

## **CHAPTER 2 ADMINISTRATION**

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[REPEALED 04/12/06]

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**CHAPTER 2**  
**ADMINISTRATION**  
**ARTICLE I General**

**Sec. 2-101 City Seal**

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



"Rockland, Maine, incorporated a city A.D. 1854.  
God gives reward to industry."

**Sec. 2-102 City Automobiles**

Every City owned automobile shall have painted thereon the words "City of Rockland, Maine," with the exception of police vehicles. No such automobile shall be used by any officer or employee to travel to and from work or for any private purpose, provided, however, that the City Manager shall be authorized to make exceptions, after notifying the City Council in writing, which may include but not be limited to:

- 1 . Department heads and other employees who are expected to respond from their homes within the City limits to emergencies and/or critical situations affecting the health and safety of the City,
2. City employees who are not able to get to and from their city place-of-work during emergencies and/or critical situations, and are picked up or dropped off at their homes within the City limits by other City employees.

**Sec. 2-103 Bonds**

Every City officer and employee who collects, has custody of or disburses any public moneys, must prior thereto, at the expense of the City, furnish to the City and maintain in full force and effect a corporate surety bond in such amount as the City Council may determine. Such bond must be approved by the City Attorney as to form and legal and financial sufficiency and thereafter delivered to the City Clerk for acceptance, filing and safekeeping. Until and unless bonded as required herein, no officer or employee of the City shall handle any public moneys at any time, except employees of bonded officers doing so under their specific direction and responsibility.

**Charter Reference:** Article VII, § 702.

**State Law Reference:** 30-A M.R.S. §§ 2651, 5601; 36 M.R.S. § 755.

### **Sec. 2-104 Boundaries**

The boundaries of the City of Rockland are defined in Chapter 131 of Private and Special Laws of Maine 1848, as amended by Chapter 216 of Public and Special Laws of Maine 1849, as further amended by Chapter 554 of Private and Special Laws of Maine 1852, and as may be further amended according to law.

**State Law Reference:** 30-A M.R.S. §§ 2851-2852.

### **Sec. 2-105 Contracts**

No contract involving the payment of money out of the appropriations of more than one (1) year (other than contracts in which rates are subject to approval of the Public Utilities Commission) shall be made for a period of more than five (5) years; nor shall any such contract be valid unless made or approved by ordinance.

**Charter Reference:** Article II, § 211; Article V, § 511(b); Article VII, § 702.

### **Sec. 2-106 Notice**

Except as otherwise provided by statute, 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 City, may be collected from the property owner in an action at law, shall be served:

1. Personal Delivery. By delivering the notice to the owner personally or by leaving the same at his residence, office, or place of business with some person of suitable age and discretion, or
2. Mail. By mailing the notice by registered mail to such owner at his last known address, or
3. Public Notice. If the owner is unknown, by posting the notice in some conspicuous place on the premises five (5) days prior to the date set therein for compliance.

No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City officer unless permission is given to remove the notice.

**State Law Reference:** 17 M.R.S. §§ 2851-2859; 30-A M.R.S. § 3428; 17-A M.R.S. § 751.

### **Sec. 2-107 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 service and to the public.

**Cross Reference:** Chapter 2, Article XII.

### **Sec. 2-108 Property**

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

The City Council hereby establishes the general policy that no City property, supplies, or equipment of any kind, shall be loaned or rented to any person; the City Manager is authorized to make exception hereto when in his opinion the circumstances especially so warrant, in which cases he shall specify the terms thereof and report every such case to the City Council in his report for the month in which such loan is made.

**Charter Reference:** Article II, § 204(b); Article III, § 304.

### **Sec. 2-109 Publicity of Records**

The public shall have the right to inspect and copy any record which is made public by Title 1, Section 402 of the Maine Revised Statutes Annotated (the "Right to Know Law"). The City Clerk shall make available copies of any City ordinance to the public upon request, may charge a reasonable fee for the cost of copying, and shall give notice of the availability of ordinances pursuant to Title 30, Section 2153 of the statutes.

**Charter Reference:** Article VII, § 704.

### **Sec. 2-110 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 Manager.

**State Law Reference:** 5 M.R.S. §95-B.

### **Sec. 2-111 Reports**

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

**State Law Reference:** 30-A M.R.S. § 2801.

### **Sec. 2-112 Suits**

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

**State Law Reference:** 14 M.R.S. §§ 8101-8118.

### **Sec. 2-113 Fiscal Year**

1. Establishment. Subsequent to the adoption of this Section, the Municipal Fiscal Year shall consist of a twelve (12) month period beginning each consecutive year on July 1st and ending on the following June 30th. The aforementioned Municipal Fiscal Year shall supersede the calendar year based budget (January 1st through December 31st) in effect at the time of the adoption of this Section.

2. Date to Take Effect. The July 1st to June 30th Municipal Fiscal Year shall begin on July 1, 1993.

3. Transitional Budget Provision. For the purposes of transition from the city's calendar year based budget period existing at the time of the adoption of this Section to the new July 1st to June 30th Municipal Fiscal Year, a six (6) month transitional budget appropriation shall be made by the City Council for Fiscal Year (FY) 1993. The following Municipal Fiscal Year, FY 1994, and each consecutive Municipal Fiscal Year to follow shall consist of a 12 month period beginning on July 1st and ending on the following June 30<sup>th</sup>. Eff: 5/13/92

### **Sec. 2-114 Biannual Tax Collection**

Beginning with the FY 1994 Budget Appropriation, and for each and every annual Total Budget Appropriation thereafter, the collection of Municipal property-taxes shall be carried out on a biannual basis. Eff: 6/9/93

### **Sec. 2-115 City Hall Hours**

The office hours at Rockland City Hall shall be from 8:00 a.m. to 4:30 p.m. Monday through Friday, with the exception of those dates listed in Sec. 2-1211 Holidays, and any other day deemed necessary for safety reasons by the City Manager, after consultation with the Mayor. Eff: 11/15/96

## **ARTICLE II City Council**

### **Sec. 2-201 Administration; No Council Interference**

Except for the purposes of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

**Charter Reference:** Article III.

**State Law Reference:** 30-A M.R.S. § 2635.

**Cross Reference:** Chapter 2, Article III.

### **Sec. 2-202 Administrative Appointments; No Interference**

Neither the City Council nor any of its committees or members shall dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own

judgment in the appointment of officers and employees in the administrative service.

### **Sec. 2-203 Compensation**

The City Council by order shall fix the salaries of officials elected or appointed by the City Council, including the salary of the City Manager for his services as such and for all other services rendered by him. Salaries of the appointees of the City Manager shall be fixed by the City Manager. Unless otherwise provided, all members of boards and commissions shall serve as members thereof without compensation.

**Charter Reference:** Article III, § 301; Article IV, § 403.

### **Sec. 2-204 Execution of Legal Documents**

All legal documents requiring the assent of the city shall be (1) approved by the City Council, (2) signed by the Mayor on behalf of the Council, (3) attested to thereon by the City Clerk, (4) approved thereon as to substance by the City Manager, and (5) approved thereon as to form by the City Attorney, unless otherwise provided by State law, the City Charter or a City ordinance.

### **Sec. 2-205 Fire Investigations**

The City Council hereby assumes the power conferred and the responsibility for performance of duties prescribed by the Revised Statutes of Maine and hereby delegates the exercise of such powers and the responsibility for performance of such duties to the Fire Chief as authorized by the Revised Statutes of Maine, except in such specific cases as the City Council may seasonably notify the Fire Chief of its intention to take jurisdiction.

**State Law Reference:** 12 M.R.S. § 8901 et seq; 25 M.R.S. § 2351 et seq.

### **Sec. 2-206 Investigations**

The Council, the City Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the City 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 provisions of this section shall constitute a misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50), or by imprisonment for not more than sixty (60) days or by both such fine and imprisonment.

**Charter Reference:** Article II, § 209.

### **Sec. 2-207 Conflict of Interest**

The question of whether a City Council member has a conflict of interest in any question or contract on which the Council is voting shall be answered by referring to Title 30-A, section 2605 of the Maine Revised Statutes Annotated and the City's "Code of Ethics," Section 2-208.

### **Sec. 2-208 Code of Ethics**

1. Declaration of Policy. The proper operation of democratic government requires that City Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the City's governmental structure; that public office not be used for personal gain; and that such Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the City's government. In recognition of these goals, a Code of Ethics is hereby established for all City Councilors which is not intended to deny Council members their constitutional rights nor violate their civil rights.

2. Definitions.

A. Business. Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purposes of making a profit.

B. City Councilor. Member of the Rockland City Council.

C. City Employee. Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the City of Rockland, except employees of the School Department. The term "City employee" shall not include consultants or special personnel providing services on a short term contractual basis.

D. Immediate Family. Spouse, and the following when living in the household of a Council member: children, parents, brothers, and sisters.

E. Financial Interest. A direct or indirect interest having monetary or pecuniary value including, but not limited to, the ownership of shares of stock.

F. Special Interest. A person or group having an interest in a particular part of the economy and receiving or seeking special

advantages thereafter to the detriment of the general public.

3. Standards of Conduct. The purpose of this Code is to establish ethical standards of conduct for all City Councilors by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interest of the City of Rockland.

4. Conflicts of Interest. No Councilor shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the City, and the award of any contracts with the City, except that he may be allowed to submit bids for same in accordance with the City ordinances; and under the laws of the State of Maine, where to his knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

A. himself or a member of his immediate family;

B. a business in which he or a member of his immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

C. any other person or business with whom he or a member of his immediate family are in business, or are negotiating or have an arrangement concerning future employment.

No City Councilor shall participate by means of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, as the case may be, where the applicant or employee is:

A. a member of his immediate family; or

B. a person with whom either he or a member of his immediate family are in business.

5. Disclosure of Confidential Information. No City Councilor shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he use such information to advance the financial or private interest of himself or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such City Councilor only because of his or her position with the City, and is not a matter of public record. Information received and discussed during an executive session of the Rockland City Council or any City agency shall be considered within the constraints of this section, and shall not be disclosed to any third part unless permitted by affirmative vote of such body.

6. Gifts and Favors. No City Councilor shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any City Councilor: (1) accept any gift, favor or thing of value that tends to influence him in the discharge of his or her official duties; or (2) grant in the discharge of his or her official duties any improper favor, service or thing of value.

7. Use of City Property. No City Councilor shall use, or permit the use of, any City-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of City buildings and equipment at rates and/or on terms as may be established.

8. Disclosure of Interest in Agenda Items. Any City Councilor who believes he or a member of his immediate family, has a financial or special interest, other than an interest held by the public generally in any proposed order, ordinance or resolve on the agenda of the Rockland City Council, shall disclose the nature and extent of such interest, and have it recorded by the Clerk on the City records of such item.

Once such disclosure has been made, such City Councilor shall refrain and shall be relieved, in the discretion of the other members of the Council, from voting or otherwise participating in the deliberations and decision making process on such item.

Nothing herein shall be construed to prohibit any City Councilor from representing his own personal interest in any such item.

9. Disclosure Statement by City Councilors. Every City Councilor shall file with the City Clerk within thirty (30) days after the effective date of this Section, and during the month of April during each calendar year thereafter, a written statement under oath containing the following information, to the best of his or her knowledge and belief:

The name of each person or business doing business with the City in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such Councilor, or a member of his immediate family, has received money or other thing of value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

For purposes of this Code, a list prepared by the Finance Officer of those persons or businesses doing business with the City in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section.

Income from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

10. Political Activities. No City Councilor shall participate in any political activity which would be in conflict or incompatible

with the performance of his or her official functions and duties for the City. In conjunction therewith:

No City Councilor may use his official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes. No City Councilor may distribute pamphlets or handbills while he or she is performing their official functions and duties with the City. Nothing herein shall be construed to prohibit any City Councilor from participating in the political process in their capacity as private citizens.

11. Board of Ethics. There is hereby created and established a Board of Ethics which coincides and consists of the members of the City Council.

A. Procedures and Records. The Board, upon its formation, shall establish such rules as may be necessary to govern its procedures. However, such rules shall not become effective until approved by majority vote of the City Council. In addition, the Board shall at all times maintain in the office of the City Clerk appropriate records of its opinions and proceedings.

B. Duties. The board shall render advisory opinions to the City Council when there is doubt as to the applicability of any provisions of this Code to any particular situation. In the performance of its duties, the Board shall limit its review only to those matters and facts previously referred to it by majority vote of the City Council; it being the intent of the Council that the Board not function in an investigatory manner.

C. Initiation of Procedure. Any City Councilor seeking advice as to whether a particular situation constitutes a violation of this Code shall first submit a written statement describing the nature of the matter to the City Council. If the Council, in its sole discretion, feels that an advisory opinion is necessary, it shall then refer the matter to the Board. If the Board finds any matter referred to it to have been based upon allegations it determines to have been frivolous, unfounded or with malice, it shall so advise the Council. It is the purpose and intent of this Code to provide a mechanism by which all such matters may be handled in an orderly and impartial fashion in such a manner as to protect the best interests of the citizens of the City of Rockland and the personal and private interests of its City Councilors. The Board shall also perform such other duties as may be prescribed from time to time by the City Council.

12. Penalties. In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted by the City Council. A majority of the Rockland City Council shall conduct such proceedings.

13. Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

**State Law Reference:** 30-A M.R.S. § 2605; 36 M.R.S. § 946.

### **Sec. 2-209 Street Names**

The City Council alone shall have the power and authority to name all streets, public parks and squares. The several streets, public parks and squares of the City shall continue to be called and known by the names previously given to them by official action of the various municipal officers of the City, until the same shall be changed by the City Council by ordinance.

Eff: 6/13/85

### **Sec. 2-210 Removal From Office**

The removal of appointed officials and employees shall be governed by the requirements and procedures set forth in sections 203(c), 302, 402(c)(5) and (10), and 407(b)(3) of the City Charter.

### **Sec. 2-211 Appointive Boards, Commission and Committees**

The City Manager, or his designee, shall be responsible for the coordination of communications between the City Council, the various departments and the various city boards and commissions.

The City Manager or his designee, shall see that all communications, inquiries, applications and requests are forwarded to the appropriate boards, commissions or departments. And to further see that all communications, notices, statements of policy and decisions are maintained on file in the office of the City Clerk. Eff: 6/12/85

If any member of a board or commission, without good cause such as sickness or excuse absences, fails to attend any three consecutive meetings of the board or commission to which he has been appointed or fails to attend any six meetings of said board within a twelve month period, the mayor may declare said member's seat to be vacant and such vacant seat shall be filled according to the provisions of this section. Eff: 10/8/85

## **Sec. 2-212 Rules of Procedure**

The following are rules of procedure of the City Council, all previously adopted are hereby repealed.

