence of motions shall be as follows:

1. To adjourn.

2. To recess.

3. To lay on the table.

4. For the previous question.

5. To refer to a committee.

6. To amend.

7. To postpone indefinitely.

8. To move the main question.

The motions enumerated in this section shall have precedence in the order in which they are arranged. The first four (4) motions shall not be debatable and the motion for the previous question shall require a five-seventh (5/7) vote to carry.

[Derivation: Section 2-141, 1973 Revised Code of Ordinances]

SECTION 2-227 MOTIONS TO BE IN WRITING IF DEMANDED

Every motion shall be reduced to writing, if the presiding officer or any member demands it.

[Derivation: Section 2-142, 1973 Revised Code of Ordinances]

SECTION 2-228 DISPOSAL OF MOTIONS, WITHDRAWAL

After a motion is stated or read by the chair, it shall be deemed to be in possession of the council, and shall be disposed of by vote; but the mover may withdraw it at any time before a division or amendment.

[Derivation: Section 2-143, 1973 Revised Code of Ordinances]

SECTION 2-229 MOTION FOR RECONSIDERATION

When a motion has once been made and carried by a majority of members present in the affirmative or negative, any member voting with the majority may move a reconsideration thereof at the same meeting, and if seconded, it shall be open to debate, and be disposed of by the council; and if the motion is made at such meeting, a majority of the members present may pass a vote of reconsideration; but only one (1) motion for the reconsideration of any vote shall be permitted.

[Derivation: Section 2-144, 1973 Revised Code of Ordinances]

SECTION 2-230 DEBATING, PRESENTING MATTERS TO THE COUNCIL

1. When any member is about to speak in debate, or present any matter to the council, he shall respectfully address the chair, confining himself to the subject under debate and avoiding personalities.

2. No member shall speak more than once until the other members who have not spoken shall speak, if they desire it.

3. No member shall call another member by name in debate, but may allude to him by an intelligible or respectful designation.

[Derivation: Section 2-145, 1973 Revised Code of Ordinances]

SECTION 2-231 INTERRUPTION OF A MEMBER SPEAKING

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake. If any member in speaking, or otherwise, transgresses the rules of the council, the presiding officer shall, or any member may call him to order; in which case the member so called to order shall explain if permitted to do so; and the council, if appealed to, shall decide on the case without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council.

[Derivation: Section 2-146, 1973 Revised Code of Ordinances]

SECTION 2-232 FORM OF MOVING THE PREVIOUS QUESTION

The previous question shall be in the form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the council to a direct vote.

[Derivation: Section 2-147, 1973 Revised Code of Ordinances]

SECTION 2-233 IMPROPER USE OF AMENDMENTS

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

[Derivation: Section 2-148, 1973 Revised Code of Ordinances]

SECTION 2-234 REQUIREMENT TO VOTE: PREVIOUS QUESTION EXCEPTION

Every member who shall be present when a question is put shall give his vote, unless the council for special reasons shall excuse him; application for such excuse must be made before the council is divided; or before the calling of the yeas and nays, and such application shall be decided without debate.

[Derivation: Section 2-149, 1973 Revised Code of Ordinances]

SECTION 2-235 QUORUM

A legal quorum for council business shall require a majority of members be present.

[Derivation: Section 2-150, 1973 Revised Code of Ordinances]

SECTION 2-236 ORDINANCE ENACTMENT

No ordinance shall be passed until it has been read on three (3) separate days.

[Derivation: Section 2-151, 1973 Revised Code of Ordinances, Enacted 6/11/90]

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SUBCHAPTER III - CITY ELECTIONS

DIVISION A - VOTING WARDS

SECTION 2-301 VOTING WARDS

Let it hereby be established that the City of Hallowell be divided into five (5) voting wards.

[Derivation: Section 8-1, 1973 Revised Code of Ordinances]

SECTION 2-302 VOTING PLACES DEFINED, ENUMERATED

1. Voting place shall mean the building in which ballots are case at an election.

2. The voting place for all voting wards shall be the Hall-Dale Elementary School, 26 Garden Lane.

[Derivation: Section 8-2, 1973 Revised Code of Ordinances; Ordinance No. 06-07, Effective August 17, 2006]

SECTION 2-303 BOUNDARIES OF WARDS

1. Ward 1. Ward 1 shall be bounded on the north by the Augusta Line between Balsam Drive and Second Street; on the east by Second Street between the Augusta Line and Lincoln Street; on the south by Lincoln Street between Second Street and Middle Street, by Middle Street between Lincoln Street and Winthrop Street, by Winthrop Street between Middle Street and Pleasant Street, by Pleasant Street between Winthrop Street and Getchell Lane, by Getchell Lane between Pleasant Street and the end of Getchell Lane, by an imaginary line drawn to extend Getchell Lane to Reed Street between the end of Getchell Lane and Reed Street, by Reed Street between its intersection with said imaginary line and Winthrop Street, by Winthrop Street between Reed Street and Balsam Drive; and on the west by Balsam Drive between Winthrop Street and the Augusta Line.

