

## CHAPTER 2

### ADMINISTRATIVE CODE

[Adopted eff. 8/13/2009 under Article III, Section 8  
of the Council-Manager Charter of the  
Town of Cape Elizabeth, Maine]

- Article 1. Municipal Departments**
- Sec. 2-1-1. General Provisions
  - Sec. 2-1-2. Administrative Services Department
  - Sec. 2-1-3. Assessment Department
  - Sec. 2-1-4. Building and Inspection Department
  - Sec. 2-1-5. Fire Department
  - Sec. 2-1-6. Thomas Memorial Library
  - Sec. 2-1-7. Planning Department
  - Sec. 2-1-8. Police Department
  - Sec. 2-1-9. Public Works Department

- Article II. Positions Not Part of Other Municipal Departments**
- Sec. 2-2-1. Community Services Director
  - Sec. 2-2-2. Town Engineer
  - Sec. 2-2-3. Municipal Comptroller
  - Sec. 2-2-4. Cable Television Coordinator
  - Sec. 2-2-5. Webmaster
  - Sec. 2-2-6. Facilities Manager
  - Sec. 2-2-7. Museum Manager

- Article III. Purchasing Procedure**
- Sec. 2-3-1. Purpose
  - Sec. 2-3-2. General Provisions
  - Sec. 2-3-3. Sale of Equipment

- Article IV. Improvements to Town Owned Land and Buildings**
- Sec. 2-4-1. Town to be the Applicant
  - Sec. 2-4-2. Town Council to Review Plans
  - Sec. 2-4-3. Role for Community Groups and Individuals
  - Sec. 2-4-4. Use of Municipal Resources

#### **Article I. Municipal Departments.**

##### **Sec. 2-1-1. General Provisions.**

(a) Town Manager. The Town Manager shall be the administrative head of the Town and shall perform all the duties and have all the responsibilities prescribed by the Town Charter and the Town Council.

(b) Responsibilities. The Town Manager shall supervise the heads of all departments established by this Code and the Town Charter, and shall have the power to suspend and discipline, and to perform or delegate the duties and responsibilities of such department heads and of statutory officers unless disqualified to do so by statute. The Town Manager shall prepare and revise a personnel code for adoption by the Town Council and be responsible for its administration.

(c) Rules and Regulations. The Town Manager may prescribe such rules and regulations not inconsistent with the Town Charter and Town ordinances as the Town Manager may deem necessary for the conduct of the various departments, and he may investigate and inquire into the affairs of any department at any time.

(d) Municipal Departments Established. The administrative service of the Town shall consist of the following departments and the department heads shall be known by the titles shown:

- |                            |                          |
|----------------------------|--------------------------|
| 1. Administrative Services | Town Clerk               |
| 2. Assessment              | Assessor                 |
| 3. Building & Inspection   | Code Enforcement Officer |
| 4. Fire                    | Fire Chief               |
| 5. Thomas Memorial Library | Library Director         |
| 6. Planning                | Town Planner             |
| 7. Police                  | Chief of Police          |
| 8. Public Works            | Director of Public Works |

(e) Powers and Duties of Department Heads

1. Department heads shall be responsible for the efficient operations of his their department. They shall perform all the duties and exercise all the powers conferred upon each office by applicable laws and ordinances. The Town Manager may not overrule any department head or any statutory officer on a lawful decision made by their office in their statutory capacity or as enabled by ordinance unless specifically authorized in an applicable ordinance or statute. No department head may overrule any statutory officer or municipal official on a lawful decision made by their office in their statutory capacity or as enabled by ordinance unless the department head is specifically authorized to do so in an applicable ordinance or statute.
2. Department heads may, with the approval of the Town Manager, establish such departmental divisions as may be desirable in the interest of economy and efficiency, and in accordance with sound administrative principles and practices.
3. Department heads may prescribe departmental regulations subject to the approval of the Town Manager not inconsistent with law, the Town Charter, and other ordinances and regulations of the Town Council, for the administration of their various departments, conduct of their employees, and the proper performance of the department's business.
4. Department heads shall attend meetings called by the Town Manager and meetings of board and commissions to which they have been assigned a staff responsibility.
5. Department heads shall supply to the Town Manager such reports as are required by the Town Manager.

(f) Selection, Qualification, Compensation & Terms of Office of Department Heads

1. All department heads shall be appointed and removed as prescribed in the Town Charter and Maine statutes on the basis of merit and fitness to perform their duties.

2. The compensation of all department heads shall be determined by the Town Manager subject to appropriations provided and any pay classification plan that may be available from time to time.