1. **Absence.** No member shall absent himself from any meeting of the Council except for good and sufficient reason.
2. **Actions.** The Council shall act only by ordinance, order or resolution. All ordinances, orders and resolutions, except those pertaining to appropriations, shall be confined to one subject which is clearly stated in the title. The appropriation ordinance shall be confined to the subject of appropriations. When the City Council expresses anything by way of command, the form shall be "Ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "Resolved".
3. **Ballots.** Written ballots shall be used only for the election of individuals to office. No nominations for such offices need be made; all individuals who receive at least one (1) vote on the first ballot shall be considered nominated, and be the only eligible nominees for whom a vote may be cast in any subsequent ballot. Ballots shall be distributed, collected, sorted and counted by the City Clerk who shall hand a written statement, showing names of individuals who received a vote or votes and the number of votes received by each, to the presiding officer who shall declare the result of each balloting. Three (3) votes are necessary for a choice, if not obtained on the first ballot, a second ballot shall be taken immediately. If the second ballot is likewise inconclusive, a third ballot shall be taken immediately, in which any candidate receiving only one (1) vote in the second ballot shall be ineligible. Blank votes, or votes cast for candidates declared ineligible hereunder, shall not be counted. Written ballots shall be signed by the person casting the vote.
4. **Mayor; Powers and Duties.** The Mayor shall preside at all meetings of the Council. He shall preserve order and decorum among the Council members, and is responsible for conduct of all meetings in compliance with these rules. He may at any time make such rules as he deems proper to preserve order among the spectators in the City Council Chamber during sessions of the Council. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the Council. He may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Council by motion duly seconded as herein provided. He may participate in the debate on any matter, but in such event he shall call another member to the chair and not resume the chair while the same question is pending, provided he shall take the chair before adjournment. He may at any time call any member to the chair during any meeting, such substitution to discontinue when the Mayor elects to resume the chair, and in no event beyond adjournment of the meeting at which such substitution is made.
5. **Chairman Pro Tempore.** In the temporary absence or disability of the Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a chairman pro tempore from among its number and he shall exercise all the powers of Mayor during such temporary absence or disability of the Mayor.
6. **City Clerk.** The City Clerk shall give notice of City Council meetings, shall attend all meetings of the Council and keep a journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions duly indexed and open to public inspection and shall perform such other duties as shall be required by the City Charter or by ordinance or as otherwise ordered by the Council. In case of the temporary absence of the City Clerk, the City Council may appoint a clerk pro tempore, with all the powers, duties and obligations of the City Clerk, who shall be duly qualified.
7. **Meetings: Agenda.** The Agenda for each meeting of the City Council shall be prepared by the City Clerk after consultation with the Mayor and the City Manager. Agendas for regular meetings shall consist of those items for Council action that are submitted by the City Manager, City Attorney, City Clerk, or by a member of the public and that are accepted onto the agenda by the Mayor, and items submitted by any member of the City Council at or before noon on the Wednesday prior to the regular meeting. Agendas for regular meetings shall be filed in the City Clerk's office and made available to the public by noon on the Wednesday prior to the regular meeting and shall be distributed to the Council on the Friday prior to the regular meeting. No further items shall be added to the agenda of any meeting except by the unanimous consent of those members present at that meeting. Each Ordinance, Order, Resolve or communication on the agenda shall be in written form and shall contain the name of the sponsor and originator of the Ordinance, Order, Resolution or communication. A public forum of not longer than thirty (30) minutes shall be part of each regular meeting of the Council, and not longer than fifteen (15) minutes at Special Meetings, at which time Rockland citizens shall be given an opportunity to be heard on matters concerning City business. Additional public comment shall be allowed after such public forums for other Rockland citizens and other members of the public to address the City Council as necessary. Such public forums and/or public comment periods may be waived if no member of the public wishes to speak. All such public forums, public comment periods and public hearings shall be conducted under the following guidelines:
  - a. Anyone wishing to address the Council shall so indicate by raising their hand and shall not speak unless and until recognized by the Mayor. After being recognized to speak by the Mayor, such person shall preface their comments by stating their name and street address.
  - b. Persons addressing the Council shall be permitted to speak once and for no more than five (5) minutes. Persons speaking at a public hearing being held on a particular agenda items shall limit their comments to that item and shall speak for no

more than five (5) minutes. Such persons may be permitted to speak more than once at the discretion of the Council.

c. Persons present at City Council meetings are cautioned to refrain from applause or other expressions of approval or disapproval of any statements made or actions taken at such meetings. Placards and signs shall not be permitted.

d. Persons speaking during such public forums, public comment periods or public hearings shall strive to be accurate in their statements, avoid personal attacks and innuendoes, and conduct themselves in a respectful manner expected of all meeting participants under this section. Eff: 11/14/08, Amended 10/14/09; 02/09/11

8. Meetings: Annual Organizational. The City Council shall meet at the usual place for holding meetings at 7:30 o'clock P.M. on the second (2nd) Monday following the regular City election, as required by Article II, Section 201(d) of the Rockland City Charter, and at the meeting the Councilors-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the City Clerk. At such meeting, or as soon thereafter as practicable, the Council shall elect, by a majority vote of the entire Council, one of its members for the ensuing year as Mayor. Eff: 9/8/93

9. Meetings: Regular. The date and time of the regular monthly meeting of the City Council shall be the second Monday of each month at 6:00 P.M. If the second Monday is a legal holiday as defined in Chapter 2, Section 2-1211 of the Rockland Code, then the stated meeting shall be held on the following Wednesday at the same time. The place of such meetings shall be the City Council Chamber in the City Hall in Rockland, hereby designated to be the regular meeting place. All meeting of the City Council shall be open to the public, and may be continued to another location. Eff: 9/8/93, Amended 11/13/15

10. Meetings; Special. Special meetings of the City Council may be called by the Mayor and in case of his or her absence, disability or refusal may be called by a majority of the City Council. A special meeting shall be held during the week preceding the regular meeting, at a date and time to be determined by the Mayor, for the purposes of (A) revising and completing the preliminary agenda prepared by the Clerk for the regular meeting, and (B) receiving information from such City staff and members of the public as may be requested by the Council to appear in preparation for the regular meeting, and (C) receiving, reading, and/or discussing correspondences addressed to the City Council, or any member of the city Council, and received during the previous thirty (30) days. Notice of each special meeting shall be served in person, or left at the residence of, each member of the City Council, and provided to media representatives, and the City Manager, at least twelve (12) hours before the time of holding such special meeting. The place of all special meetings shall be at the regular meeting place unless otherwise designated in the notice, if another place is designated, such place shall be a public building, open to the public at time of meeting. Eff: 10/14/09

11. Meetings: Special Emergency. The City Council may meet upon shorter notice than twelve (12) hours at any place, by unanimous consent of all of its members, recorded in the record of such meeting, provided the Council unanimously finds and so votes at such meeting that there is an emergency justifying such meeting and the public interest so requires. Notice of the meeting shall be given to representatives of the media by the same method used to notify the members of the Council.

12. Meetings: Quorum. Three (3) members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

13. Motions: Amend. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be considered.

14. Motions: Appeals. No appeal from any decision of the presiding officer shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as judgement of the Council?", and shall be deemed to be decided in the affirmative unless a majority of the votes given are contrary.

15. Motions: Division of Question. Any member may require the division of a question, when the sense of it will admit.

16. Motions: Order Of. When a question is under debate, the presiding officer shall receive any of the following motions but not others:

- A. To adjourn.
- B. To recess.
- C. To raise a question of privilege.
- D. To call for the orders of the day, or the regular order.
- E. To lay on the table.
- F. For the previous question.
- G. To limit or extend limits of debate.
- H. To postpone to a certain time.
- I. To refer.
- J. To amend.

K. To postpone indefinitely.

When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first seven (7) are not subject to debate. A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous question may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order provided that business of a nature to be recorded in the journal has been transacted since any previous motion to adjourn has been defeated. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment. When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of the proceedings, such matter shall, at the appointed time or at any time subsequent thereto, be in order upon the call of any member, and take precedence over all other business.

17. Motions: Parliamentary Inquiry. Any member may make a parliamentary inquiry of the Mayor at any time during the meeting.

18. Motions: Point of Order. Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members, and shall decide all such questions, subject to appeal to the Council by motion duly seconded; and no other business shall be in order until the question on the appeal has been decided.

19. Motions: Previous Question. When the previous question is moved by any member, all debate on the main question shall be suspended immediately and the presiding officer shall put the question in the following form: "The previous question is moved on (specifying the motion on which the previous question is demanded); as many as are in favor of ordering the previous question will so signify." If four (4) members so signify, the affirmative has it, the previous question is ordered, and the Mayor will proceed immediately to put to a vote the question on which the previous question was ordered. If less than four (4) members so signify, the negative has it, the motion is lost, and the question reverts to the immediately pending question which is again open to debate and amendments as if the previous question had not been demanded.

20. Motions: Procedure. The presiding officer shall put all questions in the order in which they are moved, unless a subsequent motion shall be previous in its nature, except that in naming sums and fixing times, the largest sum and the longest time shall be put first.

21. Motions: Reconsideration. When a vote has been passed, any member who voted on the prevailing side may move a reconsideration thereof at the same meeting immediately after the announcement of such vote, or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of the control of the Council. A motion to reconsider requires four (4) votes; if such motion thus prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debate on motions to reconsider shall be limited to twenty-five (25) minutes, and no member shall speak for more than five (5) minutes. No motion shall be reconsidered more than once.

22. Motions: Reduced to Writing. Any motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten (10) minutes) is afforded for compliance with this rule.

23. Motions; Rescind. Any previous vote may be rescinded by vote of four (4) members of the Council at any time, provided the subject matter has not passed out of the control of the Council. Control of the Council shall be construed to mean three (3) months after final approval of the Council.

24. Motions: Second. No motion need be seconded except for those which under these rules are specifically required.

25. Motions: Withdrawal. After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the Council and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by unanimous consent.

26. Order of Business. At every regular meeting of the City Council, the order of business shall be as follows:

1. Roll Call by the City Clerk.
2. Pledge of Allegiance to the Flag.
3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.
4. Meeting notice to determine that the meeting has been given proper notice.
5. Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report

7. Licenses and Permits.
8. Resolves
9. Ordinances in Final Reading and Public Hearing
10. Ordinances in First Reading
11. Orders
12. Adjournment. Eff: 11/11/11

27. Ordinances; When Required: Enacting Clause. In addition to such acts of the City Council as are required by statute or by the City Charter to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of Rockland hereby ordains..."

28. Ordinances: First Reading. Every ordinance shall be introduced in writing and after passage in first reading shall be published, or a summary of such ordinance, at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one (1) week prior to the time advertised. Whenever the City Council does not set the date for hearing on any ordinance at the meeting when such ordinance is passed in first reading, the Mayor shall set such date, which date shall not be later than thirty-five (35) days following the meeting at which such ordinance was passed in first reading. Eff: 3/13/91

29. Ordinances: Public Hearing. At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard in accordance with the guidelines set forth in paragraph 7 of this section. The City Clerk shall summarize oral and written public comment in the minutes, and retain copies of letters and other materials submitted to the City Council. Eff: 11/11/11

30. Ordinances: Final Passage. After such hearing the Council may finally pass such ordinance with or without amendment. The second passage of any ordinance shall be final and no further passage shall be required.

31. Ordinances: Publication After Passage. After final passage every ordinance, or a summary thereof, shall be published. Every ordinance, unless it shall specify a later date, shall become effective at the expiration of thirty (30) days after final passage, or if the ordinance be submitted at a referendum election, then upon a favorable vote of a majority of those voting thereon. When the ordinance, or summary thereof, is published the effective date shall be included in the passage. Eff: 3/13/91

32. Rules: Amendment Of. A proposed amendment to or repeal of any rule shall be submitted in writing, be laid on the table at the meeting to which it is submitted and shall become the first order item of unfinished business at the next regular meeting.

33. Rules: Others. In all matters of parliamentary procedure not covered in these rules, Robert's Rule of Order shall be applicable and govern.

34. Rules: Suspension Of. The City Council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose by a vote of four (4) members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

35. Rules: Violation Of. If any member, in speaking or otherwise, transgresses the rules of the Council, the presiding officer shall, or any member can, call him to order; in which case the member so called to order shall immediately cease, unless permitted by the presiding officer to explain; and the Council if appealed to, shall decide the question 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 to proceed in order.

36. Speaking: Recognition. A member about to speak shall respectfully address the chair, and shall not commence speaking until recognized by the presiding officer. When two (2) or more members simultaneously seek recognition, the presiding officer shall determine which one is recognized. Eff: 2/13/02

37. Speaking: Germaneness. Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities, and not refer to any other member of the Council except in a respectful manner.

38. Speaking: Interruption. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

39. Speaking: Limitation. No member shall speak more than twice or for more than ten (10) minutes continuously to any one question, except that one or more additional periods of ten (10) minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by himself or by the City Clerk within the member's time limitation unless permission for the Clerk to read such paper outside the time limitation is unanimously granted.

40. Vote; Declaration Of. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer without further debate upon the question shall request the members voting in the affirmative and negative respectively to rise and stand until counted, and he shall declare the result.

41. Voting; Required. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the Council for special reason excuses him. Applications to be so excused must be made before the

vote, and shall be decided without debate.

**Charter Reference:** Article II, § 208, § 210.

**State Law Reference:** 1 M.R.S. § 401-404.

### ARTICLE III City Manager

#### Sec. 2-301 Establishment

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

**Charter Reference:** Article III.

#### Sec. 2-302 Bond Requirement

The City Manager shall furnish to the City a corporate surety bond in the amount of \$5,000 for his duties as such, and such additional amount as is required for such other positions as he may hold.

**Charter Reference:** Article VII, § 702.

**Cross Reference:** § 2-103.

#### Sec. 2-303 Duties

He shall perform such duties as are specified in Article III of the City Charter, including complete executive direction of the administrative service of the City.

#### Sec. 2-304 Division of Administrative Service

The administrative service of the City shall be divided, under the City Manager, into the following thirteen (13) departments:

Department	Head
Code Enforcement Office	Code Enforcement Officer Eff: 11/28/85
Finance Department	Finance Director
Economic & Community Development Dept.	Community Development Director
Fire Department	Fire Chief
Fish Pier Department	Fish Pier Director
Harbor and Waterfront Department	Harbor Master
Health Department	Health Officer
Legal Department	City Attorney
Library Department	Library Director
Personnel Department	Personnel Director
Police Department	Police Chief
Public Services Department	Public Services Director Eff: 4/8/15
Records Department	City Clerk
Recreation Department	Recreation Director
Water Pollution Control Department	Water Pollution Control Director
Welfare Department	Director of Public Welfare

Eff: 06/08/11

### ARTICLE IV Economic & Community Development Department

#### Sec. 2-401 Establishment

There is hereby established an Economic & Community Development Department, for the purposes of (1) fostering economic development and (2) facilitating the construction or rehabilitation of public and private buildings, facilities, and infrastructure in Rockland. The City Manager may appoint a Community Development Director, who shall serve as the head of the Economic & Community Development Department. The City Manager or his designee, shall serve as the Economic Development Director for the City of Rockland.

#### Sec. 2-402 Duties of the Economic Development Director and Community Development Director

1. Economic Development Director. The Economic Development Director shall have the responsibility for preserving and fostering the economic vitality of the City of Rockland, and seeking out and facilitating opportunities for economic development, for the purposes of providing area residents with gainful employment and growing the tax base that supports municipal services.

The Director shall assist with the location of new, or expansions of existing, businesses engaged in, without limitation, manufacturing or processing operations, warehousing and distribution facilities, financial and professional services, technology and clean / renewable energy services or manufacturing, hospitality and tourism, fishing and marine trades, cultural and educational services, and independent or regional retail, entertainment, and recreational services. The Director shall disseminate information promoting Rockland and the Midcoast area as a vital and vibrant economic and cultural center, complemented by diverse, affordable, and quality housing options, area educational, recreational, and leisure time activities, and local and regional health care facilities, all juxtaposed against the unique and scenic coastal Maine environment.

2. Community Development Director. The Community Development Director shall have the responsibility for identifying, seeking funding for, and supervising the implementation of community development initiatives, including, without limitation, public and private infrastructure improvements designed to enhance the economic vitality of the City; the construction and rehabilitation of traditional, workforce, and affordable, but not subsidized, housing; the establishment and extension of utilities and energy sources; and the development and implementation of other programs and services that enhance Rockland's status as a desirable place to live, work, and play. The Community Development Director shall staff and support appropriate City and area boards and committees, and shall serve as the head of the Economic & Community Development Department.

### **Sec. 2-403 Economic Development Advisory Committee**

1. Committee Established. There is hereby established an Economic Development Advisory Committee, comprised of seven (7) members appointed by the Mayor and confirmed by the City Council for three (3) year terms, except that of the seven (7) members first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for two (2) years, and three (3) for three (3) years. The Committee shall elect one (1) of its members as its chairman and determine its own rules of procedure. In addition to the seven (7) members above, the Economic Development Director, the Community Development Director, and representatives from the Penobscot Bay Regional Chamber of Commerce and Rockland Main Street, Inc. shall serve as *ex officio*, non-voting members of the Committee.