2. Ward 2. Ward 2 shall be bounded on the north by the Augusta line between Second Street and the Kennebec River; on the east by the Kennebec River between the Augusta Line and Wharf Street; on the south by Wharf Street between the Kennebec River and Water Street, by Water Street between Wharf Street and Perleys Lane, by Perleys Lane between Water Street and Second Street, by Second Street between Perleys Lane and Union Street, by Union Street between Second Street and Franklin Street, by Franklin Street between Union Street and Central Street, and by Central Street between Franklin Street and High Street; and on the west by High Street between Central Street and Winthrop Street, by Winthrop Street between High Street and Reed Street, by Reed Street between Winthrop Street and the intersection of Reed Street with an imaginary line drawn to extend Getchell Lane to Reed Street, by said imaginary line between Reed Street and the end of Getchell Lane, by Getchell Lane between the end of Getchell Lane and Pleasant Street, by Pleasant Street between Getchell Lane and Winthrop Street, by

Winthrop Street between Pleasant Street and Middle Street, by Middle Street between Winthrop Street and Lincoln Street, by Lincoln Street between Middle Street and Second Street, by Second Street between Lincoln Street and the Augusta Line.

3. Ward 3. Ward 3 is bounded on the north by Winthrop Street between the Maine Turnpike and High Street, by High Street between Winthrop Street and Central Street, by Central Street between High Street and Franklin Street; on the east by Franklin Street between Central Street and Union Street, by Union Street between Franklin Street and Second Street, by Second Street between Union Street and Perleys Lane, by Perleys Lane between Second Street and Water Street, by Water Street between Perleys Lane and Temple Street, by Temple Street between Water Street and Second Street, by Second Street between Temple Street and Academy Street, by Academy Street between Second Street and Middle Street, by Middle Street between Academy Street and Chestnut Street, by Chestnut Street between Middle Street and Summer Street, and by Summer Street between Chestnut Street and Litchfield Road; on the south by Litchfield Road between Summer Street and the Maine Turnpike; and on the west by the Maine Turnpike between Litchfield Road and Winthrop Street.

4. Ward 4. Ward 4 is bounded on the north by Vaughan Road between the Farmingdale Line and Smith Road, by Smith Road between Vaughan Road and Litchfield Road, by Litchfield Road between Smith Road and Summer Street, by Summer Street between Litchfield Road and Chestnut Street, by Chestnut Street between Summer Street and Middle Street, by Middle Street between Chestnut Street and Academy Street, by Academy Street between Middle Street and Second Street, by Second Street between Academy Street and Temple Street, by Temple Street between Second Street and Water Street, by Water Street between Temple Street and Wharf Street, by Wharf Street between Water Street and the Kennebec River; on the east by the Kennebec River between Wharf Street and the Farmingdale Line; on the south by the Farmingdale line; and on the west by the Farmingdale Line.

5. Ward 5. Ward 5 is bounded on the north by the Manchester line between Foye Road and the Augusta Line, by the Augusta Line between the Manchester Line and Balsam Drive; on the east by Balsam Drive between the Augusta Line and Winthrop Street, by Winthrop Street between Balsam Drive and the Maine Turnpike, by the Maine Turnpike between Winthrop Street and Litchfield Road; on the south by Litchfield Road between the Maine Turnpike and Smith Road, by Smith Road between Litchfield Road and Vaughan Road, by Vaughan Road between Smith Road and the Farmingdale Line, by the Farmingdale Line between Vaughan Road and Manchester Line; and on the west by the Manchester Line.

[Derivation: Ord. No. 02-04, eff. 06/13/02; Ord. No. 14-01, eff. 03/20/2014]

SECTION 2-304 DUTY TO ESTABLISH TIME FOR POLLS TO OPEN AND CLOSE: WARRANTS OR NOTICES OF ELECTION TO SHOW TIME

It shall be the duty of the Mayor and councilmen to fix the time when the polls shall be opened and closed and they shall insert the same in all warrants or notices of elections.