2. Duties. The Economic Development Advisory Committee shall advise the Economic Development Director and the City Council on all matters pertaining to economic development in the City of Rockland. The Committee shall maintain close cooperation with the Planning Board, Comprehensive Planning Commission, the Chamber of Commerce, Rockland Main Street, Inc., and other organizations concerned with or affecting economic development in the area. The Committee shall perform such other functions as may be necessary or requested of it by the Economic Development Director or the City Council, for the purpose of facilitating the area's economic vitality and growth. The Committee shall also serve as the Advisory Committee for Community Development Block Grant (CDBG) initiatives and applications.

## **ARTICLE V Department of Finance**

### **Sec. 2-501 Establishment**

There shall be a Department of Finance, the head of which shall be the Finance Director, who shall be, or be appointed by, the City Manager. There shall also be a single City Assessor, as provided by Chapter 229 of the Public Laws of 1963, a City Purchasing Agent, and a City Tax Collector and Treasurer, any or all of whom shall be, or be appointed by, the City Manager, with the exception of the City Assessor, who may not be the City Manager. There shall also be a Board of Assessment Review comprised of five (5) members who shall be appointed by the Mayor and confirmed by the City Council for a term of three (3) years, except for the five (5) members first appointed, two (2) shall serve for three (3) years, two (2) shall serve for two (2) years and one (1) shall serve for one (1) year. There shall also be an alternate member of the Board who shall serve a term of three (3) years. The alternate member shall attend all meetings of the Board, may participate in any discussions or hearings, but shall only vote on Board matters if a full member is not present at such meeting. When a vacancy occurs on the Board, the alternate member may be appointed to fill such vacancy. Eff: 04/12/06

**Charter Reference:** Article IV, § 403.

**State Law Reference:** 30-A M.R.S. § 2552; 36 M.R.S. § 843.

### **Sec. 2-502 Bond Requirements**

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

1. Director of Finance: \$25,000
2. City Tax Collector and Treasurer: \$25,000
3. City Assessor: None. The City Assessor is hereby prohibited from handling any public funds.
4. City Purchasing Agent: None. The City Purchasing Agent is hereby prohibited from handling any public funds.

**Charter Reference:** Article VII, § 702.

**Cross Reference:** Chapter 2, § 2-103.

### **Sec. 2-503 Duties**

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

**Cross Reference:** Chapter 2, § 2-108.

### **Sec. 2-504 Departmental Division**

This department shall be divided into the following divisions:

1. Accounting. Division of Accounting and Control, the head of which shall be the Finance Director, who shall be responsible for the proper preaudit and recording of all financial transactions.

2. Assessment. Division of Assessment, the head of which shall be the City Assessor, whose duty it shall be to perform all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices as required by State law.

3. Purchases Division of Purchases, the head of which shall be the City Purchasing Agent, who shall do all of the purchasing required by the various departments, offices and agencies of the City government, subject to the provisions of the City Charter and Section 2-509 of this Article. He shall have charge of the storage of supplies and materials purchased by the City and not delivered directly to the various departments, and shall keep proper inventory records thereof. He shall keep informed and maintain records as to the sources of supply for all classes of purchases, price trends, and other related matters.

4. Treasury Division, the head of which shall be the City Tax Collector and Treasurer, whose duty it shall be to collect all bills, either for taxes or for services rendered by the City, and in all respects comply with all applicable State laws and City ordinances. He shall also receive all other monies due or coming to the City. All monies received by the City Tax Collector and Treasurer shall be deposited from time to time as the Director of Finance may prescribe, in an official depository designated by the City Council to the credit of the City and shall be recorded and accounted for on the date received.

### **Sec. 2-505 Depositories**

All lending institutions located in the State of Maine which are insured by Federal regulatory agencies may be used as official depositories for the public funds of the City.

**State Law Reference:** 30-A M.R.S. § 5706.

### **Sec. 2-506 Insurance**

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

### **Sec. 2-507 Funds**

Every City 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 Director of Finance at such periods as the Director of Finance may require.

### **Sec. 2-508 Securities Safekeeping**

Securities owned by the City shall be kept in a deposit box in a designated depository, and admission to the box shall only be in the presence of at least two (2) individuals, who hold the positions of City Manager or Director of Finance or Tax Collector and Treasurer, or in case two (2) of them are not available any department head, as may be determined in each case by the City Manager. The arrangement with the depository bank for lease of a safe deposit box or boxes shall provide for such admission restriction and be so arranged by the City Manager.

### **Sec. 2-508.1 Local Preference for City Purchases**

It is the policy of the City of Rockland to give preference to local suppliers and service providers when making purchases for City use if the price difference between local and other suppliers is small, for the reason that such businesses and individuals pay taxes in the local communities, support local institutions, and often spend their incomes locally, which encourages a strong and diverse economy in the Mid-Coast area. This policy is generally applicable to all City purchases, and is formalized in the competitive bid process set forth in Section 509, below. Eff: 11/14/97

### **Sec. 2-509 Regulations Governing Purchase and Sale of Property**

1. Categories of Purchases. Purchases of supplies, materials and equipment for the use of the City in the operation and maintenance of its several departments, and services contracted for by the City in furtherance of its operation shall be divided into the following categories:

a. Small Purchases. Small purchases shall include purchases of goods and services the cost of which does not exceed \$2,500.00. Eff: 10/14/98

b. Intermediate Purchases. Intermediate purchases shall include purchases of goods and services the cost of which is greater than \$2,500.00 but less than \$5,000.00. Eff: 10/14/98

c. Large Purchases. Large purchases shall include purchases of goods and services the cost of which is \$5,000.00 or greater. Eff: 10/14/98

2. Limitations on Purchases. No purchase of services, supplies, materials and equipment shall be made unless the funds therefor have been appropriated by the Council, except as otherwise provided in the City Charter. Eff: 12/10/97

3. Purchases; Written Purchase Orders Required. Purchases shall be made only on written purchase orders, in such form as the City Manager may require. All such purchase orders shall state the quantity, quality, description and other specifications of the item or items desired, and shall be signed by the head of the department, office or agency against whose appropriation is to be charged such expenditure. Purchase orders for services shall describe with particularity the qualifications required of the service provider. Specifications shall be in such form as to permit competitive bidding whenever required under the terms of this Section. Eff: 12/10/97

4. Small Purchases. Department Heads shall approve all small purchases for their own Departments, and shall be responsible, by the power delegated to them by the City Manager, to institute adequate procedures for the storage and distribution of supplies and the maintenance of inventories required for each Department. Department Heads shall periodically review the prices and sources of the small purchases made for their Departments, in order to see that the taxpayer of the City receives value for their tax dollars. Eff: 12/10/97

5. Intermediate Purchases. Except as otherwise provided in Article V, Section 502(d) of the Rockland Charter, Contracts for City Improvements, the City Manager shall approve all intermediate purchases for all City Departments, but no such approval for intermediate purchases shall be made unless at least three (3) price quotes have first been obtained.

6. Large Purchases. On all purchases involving an expenditure of five thousand dollars (\$5,000) or more, competitive bids shall be sought by publication of a notice of the bid, which shall describe the items or services to be purchased by the City, shall bear the date on which the notice was first to appear in the publication, shall state the place and time (at least five days after publication date) when and where the bids will be opened, and shall state the procedure for handling of bids as outlined below. Publication shall be in a newspaper having general circulation in the City of Rockland, and publication of notices will also be published in newspapers or other periodicals of statewide or national circulation when deemed appropriate by the City Manager. Eff: 10/14/98

7. Competitive Bid Procedure. All bids shall be in writing, sealed in an outside envelope or wrapper plainly marked "Bid for (name of purchase), not to be opened until" (with appropriate date inserted), and mailed to or filed in the office of the City Manager. No official or employee of the City shall open such bid until the appointed time. At the time and place stated in the public notice, all bids shall be opened publicly by the City Manager (or, in his absence or disability, by any City official designated for that purpose by the City Manager), and such bid openings shall be open to the public. If any citizens who are not City officials or employees, or if any representative of the press, are present, such bids shall at that time either be made available for examination by such citizens or press representatives, or shall be read aloud in a manner to be heard plainly by those in attendance.

8. Awarding of Bids. Awards following competitive bids shall be made by the City Manager to the lowest and best bidder, considering price, quality and reliability of past or expected future service subject to the right to reject any and all bids. Subject to the above, the City Manager may give preference to local bidders if the difference between the two lowest responsible bids submitted by companies or individuals located in Knox County and those not located in Knox County is five percent (5%) or less.

For the purposes of this section, "Located in Knox County" shall mean bidders whose company headquarters are in Knox County and/or who pay excise tax on their vehicles in a community located in Knox County. Individuals shall be classified as "located in Knox County" if they are residents of a community located in Knox County. Eff: 11/11/11

If the two lowest bids are within five percent (5%) of each other and have each been submitted by companies located in Knox County, then price, quality and reliability of past or expected service shall be the only consideration in awarding the bid, or in deciding to reject any and all bids. Eff: 11/11/11

9. Purchases; Record. The City Manager shall keep a record of all properly submitted bids and all purchases made under subsections 10 and 11 hereof without bids, and such records shall be open to proper inspection by any interested person on approval of the City Manager. Eff: 12/10/97

10. Purchases; Exceptions. The competitive bidding regulations provided in this Article shall not be applicable:

a. to any specific case determined by the City Manager to be an emergency; in such cases the City Manager may make such immediate purchases that he/she determines are in the best interest of the City, and are of good value for the City, considering the nature of the circumstances. Eff: 12/09/98

b. to purchases of specific parcels of real estate, when the Council determines that a particular property and no other meets the needs of the City. Eff: 12/10/97

c. if the item to be purchased is available from only a single source. Eff: 12/09/98

d. If the purchase is for professional services, and the City Manager is satisfied that the service is a good value for the City, considering quality, reliability of past or expected future service, and the professional's pre-existing knowledge and experience with regards to the service to be performed. Eff: 12/09/98

11. Purchases; Combined. The City Manager is hereby authorized to combine with other units of government or with the Maine Municipal Association for purchasing purposes, in which event such regulations as may be jointly agreed to shall be applicable, in lieu of the regulations herein. Eff: 12/10/97

12. Sales; Under \$5,000. The City Manager shall conduct the sales of any municipal supplies, materials and equipment no longer required by the City, of value less than five thousand dollars (\$5,000) on request of the proper department head. Eff: 10/14/98

13. Sales; \$5,000 or More. No municipal property, supplies, materials and equipment valued at five thousand dollars (\$5,000) or more, and no real estate regardless of its value, shall be offered for sale unless and until the City Council so orders. If such sale is authorized, it shall be conducted in the same manner, and subject to the same procedures, as hereinbefore required for purchases in amounts in excess of five thousand dollars (\$5,000), except that in the case of sales, awards shall be to the highest and best bidder, considering such factors, where appropriate, as the use to which the property will be put after the sale, and the positive effect upon the City of such use, if any. The Council shall have the right to reject any and all bids. There is no local preference for sales of municipal property. The procedure in this subsection shall not apply to reconveyance to the former owner of property taken on tax or sewer lien, to which the procedures in subsection 15 (below) shall instead apply. Eff: 10/14/98

14. Sale; Industrial Park. The City Manager is hereby authorized to negotiate for the sale of properties in the industrial park or parks. Negotiations must be approved by the City Council before final sales. Industrial park property need not be sold by bid as stated in subsection 13 if sales are with Council approval as stated in this subsection.

15. Disposition of Real Estate Acquired by Tax Lien or Sewer Lien Foreclosure. When real estate is acquired through the automatic, statutory foreclosure on municipal tax or sewer liens ("Lien-Acquired Property"), the following procedures shall apply:

A. The City Manager shall promptly inform the City's insurance carrier and secure property and liability insurance coverage for Lien-Acquired Property where appropriate;

B. The Rockland Code Enforcement Officer or his designee shall inspect Lien-Acquired Property as soon as possible after acquisition, and inform the City Council and City Manager of the physical condition of the property;

C. The City Manager shall notify the former owner or owners of Lien-Acquired Property who are eligible for reconveyance of the property pursuant to Subsection 2-509(15)(D)(3) and shall invite each such owner to make a written request that the City Council reconvey the acquired property to such former owner. Any such request for reconveyance must be served upon the City Manager within thirty (30) days of the City Manager's notice required by this paragraph;

D. The City Council may dispose of Lien-Acquired Property by one of the following methods:

(1) Sell the property after seeking competitive bids as set forth in this Chapter; or

(2) Retain the property for later sale, City use, or other lawful disposition other than reconveyance to its former owner(s);

or

(3) Reconvey the property to its former owner or owners, or to a court-appointed personal representative or executor of a deceased prior owner, only if such former owner(s) are eligible for reconveyance. A former owner is eligible for reconveyance if:

(a) The Lien-Acquired Property is, at least in part, residential (either single-family, multi-family, or mixed use);

(b) The former owner resided at the Lien-Acquired Property for at least one year prior to the statutory lien foreclosure or, where the former owner is deceased at the time of the foreclosure, at any time within the two years prior to the statutory lien foreclosure. Provided, however, that the City Council may waive this requirement where (i) the Lien-Acquired Property has been occupied by a spouse, domestic partner, or child of the former owner within the prescribed period and such occupant demonstrates a capacity to meet the requirements for reconveyance and to maintain the property following reconveyance, or (ii) the former owner has been absent from the property to obtain medical care, mental health care, rehabilitation, or similar care, and demonstrates both an intention to resume residency at the property and the capacity to meet the requirements for reconveyance and to maintain the property following reconveyance; and Eff: 03/11/09

(c) The former owner has not previously received title to any property by means of reconveyance of Lien-Acquired

Property from the City;

E. Factors to be considered in deciding what disposition to make of Lien-Acquired Property may include, but are not limited to, the value of the property to the citizens of Rockland if it is either sold or retained for City use; the physical condition of the property; the feasibility of the former owner's plan and capacity, including financial capacity, for complying with the preconditions for reconveyance set forth below, without public assistance; and the public policy of seeking to maintain people in their homes when they have the capacity to meet their financial obligations for the property without public assistance and to maintain the property in conformance with the Property Maintenance, Life Safety, and other applicable Codes;

F. If the City Council authorizes the City Manager to reconvey Lien-Acquired Property to an eligible former owner or his estate pursuant to Section 2-509(15)(D)(3), the City Manager shall reconvey the property if, within sixty (60) days of the effective date of an ordinance authorizing reconveyance, the former owner shall have:

(1) Paid all taxes, sewer charges, and lien and service costs owed to or incurred by the City, up to the date of reconveyance by the City, including amounts that would have been due had the City not become the owner of the property;

(2) Where the property was held by the City on the first day of April preceding the reconveyance, paid an amount equivalent to the tax that would have been assessed on the property for the following fiscal year had the City not held title to the property on April 1;

(3) Reimbursed the City for its insurance and other costs and charges incurred by the City in maintaining the property during the period of the City's ownership;

(4) Made those repairs and improvements that, in the sole discretion of the Code Enforcement Officer, are required to protect the health, safety, or welfare of any occupant of the property or any other persons, or to avoid risk of damage or loss to other property, including utilities, ways, and other public improvements;

(5) Paid interest on the tax, sewer charges, and other costs owed to or incurred by the City pursuant to the City's Cash Collection Policy;

(6) Paid the document preparation fee imposed by Subsection 2-509(17); and

(7) Paid all filing and other charges and fees imposed by the Knox County Registry of Deeds for filing the quitclaim deed and/or other documents required to effect the reconveyance.

G. If the City reconveys Lien-Acquired Property to its eligible, former owner, or his estate, the requirements of Subsection 2-509(13) relating to sale of municipal property are not applicable, except that such reconveyances must be made by ordinance;

H. In the event the eligible former owner or court-appointed personal representative of the estate of the eligible former owner fails to satisfy the preconditions set forth in Subsection 2-509(15)(F) within the deadline therefor:

(1) Such former owner and every other person residing at the property shall end their occupancy at the property, remove all personal property, and quit the premises within ninety (90) days of the effective date of the City Council's authorization of reconveyance, and

(2) The City manager shall offer the property for sale by competitive bid pursuant to Subsection 2-509(13), unless otherwise specified by the City Council in the ordinance amendment authorizing the reconveyance.

I. The City Council may also dispose of commercial Lien-Acquired Property by reconveying the property to its former owner by authorizing a reconveyance agreement that includes appropriate terms and conditions, including as minimum requirements the conditions imposed on reconveyance of residential Lien-Acquired Property under Subsection 2-509(15)(F).

J. Neither the opportunity of an eligible, former owner to request a reconveyance of a property, nor any other provision in this section, shall imply or create an obligation of the City Council to reconvey any property to its former owner; nor shall the decision of the City Council to dispose of one or more Lien-Acquired Properties by reconveying the property to its former owner(s) be binding upon the City Council with respect to, or create any precedent for, the reconveyance of other Lien-Acquired Property. Eff: 09/10/08

16. Records of Real Estate Conveyances. All conveyances of City-owned real estate, regardless of value, must be by ordinance. After the effective date of the ordinance, the deed conveying the real property shall be executed as required by the Code, and a copy of the executed deed shall be filed by the City Clerk, who shall cause it to be kept together with all other deeds and conveyances involving City property. The Clerk shall also provide copies of the executed deed to the offices of the Finance Director and of the City Assessor. Neither the text nor the deed shall be maintained as part of the Rockland Code under the procedures set forth in Chapter 1, Section 1-103.

**Charter Reference:** Section 211(6). Eff: 12/8/93.

17. Document Preparation Fee. A fee of up to \$150.00 shall be imposed for the City's preparation of documents relating to title to property. Eff: 3/16/00

## **Sec. 2-510 Regulations Governing Lease of City Real Property**

All leases of Real Property belonging to the City of Rockland shall be approved by ordinance, which ordinance need not incorporate the text of the lease. On the effective date of the lease, a copy of the executed lease shall be filed by the City Clerk at City Hall, where it shall be kept together with all other current leases of real property belonging to the City. The text of the lease itself is not to be maintained as part of the Rockland Code under the procedure set forth in Chapter 1, Section 1-103.

**Charter Reference:** Section 211(6). Eff: 12/8/93

## **Sec. 2-511 Service Charge for Charitable Organizations Ordinance**

Pursuant to Title 36 MRS, Section 508, the residential properties, other than student housing and parsonages, used to provide rental income and owned by benevolent, religious, charitable, literary, scientific, educational, and other groups and organizations usually deemed to be tax exempt shall be assessed service charges.

- A. The right of tax exemption shall be governed by Title 36 MRSA.
- B. Any contracts for service charges currently in existence shall be honored.
- C. The service charge is based upon the actual cost of providing all municipal services except education and welfare.
- D. Title 36 MRSA provisions govern this ordinance.
- E. The recipient of any service charge assessment may appeal such assessment if he feels aggrieved, provided:
  1. Written notice is received by the City Tax Assessor not later than thirty (30) days after the date of said bill for service charge.
  2. The appeal is dated.
  3. The appeal sets forth the grounds of the appeal.
  4. The appeal is signed by the recipient or a duly authorized representative.

Upon receipt of the appeal the Tax Assessor shall set a hearing between himself and the recipient within forty-five (45) days of the receipt of said appeal. The rules of procedure and standards of review following in tax assessment appeal cases shall be used. The Tax Assessor shall render a decision within twenty (20) days after the date of the hearing.

The recipient may appeal the decision of the Tax Assessor to the Board of Assessment Review by no later than thirty (30) days from the date of the Tax Assessor's decision. The rules of procedure and standards of review used by the Board of Assessment Review shall be followed.

The recipient may appeal the decision of the Board of Assessment Review to the Knox County Superior Court by no later than thirty (30) days from the date of said decision. Eff: 10/13/86

## **Sec. 2-512 Service Members' Excise Tax Exemption**

### 1. Definitions.

A. "United States Armed Forces" includes the Army, Navy, Air Force, Coast Guard, National Guard, and the Reserves of the United States Armed Forces.

B. "Deployed for military service" has the same meaning as in 26 M.R.S. § 814(1)(A).

C. "Motor Vehicle" means any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including aircraft, mobile homes, camper trailers, boats, all terrain vehicles, snowmobiles, or any vehicle prohibited by law from operating on the public highways.

### 2. Excise Tax Exemption.

Motor vehicles owned by a Rockland resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station, or base outside this State or deployed for military service for a period of more than 180 days and registered in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S. § 1482, during the period of such active duty and until the registration of such vehicle while on active duty expires.

### 3. Qualifying Service Members.

To qualify for this exemption, such resident must present to the Tax Collector written certification from the commander of the resident's post, station, or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station, or base or is deployed for military service for a period of more than 180 days.

**State Law Ref.: 36 M.R.S. § 1483-A.**

Eff: 05/09/12

## ARTICLE VI FIRE & EMERGENCY MEDICAL SERVICES DEPARTMENT

### Sec. 2-601 Department Established

There is hereby established the City of Rockland Fire & Emergency Medical Services (“EMS”) Department. The Fire & EMS Department shall be under the direction and supervision of a Fire Chief, who shall be appointed by the City Manager and confirmed by the City Council. The Fire Chief shall recommend and the City Manager shall appoint one or more deputy chief(s), assistant chief(s) officers, firefighters, and emergency medical services personnel as the needs of the Fire & EMS Department and available funding shall dictate.

State Law Reference: 30-A M.R.S. § 3152

Cross Reference: Ch. 2, Art. II, Sec. 2-205.

Eff: 01/13/10

### Sec. 2-602 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, the removal of fire hazards, and with the provision of emergency medical and transportation services. He shall supervise the Fire & EMS Department, and be responsible for the care and maintenance of all property used by the Fire & EMS Department. The Fire Chief shall cause the prompt inspection of all premises for which a license or permit is sought from the City requiring certification by the Fire Chief, and promptly advise the City Clerk that the Fire Chief recommends the approval, approval with conditions, or rejection of the license or permit application.

**State Law Reference:** 30-A M.R.S. § 3153(2); 25 M.R.S. §§ 2351, *et seq.*

Eff: 01/13/10

### Sec. 2-603 Department Division

This department shall be divided into the following divisions:

1. Extinguishment Division, the head of which shall be the Fire Chief who shall be responsible for the extinguishment of fires, the saving of lives and property from fire, and the performance of various miscellaneous public services of an emergency nature.
2. Fire Prevention Division, the head of which shall be the Building Inspector who shall be responsible, as provided by Chapters 4 and 7 of the General Code, for the inspection of potential fire hazards and for the conducting of an educational fire prevention program.
3. Electrical Division, the head of which shall be the City Electrician, who shall perform the duties required in Section 2-604 hereof, and who shall furnish to the City a corporate surety bond in the amount of five thousand dollars (\$5000) for the faithful discharge of his duties.

### Sec. 2-604 Duties of City Electrician

The City Electrician shall:

1. Assistants. Exercise direction over a Deputy or Assistant City Electrician whenever the City Council may appropriate for, and the City Manager may fill by appointment, such hereby authorized position; said Deputy or Assistant City Electrician shall have and exercise the same power and authority as the City Electrician.
2. Location of Lines. Inform himself thoroughly in regard to the location of all telegraph, telephone or other electrical lines within the City, and so far as it may affect life or property, the situation and condition of all electrical appliances; make; or cause to be made, and file in the office of the City Clerk, a map showing the location of all wires over, in, or laid under the streets and other public places, and over buildings of the City, and a record of the names of the owner or owners of each and all those wires.
3. Inspections. Inspect wiring and issue Certificates of Inspection as provided by Article IV of Chapter 4 of the General Code; to that end he shall have access to all wires, appliances and apparatus in the interior of the buildings, both public and private, which are intended for carrying an electric light, power or other current, and have full power and authority to see that all contractors and other persons doing electrical work within the City shall conform with approved methods and practices for safety to life and property.
4. Application Review. Examine every application for the erection of any wire, or pole or post for the support thereof, in or over any street or public place, or for conduits under any street or public place for such wires; and report to the City Council through the City Manager any facts which in his opinion bear upon the question of granting or refusing to grant such application.
5. Enforcement. See that all statutes, ordinances and regulations relative to his duties and to the location, erection, maintenance, insulation and removal of wires or cables, over or under streets or buildings are strictly complied with and enforced.

Eff: 11/28/85

**State Law Reference:** 30-A M.R.S. §§ 4152-4154; 32 M.R.S. § 1102-B.

### **Sec. 2-605 Outside Calls**

The Fire Chief shall not permit the City fire apparatus or equipment to leave the City limits for fire extinguishment purposes unless at the time of any such call a written contract, approved as to substance by the City Manager and as to form by the City Attorney, exists between the City and any town desiring such service, which contract the Manager is hereby authorized to execute and which shall provide for such conditions and for such hourly, mileage and other charges as the City Manager may determine to be fair and reasonable to protect the interest of the City and to cover operating expense and depreciation of apparatus and equipment. Provided, however, that the Fire Chief, with the approval of the City Manager, may authorize the City fire apparatus or equipment to leave the City limits for fire extinguishment purposes (1) in the event of a conflagration, which for the purpose of this section is defined as a fire which already has spread beyond the premises on which it originated to other premises, or (2) in instances when such assistance is not contrary to the intent and purpose of this section, such as aid to a town which maintains an organized and equipped Fire department.

**State Law Reference:** 30-A M.R.S. § 3156.

### **Sec. 2-606 Emergency Ambulance Service**

1. Service Area. The Fire Department will provide Emergency Ambulance Service within the City limits and will respond to all calls originating in Rockland which require transportation to the Penobscot Bay Medical Center in Rockport and Camden Community Hospital.

2. Fees. Fees for Emergency Ambulance Service shall be set by Order of the City Council. Eff: 04/07/04

3. Mutual Aid. The City Manager, upon the recommendation of the Fire Chief, shall be empowered to enter into a written Mutual Aid Agreement with neighboring communities which provides reciprocal emergency ambulance service. A copy of the Agreement shall be placed on file with the City Clerk.

**State Law Reference:** 32 M.R.S. §§ 81-90; 14 M.R.S. § 164; 14 M.R.S. §§ 8101-8118.

## **ARTICLE VII Harbor and Waterfront Department**

### **Sec. 2-701 Establishment**

There shall be a Harbor and Waterfront Department, the head of which shall be the Harbor Master who shall be appointed by the City Manager, who may also appoint a deputy to act during the absence or disability of the Harbor Master.

### **Sec. 2-702 Duties of Harbor Master**

It shall be the duty of the Harbor Master to:

1. Care of Harbor and Vessels. Have the care and regulation of the harbor and port of Rockland, and of vessels and rafts therein;

2. Printed Rules. Provide himself with the printed rules and regulations of the port, for distribution;

3. Boarding Vessels. Board vessels or steamers as soon as practicable after their arrival in port, for the purpose of exhibiting the regulations of the port and directing such vessel where to lie, whenever he considers such action necessary;

4. Removal of Boats. Remove, or cause to be removed any vessel, boat or raft from any wharf in the port at the request of the owner of the wharf; and whenever he shall deem it necessary he shall remove or cause to be removed any vessel lying in tier;

5. Safety. Promote order in the harbor, and assure the safety and convenience of the users of the harbor and the general public;

6. Residential Craft. Prevent the mooring of any floating craft used primarily for residence purposes except with his permission and that of the riparian owner;

7. Dangerous Docks. 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 specified by the Harbor Master;

8. Enforcement. Enforce the provisions of any ordinance and any rules and regulations lawfully promulgated thereunder, applicable to the harbor, waterfront and watercraft;

9. Public Landing. Exercise the same powers and duties with respect to the Municipal Public Landing as are authorized in connection with his jurisdiction over Rockland harbor and waterfront and any watercraft;

10. Harbor and Channel Rules. Prepare rules and regulations for the keeping open of convenient channels for the passage of vessels in Rockland 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 City Council, he shall enforce;

11. Other Rules. Prepare such other rules and regulations for the government of the harbor, waterfront and watercraft as he may deem necessary, which rules, after approval by the City Council, he shall enforce.

**State Law Reference:** 38 M.R.S. §§ 1-6, 2061-2066, 281-285; 23 M.R.S. § 2801.

## **Sec. 2-703 Harbor Management Commission**

1. Purpose. The City of Rockland wishes to protect its marine-historic resources and sensitive natural resource areas found along its harbor and in nearshore coastal waters; to provide growth in public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor users; and to allocate land and water resources in an economically and environmentally sound manner. To this end, the City believes that the most equitable way of balancing competing uses in the harbor and adjacent coastal waters is to develop, adopt and implement a harbor management plan. To properly manage such a plan, and to plan for the future of Rockland Harbor, the City of Rockland hereby creates a Harbor Management Commission, pursuant to Title 38 of the Maine Revised Statutes Annotated.

2. Commission Composition. There shall be a Harbor Management Commission consisting of seven (7) members, appointed by the Mayor and confirmed by the City Council, from a list of persons recommended, because of their interest in harbor activities, by existing local committees, city staff, or local residents. Said Commission is intended to be representative of, but not limited to members or representatives of the following groups: The Rockland Planning Board, marina operators, recreational boating community, commercial shipping industry, commercial fishing industry, the commercial lobster industry, the downtown/waterfront retail business community, and the Rockland-Thomaston Area Chamber of Commerce. In addition, there shall be two (2) alternate members appointed who shall serve in the absence of regular members and who may be appointed to fill any vacancies on the Commission. The Harbor Master shall serve as an ex-officio non-voting member of the Commission.

The Commission shall maintain close cooperation with the Planning Board, Parks Commission, Recreation Advisory Committee, Economic Development Advisory Committee and other agencies in matters of policy and planning of harbor and waterfront activities and development.

No regular member of the Harbor Management Commission shall receive compensation for service.

3. Commission Member Terms. The term of all members shall run for three (3) years, except for the first seven (7) first appointed, of which two (2) members shall be appointed for one (1) year, two (2) for two (2) years, and three (3) for three (3) years. The alternate members shall be appointed for terms of two (2) years, except for the first two (2) first appointed, of which one (1) shall be appointed for one (1) year, and one (1) for two (2) years. If a commission member resigns or is removed for any reason before his or her term expires, an alternate member may be appointed to complete that term or, if neither alternate member wishes to fill the vacancy, the Mayor shall appoint a replacement to complete the vacant term within two (2) months of termination in accordance with Section 2 above. A Commission member may be removed by the Mayor, for good cause, upon request of the Commission. Failure to attend four (4) consecutive meetings, without good reason, shall constitute good cause for removal.

The Commission shall elect a chairperson and secretary from its membership annually and shall adopt its own rules of procedure. The Commission may also form subcommittees to address specific duties of the Commission.

4. Jurisdiction of the Harbor Management Commission. The Harbor Management Commission shall have jurisdiction within the area located in or contiguous to the waters of Rockland Harbor as defined by the shoreline between the boundaries of Rockland with Rockport to the north and Owl's Head to the south. The boundary lines are projections of the land boundaries into the Harbor. Specific municipal properties under this jurisdiction include Snow Marine Park, Sandy Beach, Harbor Park, the Public Landing, Fisherman's Pier, Buoy Park, the Rockland Municipal Fish Pier, Marie Reed Park, Mildred Merrill Park, and/or any municipally owned property abutting Rockland Harbor. Eff: 04/13/05

5. Power, Duties and Responsibilities. The purpose of the Harbor Management Commission shall be to prepare a harbor management plan in accordance with Title 38 of the Maine Revised Statutes Annotated. Upon adoption of the plan, the Commission shall provide for the annual review of the harbor management plan and shall submit recommendations to the City Council for additions and/or modifications to the plan that may be deemed appropriate, subject to the process set forth in the Maine Revised Statutes Title 38 or other subsequent harbor management legislation enacted by the State of Maine. In addition, the Commission may exercise any of the following powers, duties and responsibilities:

a. to recommend ordinances for adoption by the City Council which implement the Harbor Management Plan and which specify fees and fines for violation of those ordinances, in accordance with the Maine Revised Statutes Title 38;

b. to assist the Harbor Master in the assignment of moorings, the management of mooring and anchorage areas.

c. To review and submit to the City Manager a proposed operating budget for the Harbor and Waterfront Department using funds from sources which may include, but are not limited to, local appropriations, mooring fees, violation fines, boat excise tax revenue or a harbor management fund established by the City Council by ordinance.

d. To hear and to adjudicate administrative appeals of the grant or denial of a permit by the Harbor Master or Fish Pier Director;

e. To hear proposals and concerns of members of the following customer base:

- Commercial fishermen using the Municipal Fish Pier;

- Riparian land owners on Rockland Harbor regarding harbor use in the vicinity of their property; and
- Other marine related.