[Derivation: Section 8-4, 1973 Revised Code of Ordinances; Ordinance No. 06-07, Effective August 17, 2006]

SECTION 2-305 SERVICE AND RETURN OF WARRANTS OR NOTICES OF ELECTION

All warrants or notices of elections shall be served by a constable or resident of the City; warrants or notices of elections shall be returned to the City Clerk on or before the time of meeting therein named.

[Derivation: Section 8-5, 1973 Revised Code of Ordinances; Ordinance No. 06-07, Effective August 17, 2006]

SECTION 2-306 NOTICE OF ELECTION

The service of warrants or notices of elections shall be made by posting copies thereof in at least two (2) public and conspicuous places in the polling place and at City Hall, at least seven (7) days before the time of the election mentioned therein.

[Derivation: Section 8-6, 1973 Revised Code of Ordinances; Ordinance No. 06-07, Effective August 17, 2006]

DIVISION B - INITIATIVE AND REFERENDUM

SECTION 2-321 MAINE CONSTITUTION AND STATUTES TO GOVERN

1. Initiative and referendum for the electors of the City of Hallowell in regard to revisions of or amendments to the City charter is hereby established in accordance with Article IV, Part 3, Section 21 and Article 8 VIII-A of the Constitution of Maine and as further set forth in 30-A M.R.S.A. §§2004, 2101–2109 as amended.

2. Initiative and referendum for the electors of the City of Hallowell in regard to any ordinance, order resolve or question is hereby established under Article VIII, §1-3 of the City charter.

[Derivation: Section 8-17, 1973 Revised Code of Ordinances]

SECTION 2-322 COUNCIL'S AUTHORITY TO ESTABLISH FURTHER REGULATIONS

The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of these articles.

[Derivation: Section 8-18, 1973 Revised Code of Ordinances]

SECTION 2-323 EFFECT OF REPEAL

All ordinances, orders, resolves or questions in parts thereof which are hereafter repealed through the initiative and referendum, provided in this article, shall remain in force for the trial, and punishment of all past violations of them and for the recovery of the penalties and forfeitures already incurred and for the preservation of all rights and remedies existing by them, and, so far as they apply, to any office, trust, proceeding, right, contract or event already effected by them.

[Derivation: Section 8-19, 1973 Revised Code of Ordinances]

SECTION 2-324 FORM OF PETITION

The petition used to originate the initiative or the referendum shall be substantially in the following form:

PETITION TO THE CITY COUNCIL FOR THE
SUBMISSION TO THE PEOPLE OF THE QUESTION:

Shall the ordinance, order, resolve or question, a copy of which is hereunto attached, be adopted?

We, the undersigned, depose and say that we are duly qualified voters of the City of Hallowell, residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing to the voters of the City of Hallowell.

Name	Street Address	Date
_____	_____	_____
_____	_____	_____

I,_____, a resident and legal voter of the City of Hallowell, do solemnly affix that I witnessed the signing of each of the above signatures and that, at the time of signing, I made certain that the person affixing his name hereto had reasonable knowledge of the purpose of the petition.

Signed: _____
City of Hallowell

STATE OF MAINE
KENNEBEC, ss.

Subscribed and sworn to before me, this _____ day of _____ 20____.

_____

(SEAL) Notary Public

[Derivation: Section 8-20, 1973 Revised Code of Ordinances]

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SUBCHAPTER IV - CITY OFFICIALS

DIVISION A - GENERAL

SECTIONS 2-401 THROUGH 2-410 (Reserved)

SECTION 2-411 OATH OF OFFICE

Every City officer, and all members of boards, commissions and districts shall be duly sworn to the faithful and impartial performances of the duties of his office by the City Clerk, a notary public, a justice of the peace, or an attorney.

[Derivation: Section 2-5, 1973 Revised Code of Ordinances]

SECTION 2-412 TERM OF THOSE FILLING VACANCIES

Any person appointed to fill a vacancy in any appointive City office, due to any cause other than expiration of the term of office, shall hold office during the unexpired term of his predecessor.

[Derivation: Section 2-4, 1973 Revised Code of Ordinances]

DIVISION B - CITY DEPARTMENTS

SECTIONS 2-421 CITY DEPARTMENTS; DEPARTMENT HEADS

The departments within the City government are as follows:

1. Repealed.

2. Police Department, headed by the Chief of Police (see Chapter 4, Subchapter I).

3. Fire Department, headed by the Fire Chief (see Chapter 4, Subchapter II).

4. Repealed.

5. Department of Public Works, headed by the City Manager (see Chapter 6, Subchapter I).

6. Repealed.

7. Administration Department, headed by the City Manager, and composed of the Office of the City Manager (see Chapter 2, Subchapter VI), Office of the City Clerk (see Chapter 2, Subchapter VII), Office of the City Treasurer (see Chapter 3,

Subchapter IV), Office of the General Assistance Administrator (see Chapter 10) and Office of Code Enforcement (see Chapter 4, Subchapter V and Chapter 9, Subchapter IX).

[Derivation: Ordinance No.: 04-03, Effective May 20, 2004]

SECTION 2-422 ANNUAL REPORT OF DEPARTMENT HEADS REQUIRED

All department heads of the City shall submit an annual report, or more often if directed by the City Manager or council, to the City Manager.

[Derivation: Section 2-7, 1973 Revised Code of Ordinances]

SUBCHAPTER V - CITY EMPLOYEES

SECTION 2-501 PERSONNEL REGULATIONS

The City Council shall adopt, by Order, Personnel Regulations governing the employment practices of the City and conduct of its employees. Unless otherwise provided in this Code, the Personnel Regulations shall specifically include or provide the following:

1. A Position Classification Plan, which shall group employee positions in classes or grades with regard to duties and responsibilities, and requirements of education, knowledge, experience, skills and fitness.

2. A Compensation Plan, which shall establish, in matrix form, ranges of rates of pay for each position classification.

3. Recruitment, Employment and Probation Policy.

4. Hours of Work and Overtime Policy.

5. Annual Leave Policy.

6. Sick Leave Policy.

7. Holiday Policy.

8. Leave of Absence Policy (with or without pay).

9. Transfer and Promotion Policy.

10. Employee Benefits.

11. Reimbursement of Expenses.

12. Employee Training Policy.

13. Separation and Layoff Policy.

14. Discipline Policy.

15. Suspension and Termination Policy.

16. Grievance Procedures.

17. Substance Abuse and Testing Policy.

The Personnel Regulations shall be administered by the City Manager. All employees of the

City, as defined herein, shall be subject to the Personnel Regulations, however, the Personnel Regulations are not a contract of employment and may not be construed as such.

For the purposes of this section, "employees of the City" shall mean the City Manager and all persons who are compensated by the City and are under the direction and control of the City Manager or supervisor appointed by him, excluding persons hired pursuant to 22 M.R.S.A. § 4316-A(2).

[Derivation: Section 2-100, 1973 Revised Code of Ordinances, Enacted 11-7-94]

SECTION 2-551 MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM ADOPTED

The City of Hallowell adopts the provisions of the Maine Public Employees Retirement System and approves its participation as a local district pursuant to 5 M.R.S.A., Chapter 425.

[Derivation: Section 2-6, 1973 Revised Code of Ordinances; Ord. No. 15-03, eff. 07/23/2015]

SUBCHAPTER VI - CITY MANAGER

(Reserved)

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SUBCHAPTER VII - CITY CLERK

SECTION 2-701 DUTIES GENERALLY

The City Clerk shall perform such duties as may be prescribed by the City Council or City Manager, and shall generally do and perform all duties, and exercise all the powers by law incumbent upon or vested in a town or City Clerk.

[Derivation: Section 2-160, 1973 Revised Code of Ordinances]

SECTION 2-702 CLERK OF MUNICIPAL OFFICERS

The City Clerk shall be the clerk of the municipal officers.

[Derivation: Section 2-161, 1973 Revised Code of Ordinances]

SECTION 2-703 DEPUTY CLERK

The City Clerk may appoint in writing a qualified person as his deputy, who before assuming the duties of his office shall be sworn and the fact of his office recorded as provided in 30-A M.R.S.A. §2526(9)(D). The deputy shall serve at the will of the clerk and may perform any of the duties of office prescribed by the City Clerk. The appointing official and the surety on his bond are liable for all acts and omissions of his deputy. If the clerk fails to do so, the City Council may appoint a deputy clerk to act during his absence.