Eff: 04/07/10

f. To assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area.

g. To approve use of municipal properties and award fee waivers as appropriate for the use of these properties by such groups or individuals whose presence is appropriate based on specific purposes in line with the harbor area and whose presence is natural and historic to the harbor. The Commission shall recommend appropriate municipal locations to the City Council for events deemed inappropriate to the municipal areas under the Commission's jurisdiction.

h. To review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the waters delineated in Section 4 of this Ordinance that are received for review by other municipal agencies in accordance with the procedure described in Section 6 of this Ordinance.

i. To review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the Commission's jurisdiction as described in Section 4 of this Ordinance, and to respond in a timely fashion with recommendations to the regulating agencies.

j. To conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Rockland Harbor and to present to the City Council proposals for the harbor's efficient operations; and

k. To request, when appropriate, a general permit from the United State Army Corps of Engineers and/or delegation of state enforcement authority pursuant to the Maine Revised Statutes Title 38.

6. The Commission shall establish a Fish Pier Management Committee that shall review and advise the Commission as to matters within the Commission's jurisdiction that affect Fish Pier operations, other than administrative appeals. The Fish Pier Management Committee shall consist of two or more Commission members and, whenever possible, representatives of users of the Fish Pier. The Fish Pier Management Committee shall serve an exclusively advisory role to the Commission. Eff: 04/07/10

7. Referral of Proposal Submitted to Other Municipal Agencies. Pursuant to the Maine Revised Statutes Title 38, the Commission shall review and make recommendations, consistent with the adopted harbor management plan, on any proposal affecting the real property on, in, or contiguous to the harbor and submitted to the Planning Board, Zoning Board of Appeals, Code Enforcement Office, Parks and Recreation Department, and City Council. The Harbor Management Commission shall be notified in writing of any such proposal at least twenty (20) days prior to the commencement of the hearing thereon or where no hearing is held, at least twenty (20) days prior to the taking of any final action on the proposal. The respective municipal agency shall send a copy of the application/proposal to the Commission upon request.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the Commission. Failure of the Commission to submit a recommendation on or before the date of the hearing or action on such proposal shall be deemed an approval.

8. Severability. If any provision of this Ordinance of the application thereof to any person or circumstance is held to be invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance are hereby declared to be severable.

9. City Council Retention of Responsibilities, Duties, and Appellate Availability.

a. In creating the Harbor Management Commission, the City Council in no way abdicates those duties specific to the City Council as delineated in the City Charter and Code.

b. All actions taken by the Harbor Management Commission may be appealed to the City Council. Eff: 1/7/98

## **Sec. 2-704 Rockland Breakwater Lighthouse Advisory Committee**

There shall be a Rockland Breakwater Lighthouse Advisory Committee comprised of five (5) members, including the Harbor Master (or designee), the Chair of the Harbor Management Commission (or designee), the President of the Rockland Port District Board of Trustees (or designee), and two Rockland residents appointed by the Mayor and confirmed by the City Council. The Mayor, or designee, shall serve as an ex officio non-voting member of the Committee. The Committee shall meet at least annually and elect a Chair and secretary from its membership. The duties of the Committee shall be to:

1. Adhere to Deed Restrictions. Ensure adherence to the terms and conditions of the deed for the lighthouse.
2. Policy and Regulations. Develop and propose policies and regulations, subject to the review and acceptance of the Harbor Management Commission and the City Council, for the historic restoration, preservation, maintenance, improvement, operation, and public access, use and enjoyment of the lighthouse.
3. Education. Create educational opportunities for the public which center around the use and enjoyment of the lighthouse.
4. Citizen Participation. Co-operate with the Harbor Management Commission and the City Council in creating opportunities for Rockland residents to participate more fully in providing input concerning the historic restoration, preservation, maintenance improvement, operation, public access, use and enjoyment of the lighthouse.

5. Donations and Fundraising. Co-operate with public and private organizations, agencies, individuals, the Harbor Management Commission, the City Council, and any other interested persons or entities in order to obtain maximum possible public assistance for the purpose of restoring, preserving, maintaining, improving, and operating the lighthouse for the public's use and enjoyment.

6. Adherence to Lease. Ensure adherence to the terms and conditions of the lease between the City of Rockland and the Friends of Rockland Breakwater Lighthouse for the care and maintenance of the Lighthouse. Eff: 02/08/12

### **Sec. 2-705 Coast Guard City Advisory Committee**

There shall be a Coast Guard City Advisory Committee comprised of seven (7) members appointed by the Mayor and confirmed by the City Council for three (3) year terms, except that of the seven (7) members first appointed, three (3) members shall be appointed for three (3) year terms, two (2) member shall be appointed for two (2) year terms, and two (2) members shall be appointed for a one (1) year term; thereafter, all appointments shall be for a term of three (3) years. The Mayor, or designee, shall serve as an ex officio non-voting member of the Committee. The duties of the Committee shall be to act as a liaison between the City and the United States Coast Guard to advise the City Council on all matters pertaining to the continuing good relations between the City and the Coast Guard, to offer support to Coast Guard personnel and their families serving in the Rockland area, and to advise the City Council on any action necessary to maintain the City's designation as a Coast Guard City. The Committee shall elect a chairperson from its membership annually and shall adopt its own rules of procedure. Eff: 11/14/08; Amended 10/14/09

### **Sec. 2-706 Donation and Fundraising Account**

The Director of Finance shall receive all money donated to the City for the restoration, preservation, maintenance, improvement, operation, use and enjoyment of the Rockland Breakwater Lighthouse, and shall comply with the terms, if any, upon which such donations are accepted by the City Council. In case the City Council accepts a donation of money, the income of which is to be expended for the support of the Rockland Breakwater Lighthouse, the Director of Finance shall set up a separate fund account, invest the money, and place the income to the credit of the current appropriation for the Rockland Breakwater Lighthouse. Eff: 10/14/98

## **ARTICLE VIII Health Department**

### **Sec. 2-801 Establishment**

There shall be a Department of Public Health, the head of which shall be the Health Officer who shall be a physician appointed by the City Manager. There shall also be an officer of the City titled Inspector of Dairy Products, who shall be appointed by the City Manager; the Health Officer may be appointed as such officer, and if not, shall exercise direction over such Inspector. There shall also be one or more Plumbing Inspectors appointed by the City Manager, to be under the direction of the Health Officer.

**State Law Reference:** 22 M.R.S. § 451.

### **Sec. 2-802 Duties of Health Officer**

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

1. Communicable Disease Control, which shall include the power of quarantine and detention, and the adoption of such other measures as will prevent the spreading, or aid in the prevention of communicable diseases;

2. Sanitation, which shall include inspection of the preparation manufacture, storage and sale of all articles and commodities intended for human consumption and the regulation of all matters pertaining to the sanitary condition affecting the public health;

3. 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.

4. Vital Statistics, which shall consist of general direction of the City Clerk's methods of obtaining and maintaining all statistics relating to births, marriages and deaths as required by law.

**State Law Reference:** 22 M.R.S. § 801 et seq; 22 M.R.S. § 2491 et seq; 22 M.R.S. § 454-A; 22 M.R.S. § 2701 et seq.

### **Sec. 2-803 License Inspections**

He shall inspect promptly all premises for which a license applied for requires certification by the Health Officer, and either deliver to the City Clerk promptly a certificate to the effect that health laws are complied with and the

proper sanitary conditions exist, or promptly advise the City Clerk of his refusal to so certify.

**Cross Reference:** Chapter 11, § 11-1107.

### **Sec. 2-804 Complaints**

The Health Officer shall receive and examine into all complaints made by any of the inhabitants of Rockland concerning nuisances dangerous to life and health within the limits of the City; enter upon or within any place or premises where nuisances or conditions dangerous to life or health are known or believed by him to exist, and personally, or by appointed agents, inspect and examine the same; and all owners and occupants shall permit such sanitary examinations. He shall have the power and it shall be his duty to order the suppression and removal of nuisances and conditions detrimental to life and health known by him to exist within the limits of the City.

**State Law Reference:** 22 M.R.S. §§ 454-A, 461, 1561.

### **Sec. 2-805 Penalty**

Any person who shall refuse or neglect to comply with any of the lawful orders of the Health Officer shall be subject to a fine or penalty of not exceeding one hundred dollars (\$100) for each offense, unless otherwise provided; and wherever such order required that a certain act be done or performed within a specified time, then any person neglecting or refusing to do or perform such act within the required time shall be subject to fine or penalty of not exceeding one hundred dollars (\$100) for each twenty four (24) hours thereafter that he shall refuse or neglect to do or perform the same, unless otherwise provided.

## **ARTICLE IX Legal Department**

### **Sec. 2-901 Establishment**

There shall be a Legal Department, the head of which shall be the City Attorney, who shall have been admitted an attorney of the courts of Maine, and who shall be appointed by the City Council. The daily activities of the City Attorney shall be under the direction and supervision of the City Manager. The City Council shall retain the same supervisory role contained in the Charter and Ordinances. Eff: 10/9/96

### **Sec. 2-902 Duties**

The City Attorney shall:

1. Legal Advice. Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Manager, and to all departments and officers of the City.
2. Ordinance Enforcement. Upon the request of any department head, take the necessary steps to arrange for the prosecution of a violation of any ordinance, and in the furtherance thereof shall confer with and render to the County Attorney such assistance as he shall request;
3. Courtroom Representation. Represent the City in matters in which the City is interested coming before any court or tribunal;
4. Ordinance Drafting. Draft any ordinance when required by the City Council or Manager;
5. Other Duties. Perform such other duties as may be required by the City Council;
6. Council Meetings. Attend all meetings of the City Council;
7. Report Lawsuits. Report to the City Council promptly, all suits brought against the City;
8. Annual Report. Make an annual report to the City Manager, which shall include a record of all claims outstanding at commencement of fiscal year, all new claims, all claims closed, and status of outstanding claims;
9. Law Affecting City. Call to the attention of the City Council and the City Manager all matters of law affecting the City;
10. Written Opinions. Render all opinions in writing, insofar as practicable;
11. Record of Opinions. Maintain an indexed record of all of his opinions rendered and turn such record over to his successor in office;
12. Maine Legislature. Appear before the Maine State Legislature or any Committee thereof, when required by the City Council or City Manager, and there in behalf of the City represent, answer for, defend and advocate the interests and welfare of the City, whenever the same may be directly or incidentally affected, whether to prosecute or defend the same;
13. Bonds. Whenever any City officer or other person is required by any law, ordinance or contract, or by order of the City Council, to give bond, and such bond is presented to the City Attorney by or on behalf of the person required to furnish the same, the City Attorney shall so certify thereon when the same meets with his approval as to form and is legally and financially sufficient.

**Charter Reference:** Article IV, § 406.

### **Sec. 2-903 Attorney's Fees And Costs**

Whenever the Maine Revised Statutes, the City of Rockland Charter and/or Code, or other law or regulation shall authorize the City of Rockland to charge or recover all or some part of its attorney's fees and/or costs, such attorney's fees shall be charged to or recovered from the responsible party at the rate and in the amount charged to the City of Rockland where outside counsel has been retained for the matter, or at the rate set by Order of the Rockland City Council where the City Attorney has performed the legal work at issue, together with the actual costs incurred therein, including filing fees and charges for service of process, except as may otherwise be provided by statute or ordinance.

The City Manager is hereby authorized, upon consultation with the City Attorney, to reduce or otherwise compromise the amount of the City of Rockland's attorney's fees and costs to be charged to the responsible party, where appropriate, if the responsible party shall be determined to be unable to pay part or all of said fees and costs, or where the advancement of another City Council directive or policy is best served by such a waiver or offset. Eff: 12/14/07

## **ARTICLE X Library Department**

### **Sec. 2-1001 Establishment**

There shall be a Department of Public Library, the head of which shall be the Library Director who shall be appointed by the City Manager.

### **Sec. 2-1002 Duties of Library Director**

The Library Director shall have the following duties:

1. Rules and Regulations. Establish and enforce such rules and regulations for the government of the library as are not inconsistent with State law or any City ordinance, which rules and regulations shall be subject to the approval of the City Council;
2. Library Services. Have charge of all functions pertaining to the service of the Rockland Public Library;
3. Staff Supervision. Exercise executive direction over such staff as may be appointed by the City Manager;
4. Requisitions. Prepare and present to the City Purchasing Agent requisitions for books, periodicals and supplies for the Library;
5. Bills. Present all bills monthly to the Finance Director for audit and payment;
6. Budget. Present annually to the City Manager at the time budget estimates are required, a program of Library building and land improvements, care and maintenance, to the end that such funds as the City Manager may see fit to allocate in the budget for this purpose may be included in the budget of the department responsible for such work.

### **Sec. 2-1003 Library Advisory Committee**

There shall be a Rockland Public Library Advisory Committee appointed by the Mayor and confirmed by the City Council consisting of five (5) members. The term of office shall be three (3) years, except that at time of original appointment of the Committee, two (2) members shall be appointed for two (2) year term, two (2) members for one (1) year term and one (1) for one (1) year; thereafter, all appointments shall be for a term of three (3) years. The Library Director shall serve as an ex-officio non-voting member of the Committee. The duties of the Advisory Committee shall be to: Eff: 04/12/06

1. Library Policy. Advise the City Council on all matters of library policy. Eff: 5/12/93
2. Citizen Participation. Co-operate with the Library Director in a program to the end that our citizens may participate more fully in the benefits offered by the Library;
3. Adult Education. Co-operate with the Library Director in a program of adult education centering around the Library;
4. Donations. Co-operate with the Library Director to obtain maximum possible public assistance to the end that money and books may be donated to the Library by citizens.

### **Sec. 2-1004 Perpetual Minimum Appropriation**

In accordance with the vote of the inhabitants of Rockland on May 19, 1902, accepting the conditional gift of twenty thousand dollars (\$20,000) from Andrew Carnegie for the erection of a free public library, there shall be raised for the support of the Library not less than two thousand dollars (\$2,000) a year perpetually.

### **Sec. 2-1005 Donations**

The Finance Director shall receive all money donated to the City for the maintenance and improvement of the Rockland Public Library, and shall comply with the terms, if any, upon which such donations are accepted by the City Council. In case the City

Council accepts a donation of money, the income of which is to be expended for the support of the Rockland Public Library, the Finance Director shall set up a separate fund account, invest the money, and place the income to the credit of the current appropriation for the Rockland Public Library.