[Derivation: Section 2-162, 1973 Revised Code of Ordinances]

SECTIONS 2-704 through 2-750 (Reserved)

SECTIONS 2-751 FEES FOR COPIES OF RECORDS AND DOCUMENTS

Copies of records and documents in the custody of the City of Hallowell shall be made available upon payment of $1.00 per page and $2.00 per attested page except as provided in the following fee schedule:

1. Clerk/Registrar

    a. Certified copy of marriage, death, or birth certificate, or other vital record - $7.00 for the first copy and $3.00 for additional copies, if requested at the same time.

    b. Non-certified attested copies of any vital record - $5.00.

    c. Voter registration list - $50.00 or $10.00 per ward.

    d. Voter registration card (typed) - $3.00.

e. Address stickers of voter registration list $25.00 or $5.00 per ward.

2. Code Enforcement Officer

a. Copies of existing permits or approvals - $2.00 per page.

b. Copies of maps and / or subdivision approvals - $5.00 per page or for large or color maps and plans, the actual cost of reproduction at a commercial facility plus 50%.

c. Land Use Ordinance - $50.00 and full set of Ordinance - $100.00.

3. Police Department

a. Accident Reports - $15.00 per report.

b. Non-confidential investigation or criminal reports - $2.00 per page.

c. Repealed.

[Derivation: Ord. No. 09-01, effective 01/22/2009; Ord. No. 15-01, effective 1/22/2015]

4. Assessor's Office

a. Copy of property card – 1 copy per year to owner of record at no charge and all others $5.00 per card.

b. Tax map (full size) – actual cost of reproduction at a commercial facility plus 50%.

c. Tax map (reduced 8-1/2 x 11 - $2.00 per page, 11 x 17 - $5.00 per page and full set of 11 x 17 - $50.00).

5. Treasurer

a. Copies of previously issued tax bills - $2.00 per page.

b. Audit reports - $2.00 per page.

c. Return check fee - $25.00.

d. Photocopy - $1.00 per page (8-1/2 x 11), $2.00 per page (8-1/2 x 14), $3.00 per page (11 x 17).

e. Faxes - $1.00 per page.

These fees shall be paid in full when copies are provided unless the person requesting the copies signs a written agreement to pay the full amount within 30 days and that if the amount is not paid within that period, interest will accrue daily on the unpaid balance at the rate of 18% per annum and the City may in any collection proceeding recover its reasonable attorney's fees, interest and costs.

[Derivation: Ord. No. 01-4 eff. 1/18/01; Ord. No. 03-06 eff. 4/17/03]

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SUBCHAPTER VIII - CITY SOLICITOR

SECTION 2-801 REQUIRED TO BE ATTORNEY; RESPONSIBLE TO DRAFT CONTRACTS, ETC.

The City solicitor shall be an attorney-at-law and it shall be his duty to draft all contracts, bonds, deeds and other instruments which may be required of him by any ordinance, or by order of the City Manager or council, and which by law, usage or agreement, are to be drawn at the expense of the City. It shall be his duty to draft any ordinance when requested by the City Manager or City Council.

[Derivation: Section 2-172, 1973 Revised Code of Ordinances]

SECTION 2-802 PROSECUTE AND DEFEND SUITS

The City solicitor shall commence and prosecute any suit for a breach of this Code, when requested by the City Manager; also any other suit by order of the City Manager in writing, or by direction of the council, on account of any of the estates, rights, privileges, claims or demands of the City; and to defend all actions against the City or any officer thereof, whenever any of the estates, rights, privileges, ordinances, orders or acts of the City government may be brought in question.

[Derivation: Section 2-173, 1973 Revised Code of Ordinances]

SECTION 2-803 RENDER LEGAL OPINIONS AND ADVISE CITY OFFICERS

The City solicitor shall, when required, furnish the City Manager or council with his opinion on any legal subject which may be submitted to him; and he shall render professional advice to officers of the City government who may require his opinion on any subject touching the duties of their respective offices.

[Derivation: Section 2-174, 1973 Revised Code of Ordinances]

SECTION 2-804 ATTEND COUNCIL MEETINGS AND RENDER SERVICES

The City Solicitor, when requested by the City Manager, Mayor or City Council (majority), shall attend the City Council meeting for the purpose of giving such advice or drafting such ordinances, orders or reports as may be required by the City Solicitor.

[Derivation: Section 2-175, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No.: 03-01, Effective: February 21, 2003]

SECTION 2-805 RESPONSIBILITY IN MATTERS OF BANKRUPTCY, WAGE EARNER PLAN

The City solicitor shall have the responsibility for matters involving bankruptcy and wage earner plans.

[Derivation: Section 2-176, 1973 Revised Code of Ordinances]

SECTION 2-806 PAYMENT OF MONIES TO TREASURER

It shall be the duty of the City solicitor to account for and pay over to the treasurer all monies received by him in any prosecution or suit wherein the City is or may be interested, and he shall notify the City Manager of the payment thereof.

[Derivation: Section 2-177, 1973 Revised Code of Ordinances]

SUBCHAPTER IX - BOARD OF APPEALS

SECTION 2-901 BOARD OF APPEALS

1. Membership. The Board of Appeals shall consist of seven (7) members and two (2) alternate members, each of whom shall be a resident of the City of Hallowell. The terms of office shall be three (3) years. Those members appointed prior to the enactment of this amendment shall continue to serve the balance of their terms. A vacancy in the office of a member shall be filled for the unexpired term only. To act on any appeal a quorum of at least four members must be present at any hearing. Any member of the board may be removed for cause by the City Council upon written charges and after public hearing. The members of the Board of Appeals shall receive no compensation for their services. The Board shall select a Chairman and Secretary from its own membership and shall adopt from time to time such rules and regulations as it may deem necessary to carry out the duties conferred on it by this Ordinance. The Chairman shall designate which alternate member shall serve in place of the absent member.

2. Minutes. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member upon each matter coming before the Board for vote and indicating the absence or failure to vote, as the case may be, of any member. The minutes of the Board's proceedings and all correspondence required by this Ordinance to be made by the Board, shall be a public record.

3. Conflicts. Members of the City Council, Planning Board members, and the Code Enforcement Officer or any of their spouses, shall not simultaneously serve on the Board of Appeals. Any questions of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members except the member who is being challenged.

[Derivation: 1989 Zoning Ordinance, Section 7.1]

SECTION 2-902 POWERS AND DUTIES

1. Land use. The Board of Appeals shall review and decide appeals and requests for variances to the extent permitted under Subchapter 10 of Chapter 9.

2. [Repealed]

3. Special amusement permits. The Board of Appeals shall hear and decide appeals of a denial, revocation, or suspension of a special amusement permit, as provided under Chapter 7 and 28-A M.R.S.A. § 1054(8).

[Derivation: Ordinance No.: 01-8, Eff. 5/17/01]

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SUBCHAPTERS X - XIV

(Reserved)

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SUBCHAPTER XV - CITY HISTORIAN

SECTION 2-1501 APPOINTMENT OF CITY HISTORIAN

The office of City Historian is hereby established. The City Historian shall be appointed annually by the Mayor, with the advice and consent of the City Council.

[Derivation: Section 2-501, 1973 Revised Code of Ordinances as amended 2/10/97]

SECTION 2-1502 QUALIFICATIONS OF CITY HISTORIAN

The City Historian shall have, by education and experience, knowledge of the history of the City of Hallowell, and the care, preservation and handling of original documents and records.

[Derivation: Section 2-502, 1973 Revised Code of Ordinances as amended 2/10/97]

SECTION 2-1503 DUTIES OF CITY HISTORIAN

The City Historian shall:

1. Serve as the liaison between the City and persons who wish to use records or documents, in the City's custody and control, for the purposes of historical research;

2. Recommend or establish methods of collecting, organizing, preserving, and cataloging documents and records held by the City that have or may have historical significance, and be authorized to implement such methods with the approval of the City Manager;

3. Recommend to the City Manager any appropriate modifications to State regulations relating to the archiving, retention, and destruction of City records and documents;

4. Make recommendations to the City Council and Planning Board with respect to the Historic District or any City landmark, or the designation of either;

5. Serve as advisor to the Board of Directors of the Dr. John Hubbard Association;

6. Make recommendations to the City Council with respect to the acquisition by the City of original documents, including records, photographs, and paintings that are of historical significance;

7. Identify and list State agencies, libraries, museums, and other institutions and organizations that have custody of documents or tangible items that are relevant to the history of the City of Hallowell;

8. Identify and list books, treatises, and other scholarly works relating to the history of the City of Hallowell;

9. Identify and list any substantial or significant original documents or tangible items privately held, including paintings, diaries, letters, photographs, and recordings, and make recommendations with respect to the desirability and feasibility of copying or reproducing such items; and

10. Make a written report to the City Council not less than annually, and not later than November 15 of each year.

[Derivation: Section 2-503, 1973 Revised Code of Ordinances as adopted 2/10/97]