**State Law Reference:** 27 M.R.S. § 101-109; 30-A M.R.S. §§ 5653-5655.

## **ARTICLE XI Shore Village Museum [REPEALED 04/12/06]**

### **ARTICLE XII Personnel**

#### **Sec. 2-1201 Establishment**

There is hereby created a Department of Personnel, the head of which shall be the Personnel Director who shall be or be appointed by the City Manager, and a Personnel Board, which shall consist of five (5) members who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve three (3) year terms, except for the five (5) members first appointed, two (2) shall serve for three (3) years, two (2) shall serve for two (2) years and one (1) shall serve for one (1) year. There shall also be an alternate member of the Board who shall serve a term of three (3) years. The alternate member shall attend all meetings of the Board, may participate in any discussions, but shall only vote on Board matters if a full member is not present at such meeting. When a vacancy occurs on the Board, the alternate member may be appointed to fill such vacancy. The Board shall elect one of its members as its Chairperson and determine its own rules of procedure. Eff: 04/12/06

#### **Sec. 2-1202 Purpose**

The purpose of the Department of Personnel is to make job appointments for classified service with the City. Classified service positions shall be all those employee positions of the City currently existing or hereafter created by resolve of the City Council, except for the following which are to be considered unclassified positions: Eff: 03/10/16

1. Members of the City Council
2. Members of any Board or Commission appointed by the City Council
3. The City Manager, City Attorney and City Clerk
4. Temporary and emergency employees, including employees hired under Manpower programs
5. Health Officer. Eff: 9/12/01

#### **Sec. 2-1203 Duties of the Personnel Director or Designee**

The powers and duties of the Director of Personnel, or designee, are as follows:

1. Establish and administer comprehensive classification and compensation plans, enacted by ordinance by the City Council.
2. Create job descriptions with appropriate education, experience and/or other requirements.
3. Set standards for applicants for classified employment positions which may include, but not limited to, requirements for education, experience, oral and written exams, medical or physical tests or licenses.
4. Determine when a classified employee vacancy will be filled and arrange for appropriate advertising for the position. Appropriate advertising will include, but not be limited to, public notice in a newspaper circulated widely in Rockland and will provide enough information for applicants to provide sufficient application establishing their qualifications for the position.
5. Review application for classified job openings and refer qualified job applicants to the PB for review and recommendation. A qualified job applicant is one who has the basic skills required to perform the duties of the position advertised, which are set forth in the standards in (3) above. The Personnel Director, or designee, may assist the PB by evaluating applications for the top candidates for the PB to review, however, a copy of all applications will be sent to the PB for their potential consideration.
6. Serve as the selecting official for all classified positions. This responsibility includes determining the candidate meets all requirements for the job, such as licenses, etc., and conducting background and reference checks as deemed appropriate. The Personnel Director, or designee, may conduct additional interviews, consult with department heads, or take other actions appropriate to assist in the selection decision. Any candidate certified to the Personnel Director, or designee, by the PB may be selected for the open position, but only candidates certified by the PB may be selected. If PB certified candidates are not deemed acceptable to the Personnel Director, or designee, the position may remain unfilled or may be announced again. Classified positions that serve as assistants or deputies to positions directly appointed or confirmed by the City Council shall also be confirmed by the City Council. Eff: 03/10/16
7. Investigate complaints and make appropriate recommendations concerning any actions related to the administration of

personnel rules and procedures.

8. Maintain all employee records including, but not limited to, evaluations, overtime, sick and annual leave.
9. Develop an employee training program to be administered by department heads.
10. Develop and administer an employee Health and Safety program.
11. Take such action and perform such functions as may be required by order of the City Council to conduct and maintain an effective and efficient personnel system. Eff: 9/12/01

### **Sec. 2-1204 Duties of the Personnel Board (PB)**

The primary duty of the PB is to evaluate applicants for positions of classified employment with the City and certify to the Personnel Director only those whom it deems acceptable candidates.

1. The PB will follow procedures it deems necessary to certify applicants. This may include, but not be limited to, review of applications, testing, interviews and consultation with department heads. A certified applicant is one who in addition to being qualified meets with PB approval after following its procedure. The PB will try to complete its work within 30 days of the closing period for the job solicitation.
2. Applicants may meet the basic qualifications for a job but not be certified for selection.
3. To the extent possible, certified candidates will be ranked in order of PB preference.
4. The PB will communicate with the Personnel Director to suggest effective recruiting and hiring practices. Eff: 9/12/01

### **Sec. 2-1205 Selection and Probationary Period**

The Personnel Director will notify the PB of the name and effective date of all classified employee selections or whether no selection was made.

All appointments shall be made for a probationary period not to exceed twelve (12) months. At any time during the probationary period the appointee may be separated from service. At the conclusion of the probationary period, the employee will be confirmed in the position if affirmatively recommended in writing by the head of the department where assigned and such recommendation is approved by the City Manager; otherwise, the employee will be separated from the service.

Eff: 9/12/01

**Charter Reference:** Article IV, § 402

**State Law Reference:** 30-A M.R.S. § 2701.

### **Sec. 2-1206 Appointments - Temporary or Emergency**

If, in the opinion of the City Manager, the interest of the City so requires, he may at any time make a temporary or emergency appointment for a period not in excess of ninety (90) days, without complying with the procedure set forth in this Article, anything to the contrary notwithstanding.

### **Sec. 2-1207 Residency**

A. As a Factor in Hiring. Rockland residents will receive preference by the Personnel Board when being considered for employment with the City, when ability and background are considered equivalent to a non-resident candidate for any given position.

B. Department Heads. It is the policy of the City to prefer that all Department Heads to reside within the City of Rockland. This policy is intended to underscore the commitment of those holding these high administrative positions to the future of the City, and to illustrate the willingness of these employees to live and pay taxes to the community for which they share a particular responsibility in their jobs. There shall be a residency radius required for the positions of Police Chief, Fire Chief and Public Works Director, which shall be the same as is required by the collective bargaining agreements for those departments.

C. Other Employees. If it is a legitimate job requirement for an employee to live within a certain response time or within a certain distance from the facility at which the employee works, the City Manager shall include this requirement in the job description of the position in question and shall require a successful job applicant to relocate to the area within such distance or response time within one year of the completion of their probationary period, beginning with all such employment vacancies posted after January 1, 1997. These distances and response times may also be addressed in collective bargaining agreements entered into by the City. Where time and distance requirements promulgated by the City Manager and those negotiated in a collective bargaining agreement conflict with respect to any individual employee, the applicable term in the collective bargaining agreement shall govern. Only the City Manager shall be empowered to grant a waiver of this requirement, or this time limit, or as agreed to in any collective bargaining agreement.

If it is not a legitimate job requirement for an employee to live within a certain radius or response time to his or her facility, such

requirements shall not be made a condition of initial hiring or continued employment with the City of Rockland.

**State Law Reference:** 30-A M.R.S. § 2703. Eff: 03/10/04

### **Sec. 2-1208 Evaluations**

Written evaluation of all employees shall be conducted at least on an annual basis. These evaluations will be discussed with employees prior to becoming entered in the employee's personnel file. Evaluations shall be conducted by department heads for their own departments. The Manager shall evaluate the department heads and his own staff.

### **Sec. 2-1209 Assignment**

The City Manager shall assign all employees to positions and prescribe their duties; changes in assignments or duties may be made by the City Manager at any time.

### **Sec. 2-1210 Attendance**

All officers and employees in the classified service shall serve the hours of work required for their respective departments, as may be set forth by administrative regulations issued by the City Manager. Any tardiness in excess of fifteen (15) minutes in any one day shall be charged to annual leave. Any absence shall be charged to annual leave or sick leave as the facts may warrant.

### **Sec. 2-1211 Holidays**

Holidays for administrative personnel shall be: New Year's Day; Martin Luther King Day; Washington-Lincoln Day; Patriots' Day; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; Christmas Day; and a day to be taken between Thanksgiving and December 31st; and other holidays which are recognized to be Bank holidays by the State of Maine. If a holiday falls on Saturday, the Friday before shall be deemed a holiday for the purpose of this Article, and if a holiday falls on a Sunday, the following Monday shall be deemed a holiday for the purpose of this Article. If a holiday occurs when an employee is on vacation, he shall receive an additional optional day off with pay. Eff: 3/15/95

### **Sec. 2-1212 Annual Leave**

1. One to Five Years of Service. All permanent employees who have more than one (1) year of service, and less than five (5) years of service with the City of Rockland, shall be entitled to a vacation, with pay, of two (2) weeks during the calendar year.

2. Five to Ten Years of Service. All permanent employees who have completed five (5) years and less than ten (10) years of service with the City of Rockland shall be entitled to a vacation, with pay, of three (3) weeks during each calendar year.

3. Ten to Twenty Years of Service. All permanent employees who have completed ten (10) years and less than twenty (20) years of service with the City of Rockland shall be entitled to a vacation, with pay, of four (4) weeks during each calendar year.

4. Twenty Years of Service. All permanent employees who have completed twenty (20) years of service with the City of Rockland shall be entitled to a vacation, with pay, of five (5) weeks during each calendar year.

5. Anniversary Date. Entitlement to vacation under this section shall be determined as of the employee's anniversary date in the year which the vacation is taken. Vacations shall be granted according to rank and then according to seniority in the Department. No employee may accumulate more than two (2) years earned vacation. Eff: 02/11/04

6. Accumulated Time.

A. Dismissal; Voluntary Resignation. In the event of the dismissal of an employee, for cause, or if an employee voluntarily leaves his employment, the employee shall be entitled to vacation pay prorated on credits earned in the calendar year in which the employee is dismissed, or voluntarily leaves. Eff: 4/14/88

B. Separation; Retirement. Employees who are separated in good standing, or retire from the Rockland departments and who have accrued vacation time to their credits at the time of such separation or retirement, shall be paid the wages equivalent to the accrued vacation, but in any case not to exceed eight (8) work weeks, provided the employee submits a written notice fourteen (14) days in advance of his last day of actual work.

C. Death. In the event that an employee covered hereby dies during the term of this Agreement, his accrued vacation credits, if any, shall be paid in the wage equivalent, as follows:

(1) If the employee dies testate, then to his estate.

(2) If the employee dies intestate, leaving a widow or widower, with whom the employee was living at his death, then to such widow or widower.

(3) If the employee leaves no such widow or widower, but is survived by children, including adopted children, then to such children jointly; if any such children are then minors, then the guardian of such children must be joined in on such payment.

(4) If the employee has no such spouse or children surviving him, then to his parents or parent who survive him or to legal

heirs.

7. Extended Leaves of Absence.

A. Leaves of absence may be granted by the City Manager for study, travel or illness subject to advance approval of the City Council.

B. Other justified leaves of absence without pay may be granted by the City Council. Eff: 5/11/88

### **Sec. 2-1213 Pension**

The City agrees to participate in the Maine State Retirement System options presently in effect at the level of current pension payments; option which include retirement at age 60, at the employee's election, retirement allowance to a retired member - 1/50 of his average compensation multiplied by the number of membership years--1/70 of prior membership service, minimum, any member who has ten (10) years shall be entitled to compensation of one hundred dollars (\$100) a month. Cost of Living--the provision of Title 5, Section 1128 of M.R.S. relating to Cost of Living plan of retired persons shall be incorporated as part of the Retirement Plan of the City of Rockland.

### **Sec. 2-1214 Insurance**

The City will provide health insurance to all qualified employees covered by this Article and for all their dependents and an employee's spouse or domestic partner. The cost for such coverage for the employees and their spouses, domestic partners, and dependents shall be divided between the employee and the City. Eff: 09/10/12

### **Sec. 2-1215 Sick Leave**

Sick leave shall accrue at the rate of one (1) day for each full calendar month of service beginning with the first calendar month of employment. The Personnel Director shall establish maximum sick leave accumulations, either by administrative policy or in collective bargaining agreement(s), as may be applicable. Sick leave may be used in the following cases:

1. Personal Illness or Incapacity. Personal illness or physical incapacity of such degree or nature as to (1) render the employee unable to perform the duties of his position, unless the employee is found capable of other work in the Department by the City Manager and assigned such other work, or (2) expose other employees or the public to infection where the employee is required to work. If requested, the employee shall furnish a certificate from his attending physician for sick leave that exceeds three consecutive days.

2. Exchange. An employee who works six (6) consecutive months without sick leave may exchange one (1) accumulated sick day for one (1) personal day to be taken in the next twelve (12) months, regardless of such employee's level of accumulated sick leave. No employee may exchange more than two (2) sick leave days for personal days in any one (1) calendar year.

3. Family Illness. An employee may utilize sick leave to attend upon a member of his family within the household of the employee when the family member is ill and requires care by such employee. An employee may use more than two (2) days of accumulated sick leave to attend upon a family member only if pre-approved by the City Manager.

4. Notice of Absence. Employees shall see that their department head is notified of the reason for their absence, not previously arranged for, within two (2) hours of the beginning of the unexpected absence.

The City Manager may establish a Sick Leave Donations Program, and establish a policy implementing such program.

Eff: 07/13/11

### **Sec. 2-1216 On The Job Injury**

Employees who are covered by the provisions of this Article and who are injured on the job shall receive, in addition to compensation paid or payable under the Workers' Compensation Act, an amount sufficient to bring them up to full net wages while any incapacity exists and until they are either placed on disability retirement or return to active duty, up to a maximum of one (1) year.

Should the Worker's Compensation Commission reduce the amount payable under the Workers' Compensation Act, the City's contribution will not be increased accordingly. The difference between the Worker's Compensation weekly benefits and the employee's base wage will be deducted from the employee's accrued sick leave which exceed thirty (30) days. If the employee is still disabled after the deductions have caused his accrued sick leave to be reduced to thirty (30) days, or if the employee involved has not accrued sick leave in excess of thirty (30) days, the employee will nevertheless continue to get his weekly base wage from the City.

**State Law Reference:** 39-A M.R.S. § 1 et seq.

### **Sec. 2-1217 Bereavement Leave**

1. Immediate Family. In the event of the death of the employee's spouse, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparents, spouse's grandparents, or grandchild, the employee shall be entitled to up to three (3) days' leave for the purpose of attendance at the funeral and assisting in the necessary family arrangements. Such days shall be with pay and without any deduction from sick leave if they are scheduled work days.

2. Other Relatives. An amount of time, determined by the City Manager but in no case to exceed one (1) day, will be allowed for attendance at funerals of the following relatives of the employee not provided under subsection 1: aunt, uncle, niece, nephew, stepmother, stepfather, brother-in-law, sister-in-law, or any other relative when such other relative is living in the same household as the employee. Time off shall be with pay and shall not be chargeable to sick leave.

### **Sec. 2-1218 Unused Sick Leave**

1. Retirement. When an employee covered by this Agreement retires from active service with the City, if immediately eligible for retirement benefits under the Maine State Retirement System, he shall be entitled to receive an amount equal to his wages at the time of such retirement of one-half (1/2) the number of days of unused sick leave which he has accumulated.

2. Death. In the event an employee dies before retirement, leaving a spouse or minor child or children surviving, one-half (1/2) of his accrued sick leave, subject to the same maximum limitation as in the case of retiring employees, shall be paid to the spouse or to the surviving children.

3. Voluntary Separation. If an employee voluntarily leaves his employment, with a two-week written notice in advance of his last date worked, one-half (1/2) of his unused sick leave shall be paid to him upon termination.

### **Sec. 2-1219 Payment of Salary or Wage**

Wages and salaries shall be paid weekly or monthly or at such other periods as the City Manager may direct.

**State Law Reference:** 26 M.R.S. § 625-B et seq.

### **Sec. 2-1220 Promotions**

When vacancies occur in a classified position (see Sec. 2-1202), other than Department Head, which may provide City employees a promotion opportunity, the opening will be announced by the Personnel Director to all City employees. The announcement will cite the requirements for qualified candidates, which may include, but not be limited to, licenses, tests, education and department experience. Promotions will be open only to employees who have completed their entry-level probation period. The Personnel Director shall submit to a promotion board a list of City employees, along with their written applications, who meet the criteria. It shall be the decision of the promotion board as to whether to certify a candidate, or candidates, to the Personnel Director, or that the position will not be filled by promotion.

Department Head positions will be announced and competed for outside the promotion process.

The promotion board shall consist of the Chairperson of the Personnel Board, or designee, the Personnel Director, or designee, and the Department Head of the position to be filled. The promotion board will set its own procedures. The board, at its discretion, may conduct interviews, review applications, or utilize other methods to arrive at its decision.

### **Sec. 2-1221 Demotion or Separation**

The City Manager may demote or separate from the service at any time any employee in the classified service for just cause, after notice and hearing.

### **Sec. 2-1222 Suspensions**

1. Any officer or employee may be suspended with pay, after written notice, by a department head for a period not to exceed ten (10) working days, or by the City Manager for a period not to exceed six months.

2. Any officer or employee may be suspended without pay, for cause, after written notice and hearing, by a department head for a period not to exceed ten (10) working days, or by the City Manager for a period not to exceed 6 months.

3. Any officer or employee may be discharged for cause after written notice and hearing, by the City Manager. Eff: 1/11/83

4. Any officer or employee may within forty-eight (48) hours of receiving a written notice for a hearing, request that the City retain an attorney for the purpose of presiding at the hearing. Said attorney shall not be affiliated with the City Attorney or with the attorney representing the officer or employee if the officer or employee shall elect to be represented by an attorney. Eff: 6/13/85

### **Sec. 2-1223 Disciplinary Procedures**

The City may adopt disciplinary rules and work rules which will be posted from time to time during the duration of this Agreement. All suspensions and discharges shall be for a just cause and written notice of the reasons for suspension and discharge shall be stated, and given to the employee affected within five (5) days after the effective date of this action.

### **Sec. 2-1224 Non-Discrimination**

The City of Rockland is committed to providing equal employment opportunities for all persons making application to the City, and for equity of treatment, compensation, and advancement opportunities for its employees. The City therefore shall adhere to a policy of non-discrimination in hiring, employment, and personnel actions on the basis of any applicant or employee's religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, or physical or mental disability except as a *bona fide* occupational qualification. Eff: 12/14/11

**State Law Ref.:** 5 M.R.S. §§ 4572, 4573.

### **Sec. 2-1225 Transfers**

Transfers within the service may be made at any time at the discretion of the City Manager, but he shall report such actions promptly to the Board for its records.

### **Sec. 2-1226 Grievance Procedure**

A grievance, for purposes of this Article, shall be defined as any controversy, complaint, misunderstanding or dispute arising between the parties as to the meaning or application of the specific parts of the Personnel Ordinance.

Every reasonable effort shall be made by the parties involved to arrive at a fair and equitable resolution of every grievance prior to resorting to the grievance procedure hereinafter set forth. If this is found to be impossible, the matter may be submitted to the grievance procedure in accordance with the following:

1. Department Head. Within twenty (20) working days after the occurrence of such a grievance, the aggrieved employee and/or his/her representative shall reduce the grievance to writing setting forth his/her contentions in full and shall sign the grievance and submit it to his/her department head. The department head shall submit a written answer to the grievance within seven (7) working days after receipt of the written grievance.

2. City Manager. If the answer of the department head does not satisfactorily resolve the grievance, the employee may, within five (5) working days from receipt of such answer submit the grievance to the City Manager. The City Manager will submit a written answer to the grievance within ten (10) working days from receipt of the written grievance. Eff: 9/12/01

3. Grievance Committee. If the answer of the City Manager does not satisfactorily resolve the grievance, the employee may, within five (5) working days from the receipt of such answer, submit the grievance to a Grievance Committee composed of:

A. a City department head not party to the grievance:

B. a City employee selected by the aggrieved: This cannot be the aggrieved employee. The selected employee must volunteer to participate. If the aggrieved employee is unable to successfully appoint a volunteer within 5 working days, the Chairperson of the Personnel Board will appoint a third person.

C. Chairman of the Personnel Board or their designee.

The City Manager will accept the grievance on behalf of the committee, notify the appropriate parties, and facilitate setting a hearing. The committee will make a reasonable effort to review and decide the grievance within 15 days after hearing such grievance. By majority vote, decisions will be made on how to provide a full and complete hearing of the facts in contention.

The decision of the grievance committee will constitute a final adjudication of the grievance.

## **ARTICLE XIII Police Department**

### **Sec. 2-1301 Establishment**

There shall be a Police Department, the head of which shall be the Police Chief who shall be appointed by the City Manager and confirmed by the City Council. There shall also be such other staff as may be authorized by the City Council, all of whom shall be appointed by the City Manager. Eff: 01/10/01

### **Sec. 2-1302 Regular and Special Police**

The number of regular and special policemen, including special fire policemen, shall be determined by, and each such policeman shall be appointed by, the City Manager, except as he may delegate the appointive power to the Police Chief. Special policemen shall have all the powers vested in the regular City 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 City 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 directly by any person other than the appropriate City official.

**State Law Reference:** 30-A M.R.S. §§ 2671-2673

### **Sec. 2-1303 Duties of Police Chief**

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

1. Law Enforcement. Be responsible for the enforcement of law and order;
2. General Supervision. Direct the police work of the City;
3. Assign Officers. Arrange for the attendance of one or more Police Officers at every fire, to preserve order and to prevent theft and destruction of property;
4. Street Inspections. Cause the streets, wharves and lanes of the City 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;
5. Report to Director of Public Works. Cause to be observed, and reported immediately to the Director of Public Works, all defects and want of repair in streets and sidewalks;
6. Delivery of Council Documents. Receive and deliver all notices and papers to members of the City Council and to the City Manager and officers appointed by either, when requested by the City Clerk, and make due return thereof;
7. Property/Maintenance. Be responsible for the maintenance and care of all property used by the Police Department, and the training of all personnel on new equipment as it is added;
8. Training. Be responsible for the in-service training of current law enforcement techniques as well as the law and legal procedures. Maintain programs of in-service training to provide minimum standards of firearm proficiency and physical fitness for police personnel and an annual evaluation of all members of the department;
9. Dispatchers. Be responsible for the in-house training of the dispatchers at the Public Safety Building;
10. Accidents. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the City may be liable, instruct all police officers to report to him such accidents; and notify the City Attorney 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 City 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;
11. License Certification. Investigate promptly all applicants for any license or permit when such application requires certification by the Police Chief, and either deliver promptly to the City Clerk a certificate approving such license or permit or promptly advise the City Clerk of his refusal to so certify.

**Cross Reference:** Chapter 11, § 11-106; § 11-107.

### **Sec. 2-1304 Departmental Division**

This department shall be divided into the following divisions:

1. Patrol Division, supervised by the Police Chief or his designee, who shall have charge of the motor and foot patrolmen, routine investigations not assigned to the Investigation Division and temporary assignments for special duty. Eff: 5/13/87
2. Dispatching and Records Division, supervised by the Deputy Police Chief, who shall have charge of the central complaint desk and of dispatching, police records, criminal and non-criminal identification, property identification, custody of property and operation of detention quarters. This Division shall co-operate with the Federal Bureau of Investigation by furnishing reports as and when requested. A full and complete record shall be kept, including the name in full of every person arrested, the offense for which arrested, the time of the arrest, the name of the officer making the arrest, and the final disposition of the case.
3. Investigation Division, supervised by a Detective who shall be appointed by the City Manager, who shall have charge of the investigation of crimes and the preparation of evidence for the prosecution of criminal cases.

### **Sec. 2-1305 Dog Officer**

The City Manager shall designate a Dog Officer whose duty shall be to enforce State and local laws regarding dogs.

**State Law Reference:** 7 M.R.S. § 3947

**Cross Reference:** Chapter 3.

## Sec. 2-1306 False Alarms

Purpose - Due to the increasing use of burglar alarm systems in Rockland homes and businesses, and to the increasing problem of false alarms which result in the wasteful expense of public safety manpower and funds, the City establishes an Ordinance to regulate use of such alarms.

### I. Approval of System.

A. No person shall install a burglar alarm system in any business or residence in the City of Rockland without first applying to the Rockland Chief of Police for approval of such installation. Alarms existing at the effective date of this amendment must be made to conform to this ordinance and be inspected and approved by the City of Rockland.

B. The application for approval must contain the following information:

1. Owner's name, address and telephone number.
2. Type of alarm system.
3. Alarm servicing agent (if applicable).
4. The names and telephone numbers of at least two people capable of resetting the alarm system.
5. Signature of applicant, indicating that the applicant has read the False Alarm Ordinance.
6. The signature of the Chief of Police, approving the installation.

### II. Restrictions on Burglar Alarm Systems.

A. "Automatic Dialing Systems" which directly dial the public safety telephone lines an unlimited number of times, thereby tying up emergency telephone lines until such alarms can be stopped and reset, are prohibited. Automatic dialing systems that shut off after only three rings to a non-emergency public safety line are allowed.

B. Audible alarms must have an automatic cut-off timer set for 15 minutes or less.

### III. Liability for False Alarms.

A. Alarm owners will be liable to the City for each false alarm over five (5) per calendar year and will be charged at the rate of fifty dollars (\$50.00) for each such alarm, but the following shall not be deemed false alarms: Eff: 08/08/07

1. Those caused by line repairs or testing by utilities.
2. Those in which some sign of attempted entry at the premises is visible.
3. Alarms intentionally activated by owners or employees under the reasonable belief that an emergency is occurring.

B. The Rockland Police Department shall maintain records of false alarms, and shall bill system owners on a monthly basis, detailing charges.

C. Owners of alarm systems who have not complied with section one (1) of this Ordinance shall be liable to the City for each false alarm beginning with the first, in an amount of fifty dollars (\$50.00) for each such alarm. Eff: 08/08/07

D. If sixteen (16) or more false alarm calls are received by the Rockland Police Department from a single premises within a period of six (6) months, the City may, after notice delivered in hand to the owner or manager of such premises, disconnect the alarm connection between the premises involved and the Rockland Police Department. Eff: 07/12/88

## Sec. 2-1307 Disabled Parking on Private Off-Street Areas

Pursuant to Maine Law, the owner of private off-street parking may enter into an agreement with the city, acting by and through its Police Department, for the policing of parking stalls and spaces dedicated for disabled persons' vehicles for violation of which the registered owner of such an illegally parked vehicle shall be fined two hundred (\$200) dollars, which penalty shall be paid to the city. There shall be adjacent to and visible from each such disabled parking space a posted sign consisting of a profile view of a wheelchair with occupant in white with blue background and bearing the following: "Handicapped parking: special plates required. Unauthorized vehicles are subject to fine." Eff: 5/8/85 alc Rev. 4/11/90; 08/07/13.

**State Law Reference:** 30-A M.R.S. § 3009, 29-A M.R.S. § 521.9A.

## ARTICLE XIV Department of Public Services

### Sec. 2-1401 Establishment

There shall be a Department of Public Services, the head of which shall be the Director of Public Services who shall be, or be appointed by, the City Manager.

### Sec. 2-1402 Duties

The Director of Public Services shall, subject to and in consultation with the City Manager, be responsible for:

1. City Property. The construction, maintenance, and operation of the City's infrastructure, including streets, sidewalks, sanitary and storm sewers, parking areas, parks, and public landings, except as otherwise provided by the City charter, other ordinances, or instructions by the City Manager;
2. Solid Waste. Be responsible for and serve as Director of the Solid Waste Facility;
3. Department Resources. The direction and management of Department of Public Services and Solid Waste Facility employees, and the care and maintenance of all real and personal property occupied or used by the Department.
4. Enforcement on City Property. Seeing that no encroachments are made upon any street, public landing, place, square, land or ground of the City, 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. Contracts. In consultation with the City Attorney, prepare or cause to be prepared all contracts and specifications that may be required for public services and solid waste management.
6. Sewer Construction. In consultation with the Water Pollution Control Director, perform or cause to be performed the construction, maintenance, repair, and replacement of the public sanitary, storm, and combined sewer systems, and all appurtenances thereto, including the enforcement of all ordinances, rules and regulations relative thereto, keeping an accurate record of the location and the expense of constructing and completing each public drain or common sewer hereafter built, and, after the same is completed, furnishing to the City Assessor a detailed statement of such expense and all necessary information to enable the City Assessor to make an assessment upon the lots or parcels of land benefited by such public drain or common sewer.
7. Property Schedule. Annually preparing and submitting a capital improvement program, surveying the condition, useful life, and repair or replacement of the equipment, machinery, tools and other City property in the Director's charge.
8. Maintenance. The operation and maintenance of all streets, sidewalks, and other public lands, grounds and buildings; street cleaning; and snow removal, except as may otherwise directed by the City Manager.
9. Technical Standards. Preparing and keeping current a manual of standards and specifications governing the construction, reconstruction, repair, backfilling, compaction, paving, and repaving, as applicable, of City streets, sidewalks, culverts, sewers, and other infrastructure. Such Technical Standards Manual may also include sewer construction specifications provided or identified by the Water Pollution Control Director. The Director of Public Services shall submit the Technical Standards Manual, and supplements and amendments thereof, to the City Manager for review and adoption as an Administrative Policy of the City. The Director shall cause copies of the adopted Technical Standards Manual to be made available to the public at the Department of Public Services, Water Pollution Control Facility, and Code Enforcement Office, and on the City's website. The Director shall assure adherence with the Technical Standards Manual by the Department and by the public.
10. Plans; Public Records. Collect, maintain, and update all plans, estimates, profiles, records and surveys of street bounds, streets, sidewalks, sewers, and other public infrastructure. Eff: 4/8/15

## **ARTICLE XV Records Department**

### **Sec. 2-1501 Establishment**

There shall be a Department of Records, the head of which shall be the City Clerk who shall be elected by the City Council and serve at its pleasure. The City Clerk shall appoint a Deputy City Clerk to act as his agent.

**Charter Reference:** Article II.

### **Sec. 2-1502 Duties**

The City Clerk shall:

1. Council Clerk. Serve as Clerk of the Council, and perform such other duties for the Council as it may require. He shall authenticate by his signature and be responsible for the filing, indexing and safekeeping of all proceedings of the Council, which shall be open to public inspection;
2. Elections. Make all the arrangements for elections. Keep and maintain all election records and have custody of all property used in connection with elections;
3. Appointments. Issue to every person appointed to any office by the City Council or by the City Manager, a certificate of such appointment;
4. Legal Notices. Publish all legal notices unless otherwise provided;
5. Record Preservation. File and preserve all contracts, surety bonds, oaths of office and other documents not required to be

filed elsewhere;

6. Licenses. Issue all licenses and permits and collect the fees required therefor as provided by State law or City ordinance;
  7. Bonds. Notify the City Manager and any official required to file a corporate surety bond as qualifying for office, when such bond or renewal thereof has not been filed promptly on time; require thereon signed certification as to form and legal and financial sufficiency by the City Attorney before acceptance of any such bond; accept, file and preserve all such bonds;
  8. Notice to Police Chief of License Expirations. Notify the Chief of Police on or within one (1) 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 City Clerk knows that no new license or permit is required;
  9. Vital Statistics. Obtain and maintain all statistics relating to births, marriages and deaths as required by law;
  10. City Seal. Be the custodian of the official City Seal;
  11. Notice of Expiration of Terms. Notify the appointing authority of any commission, board or agency thirty (30) days prior to the expiration of the term of office of any member thereof;
  12. General Duties. Perform all duties and exercise all powers incumbent upon or vested in town and city clerks generally, which are not inconsistent with the City Charter;
  13. Public Information. Maintain in his office a public information service, to furnish information concerning the City 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 City Clerk; otherwise the City 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 City 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 City Clerk to supply, or to request any other department to supply, information which is confidential under Title 1, Section 402 of the Maine Revised Statutes Annotated and Section 704 of the Rockland Charter. Nor shall any information be prepared or supplied when the cost of so doing would result in increased expense to the City; 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 City Clerk or to the department undertaking such extra expense;
  14. Public Complaints. Maintain in his office a public complaint service, to receive complaints of citizens relative to the public service. All such complaints shall be taken in writing, signed by complainant, and transmitted in duplicate by the City Clerk to the proper department for handling. The City Clerk shall follow up all complaints which are not reported on by the department to which referred as promptly as reasonably possible and necessary to insure adequate service to the public. A complete report on all complaints shall be made by departments and one copy returned to the City Clerk for filing. All complaints which, in the opinion of the City Clerk, are not properly handled shall be reported to the City Manager who shall issue such additional orders or instructions or take such action as he deems advisable. A reply, oral or written, shall be made to every complainant as promptly as reasonably possible. The spirit of this service shall be that all complaints, whether any City official may consider them reasonable or unreasonable, and regardless of whether they are courteously or otherwise presented by any citizen of Rockland, shall be courteously and promptly investigated and replied to, with the purpose of correcting where necessary and improving whenever possible the service rendered to Rockland citizens by their public servants. Consistent with this spirit on formal complaints, City officials shall make plain by their demeanor that they welcome at all times, informal suggestions for the improvement of the service;
  15. Money Received. Account for all public moneys received by him, in such manner as the Director of Finance may prescribe;
  16. Notice of Council Action to Departments. Notify promptly all department heads of Council actions of concern to them.
- State Law Reference:** 21-A M.R.S. § 1 et seq; 30-A M.R.S. §§ 2552-2555, 2004; 1 M.R.S. §§ 401-412; 5 M.R.S. § 95-B; 22 M.R.S. § 2701 et seq.

## **ARTICLE XVI Recreation Department**

### **Sec. 2-1601 Establishment**

There is hereby established a Recreation Department, the head of which shall be the Recreation Director who shall be appointed by the City Manager. This department shall include such number of employees as may be determined by, and who shall be appointed by the City Manager, except insofar as he may delegate such appointive power to the Director of Recreation.

### **Sec. 2-1602 Recreation Advisory Committee**

There is hereby established a Recreation Advisory Committee, consisting of seven (7) members, to be appointed by the Mayor and confirmed by the City Council for three (3) year terms, except that of the seven (7) members first appointed, three (3) shall be appointed for a term of one (1) year, two (2) appointed for a term of two (2) years and two (2) for one (1) year. Such Committee shall organize by selecting its own Chairman and shall include planning of a City-wide recreation program, and otherwise advising and cooperating with the Recreation Director to the end that a recreation program may be initiated and maintained. The Recreation Director shall serve as an ex-officio non-voting member of the Committee. Eff: 04/12/06.

**Sec. 2-1603 Duties of Recreation Director**

The Recreation Director shall provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreation facilities and activities on any of the properties owned or controlled by the City, or on other properties with the consent of the owners and authorities thereof. He shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.

**Sec. 2-1604 Adoption of State Law Provisions**

The City Council of the City of Rockland hereby adopts the provisions of Public Laws of Maine 1945, "An Act Authorizing Municipalities to Establish, Maintain, Conduct and Finance Recreational Facilities."

**State Law Reference:** 30-A M.R.S. § 5726; 10 M.R.S. § 1061-1072.

**ARTICLE XVII Handicapped Accessibility**

**Sec. 2-1701 Policy**

This ordinance is intended to establish the policy of the City of Rockland regarding handicapped accessibility to any City function or program available to the general public. The City adopts the requirements of Section 504 of the Rehabilitation Act of 1973 relating to the recipients of revenue sharing funds. Said regulations requiring that no qualified handicapped person shall on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity funded with revenue sharing funds.

**Sec. 2-1702 Program Coordinator**

The City Manager shall be, or designate a person of the local government to be responsible for coordinating the efforts to comply with the handicapped discrimination requirements.

**Sec. 2-1703 Handicapped Accessibility Grievance Procedure: Non-Work Related**

A grievance, for the purpose of this Article, shall be defined as any controversy, complaint, misunderstanding or dispute arising from the perceived inability to access any City function or program available to the general public.

Every reasonable effort shall be made by the parties involved to arrive at a fair and equitable resolution of every grievance prior to resorting to the grievance procedure hereinafter set forth. If this is found to be impossible, the matter may be submitted to the grievance procedure in accordance with the following:

1. Program Coordinator. Within five (5) working days after the occurrence of such a grievance, the aggrieved citizen and/or his/her representative shall reduce the grievance to writing or recording (tape recorder being available at City Hall) setting forth his/her contentions in full and shall sign, if in writing, the grievance and submit it to the Program Coordinator. The Program Coordinator shall submit a written answer to the grievance within seven (7) working days after the receipt of the written/recorded grievance.

2. City Manager. If the City Manager is not the Program Coordinator, or if the answer of the Program Coordinator does not satisfactorily resolve the grievance, the citizen may, within five (5) working days from receipt of such answer, submit the grievance to the City Manager. The City Manager will submit a written answer to the grievance within ten (10) working days from receipt of the written grievance.

3. Grievance Committee. If the answer of the City Manager does not satisfactorily resolve the grievance, the citizen may, within five (5) working days from the receipt of such answer, submit the grievance to the Grievance Committee composed of the City Council.

The decision of the grievance committee will constitute a final adjudication of the grievance after a full and complete hearing of the facts in contention. Eff: 04/12/06.

**ARTICLE XVIII Code Enforcement Department**

**Sec. 2-1801 Establishment**

There shall be a Code Enforcement Department, the head of which shall be the Code Enforcement Officer. There shall be an assistant Code Enforcement Officer and a secretary, all of whom shall be appointed by the City Manager.

**Sec. 2-1802 Assignments**

The Code Enforcement Officer is hereby assigned the duties of the Health Officer, the Plumbing Inspector, the Electrical Inspector, and the Building Inspector, and shall work in close cooperation with the Fire Department, the Planning Board, the Zoning Board of Appeals, and the City Attorney.

**Sec. 2-1803 Duties**

The Code Enforcement Officer shall:

1. Exercise direction over the Assistant Code Enforcement Officer who shall be appointed by the City Manager.
2. Perform the duties of the Health Officer as required by the City Code and/or the laws of the State of Maine.
3. Perform the duties of the Plumbing Inspector as required by the City Code and/or the laws of the State of Maine.
4. Perform the duties of the City Electrician as required by the City Code and/or the laws of the State of Maine.
5. Perform the duties of the Building Inspector as required by the City Code and the laws of the State of Maine.
6. Attend, when necessary, meetings of the Planning Board and the Zoning Board of Appeals.
7. Be responsible for enforcement of all building and zoning regulations, and refer, after a reasonable length of time, all uncorrected violations to the City Attorney for necessary legal action to enforce compliance with the law.
8. Inspect property as promptly as possible when application is made for a license or permit for any activity thereon which requires certification or other approval by the Code Enforcement Officer, and to maintain a file or all such applications and licenses.
9. Perform all such duties as required by Maine State Law, the City Charter, and the City Code.

Eff: 01/13/10

**ARTICLE XIX Water Pollution Control Facility**

**Sec. 2-1901 Establishment**

There is hereby established a Water Pollution Control Department, which shall be under the direction of the Water Pollution Control Director. The Water Pollution Control Department shall treat and discharge waste water in such matter as to protect the public’s health, safety, and welfare, and the land, water, and air located in and around the City of Rockland. The Water Pollution Control Department shall be funded by user fees, grants, and other available funding sources, and its revenues and expenses shall, whenever possible, constitute a distinct enterprise fund under applicable general accounting principles and regulations.

**Sec. 2-1902 Duties of the Water Pollution Control Director**

The Water Pollution Control Director shall be responsible for the operation and maintenance of water pollution control facilities, including pump stations, force mains, and the various tanks, equipment, processes, and grounds of the Water Pollution Control Facility at 40 Tillson Avenue. The Water Pollution Control Director shall, among other duties, supervise the operations of the Department and its staff in such manner as to comply with all applicable environmental protection regulations and requirements; monitor, test, and regulate industrial, commercial, and residential effluent flowed to the facility for treatment and discharge; establish, bill, and collect classes of user fees that fairly and equitably reflect and pay for the treatment and discharge of industrial, commercial, and residential waste waters; and establish and implement a capital improvement program that maintains, upgrades, and improves the Water Pollution Control Facility, pump stations, force mains, and processes therein so that may operate in an environmentally-sustainable and energy-efficient manner. Eff: 06/08/11

**ARTICLE XX Municipal Fish Pier Department**

**Sec. 2-2001 Establishment**

There shall be a Municipal Fish Pier Department, the head of which shall be the Fish Pier Director who shall be appointed by the City Manager.

## **Sec. 2-2002 Duties of the Fish Pier Director**

The Fish Pier Director shall have the following duties and responsibilities:

1. Rules and Regulations. Establish and enforce such rules and regulations for the operation of the Fish Pier that are not inconsistent with State law or any City ordinance, which rules and regulations shall be subject to the approval of the City Manager. All fees, charges, and penalties to be collected or imposed in the operation of the Fish Pier shall be established by Order of the City Council;
2. Maintenance. Cause the Fish Pier and utilities and equipment serving the Pier and its users to be maintained in a clean and orderly condition and in good working order;
3. Staff Supervision. Supervise such staff as may be authorized by the City Council, and appointed by the City Manager in consultation with the Fish Pier Director;
4. Financial Management. Collect fees for short-term berthing, off-loading, and other temporary uses of the Fish Pier and deposit the same with the Finance Department. Coordinate all other revenue billing and collection, and payment of all expenditures, with the Finance Department, all in accordance with the City's Cash Collection and procurement regulations and policies;
5. Budget. Present annually to the City Manager a budget for the operation and maintenance of the Fish Pier. Prepare and update, in consultation with the City Manager, a five-year Fish Pier maintenance and capital improvement program, and update the same on an annual basis;
6. Harbor Management Commission Fish Pier Committee. Staff and support the Harbor Management Commission's Fish Pier Committee. Eff: 04/07/10

## **ARTICLE XXI. Emergency Management**

### **Sec. 2-2101 Purpose**

This, the City of Rockland Emergency Management Ordinance, is purposed to fulfill Rockland's statutory obligation to plan for the protection of the health, safety, and welfare of the residents of Rockland in the event of an emergency. To that end, Rockland herein undertakes, to the fullest extent permitted by applicable law, to utilize public facilities and resources, and to collaborate with partners in both the public and private sectors, to prevent, prepare for, respond to, mitigate, and recover from emergencies, whether naturally-occurring or man-made, that may occur in or otherwise affect the City of Rockland.

State Law Reference: 37-B M.R.S. §§ 781, *et seq.*, as amended.

### **Sec. 2-2102 Definitions**

The following definitions shall apply in the interpretation of this Article. Each term defined in this Section or otherwise used in this Article shall be construed so as to most broadly effectuate the purpose of this Article and/or authorizing state legislation. Terms not defined here shall have the meaning assigned to them in applicable federal or state law so long as the same shall not defeat or lessen the purpose of this Article.

1. Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage or injury or loss of life or property resulting or to result from any naturally-occurring or man-made event, including, without limitation, enemy or terrorist attack, sabotage, epidemic, infestation, riot, industrial accident, fire, flood, earthquake, wind, storm, wave action, critical material shortage, explosion, oil spill, or discharge of hazardous wastes, requiring emergency action to avert or ameliorate the danger or damage the occurrence poses.

2. Emergency. "Emergency" means a set of unforeseen circumstances resulting from a disaster and requiring an urgent response to protect life and property.

3. Emergency Management. "Emergency management" means the preparation for and the carrying out of all emergency functions – other than functions for which the Nation's military forces, Coast Guard and/or National Guard are primarily responsible – to minimize and repair injury and damage resulting or to result from disasters, including, without limitation, firefighting, police, medical, rescue, emergency welfare, communications, engineering, evacuation of persons from stricken areas, allocation of critical materials in short supply, emergency transportation, and other activities intended to protect the civilian population.

### **Sec. 2-2103 Adoption of Emergency Management Plan**

The City of Rockland Director of Emergency Management, who shall be appointed by the City Manager, in consultation

with the City Manager, Fire Chief, Police Chief, and other department heads, as may be appropriate, is hereby authorized to prepare, adopt, submit for approval by the State of Maine Emergency Management Agency, and from time to time amend an Emergency Management Plan for the City of Rockland. The Rockland Emergency Plan adopted pursuant to this Section shall comply with applicable federal and/or state law and regulations, and shall set forth the City of Rockland's plan for preventing, preparing for, responding to, mitigating, and recovering from any disaster in or affecting Rockland.

### **Sec. 2-2104 Emergency Management Coordinator**

1. Emergency Management Coordinator. The City Manager shall serve as the City of Rockland Emergency Management Coordinator. In the event the City Manager shall be absent or incapacitated, the following personnel shall, in succession and in the event of his or her predecessor's absence or incapacity, serve as Emergency Management Coordinator until such time as the City Manager or other previously-listed person shall become available to serve as Emergency Management Coordinator:

- Director of Emergency Management
- Fire Chief
- Police Chief
- Director of Public Works
- Director of Finance.

2. Powers and Duties. The Emergency Management Coordinator shall:

A. In consultation with the Mayor, unless the Mayor shall be absent or shall have become incapacitated, determine and declare when a state of emergency exists within the City of Rockland. The City Council shall be notified of such declaration of emergency as soon as possible;

B. So long as the state of emergency shall continue, and only as may be reasonably necessary to protect life and property or preserve critical resources:

1. Direct the emergency management and recovery activities of City personnel, other responders, and volunteers within the City of Rockland;

2. Purchase, lease, or, if necessary, temporarily requisition goods and services that are reasonably necessary to implement the Emergency Management Plan and to protect life or property;

3. Temporarily lease real property reasonably necessary to accommodate City government or emergency management activities, including shelter. The City may temporarily requisition non-residential, commercial property if absolutely necessary to accommodate City government or emergency management activities;

4. Enter into contracts or other agreements for the emergency construction or repair of public infrastructure or improvements; for the demolition of dangerous or condemned structures; or for the provision of emergency management services;

5. Promulgate and enforce temporary rules and orders, including without limitation a curfew, as may be reasonably necessary to respond to or recover from the emergency; provided, however, that such rules and orders shall terminate upon the declaration that the emergency has ceased;

6. Close streets, order evacuations, declare and terminate quarantines, and suspend collective bargaining agreements;

7. Obtain vital supplies, equipment, and other items that are lacking but needed for the protection of public health, safety, or welfare;

8. Request and accept aid or assistance from the United States and/or the State of Maine or any department, agency, or political subdivision thereof; and

9. Respond to a request by the United States and/or the State of Maine or any department, agency, or political subdivision thereof for emergency management goods or services, or render such assistance outside the City of Rockland, when necessary;

C. Determine when an emergency within or affecting the City of Rockland no longer exists and thereupon immediately terminate the declared state of emergency; provided, however, that the City Council may by majority vote declare the state of emergency to have ceased; and further provided that no state of emergency may in any event continue longer than five (5) days unless renewed by the City Council;

D. Prepare and submit to the City Council, following the cessation of the emergency, a full report of all actions taken and all expenditures made in response to the emergency, and of the nature and extent of damage sustained by persons and property within the City of Rockland.

### **Sec. 2-2105 Emergency Procurements, Accounting, and Cost Recovery**

The finance director shall, while a state of emergency exists, monitor and document to the extent reasonably feasible

emergency procurements, expenses, and losses, and, following the cessation of the state of emergency, seek recovery therefor from federal, state, and/or private sources, where applicable.

**Sec. 2-2106 Immunity From Liability**

All emergency response personnel and volunteers, while engaged in emergency management activities intended to effect a provision of the Emergency Management Plan or a rule, order, or other command of the Emergency Management Coordinator, shall be immune from liability pursuant to 37-B M.R.S. § 823, as amended.

**Sec. 2-2107 Violations**

It shall be unlawful for any person to violate any provision of this Article, or any rule or order of the Emergency Management Coordinator, or any lawful command of the Emergency Management Director, the Fire Chief, or the Police Chief during a declared state of emergency, or to obstruct, hinder, or delay any person lawfully engaged in emergency response or recovery activities either during or following the cessation of a declared state of emergency.

**Sec. 2-2108 Penalty**

Each violator shall pay a fine of \$500 per violation. Where applicable, each day that a violation continues shall be a separate violation. Each violator shall be subject to any other fine, penalty, or prosecution provided by federal, state, or local law, and the fine(s) imposed by this Chapter shall be in addition to such other fine, penalty, or prosecution. Eff: 2/13/08