(g) Department Staff

1. Department heads may establish subordinate positions and make appointments and removals as may be necessary within the limits of the appropriations provided, subject to the provisions of the Town Charter, the personnel rules and regulations, and the approval of the Town Manager.
2. All employees shall be under the immediate supervision of their respective department or division head, and all employees shall be compensated in a fair and equitable manner and on the basis of any pay classification schedule that may be available from time to time. Department heads are responsible for an annual written evaluation of all employees within their department and copies of evaluations shall be provided annually to the Town Manager.

**Sec. 2-1-2. Administrative Services Department.**

(a) Department Staff. The Administrative Services Department shall consist of the Town Clerk, and such other level of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Function. The Administrative Services Department shall perform the following functions:

1. Prepare, maintain, publish and index proceedings of the Town Council.
2. Arrange for all elections, and maintain all election and voter records.
3. Obtain and maintain all statistics on births, marriages, and deaths as required by law.
4. File and preserve, as required, all contracts, bonds, oaths of office and other documents.
5. Maintain the official record of all ordinances of the Town and of the proceedings of all boards, commissions and committees.
6. Be responsible for the safekeeping of the Town Seal.
7. Maintain a master calendar of municipal meetings.
8. Collect daily revenues on behalf of the Tax Collector and Town Treasurer.
9. Prepare and file documents to perfect tax collections.
10. Oversee the operations of the Spurwink Church.
11. Provide administrative support to the Town Manager.
12. Perform all other related functions as required.

**Sec. 2-1-3. Assessment Department.**

(a) Department Staff. The Assessment Department shall consist of the Assessor and such other levels of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Function. The Assessor shall perform the following functions:

1. Carry out all the duties required of an assessor by State statute.
2. Prepare all assessments, tax rolls and tax notices as required by law.
3. Check all property transfers and maintain all property records pertaining to assessing function.

4. Perform other related functions as required.

**Sec. 2-1-4. Building and Inspection Department.**

(a) Department Staff. The Building and Inspection Department shall be under the immediate supervision of the Code Enforcement Officer who shall also serve, while meeting any statutory qualifications therefore, as the Building Inspector, Health Officer, Plumbing Inspector, and Electrical Inspector for the Town unless and until a different person is appointed to any such office.

- (b) Function. The Department shall perform the following duties:
1. Review and issue when appropriate plumbing, building, and electrical permits.
  2. Inspect existing housing, new construction, remodeling and land use for conformity to the Zoning Ordinance and all other related and appropriate codes.
  3. Provide staff assistance to the Zoning Board of Appeals.
  4. Perform all other functions that may be required by statute or ordinance.
  5. Perform all related functions as required.

**Sec. 2-1-5. Fire Department.**

1. Fire Chief, Deputies and Emergency Preparedness
  1. The Fire Department shall be under the immediate supervision of the Fire Chief who shall have all the rights, powers, duties and responsibilities prescribed in State statutes relating to fire chiefs and in the Town Ordinances.
  2. Deputy fire chiefs, not exceeding three (3) in number, shall be appointed and may be removed by the fire chief subject to the approval of the Town Manager. The deputy fire chiefs shall be appointed from among the memberships of the department's companies and shall not be carried on the rolls, receive compensation as a member, hold office in, or be considered as a member of the company from which they were appointed. Deputy fire chiefs shall be subject to an annual evaluation by the Fire Chief.
  3. The fire chief shall appoint a Director of Emergency Preparedness who shall prepare for disasters, interact with the Maine Emergency Management System and the County Department of Emergency Management and who shall support disaster response during a disaster event.

(b) Department Companies.

1. The department shall consist of at least five companies, consisting of not less than twenty (20) nor more than forty (40) persons each, and such other companies as shall be established by the Board of Fire Commissioners and approved by the Town Council. Two of the companies shall be fire companies, one shall be a rescue company, one a water rescue company and one a fire/police unit.
2. Each company shall have officers, consisting of a captain, first lieutenant and second lieutenant, secretary, and treasurer. The officers shall be chosen by the Fire Chief based upon merit and fitness for their respective position. The captains and

lieutenants shall be successively responsible for the condition of their apparatus and the training and response of the companies.

3. Each company shall meet once a month for inspection of equipment or training.

#### **Sec. 2-1-6. Thomas Memorial Library**

(a) Department Staff. The Thomas Memorial Library Department shall consist of the Library Director and such other level of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Responsibilities. The Thomas Memorial Library Department shall perform the following functions:

1. Select and purchase books, magazines, periodicals and other media to best serve the needs of the community.
2. Catalog and organize all such materials to ensure easy accessibility.
3. Circulate library materials for general use.
4. Provide a reference service for answering requests for specific information.
5. Provide library services in the library during the hours which best meet the needs of the community and provide an online catalogue and website to enable patrons to access library services.
6. Promote the availability of the library material to stimulate a wider general interest in its use.
7. Promote special services and guidance to adults and children in the use of educational and recreational materials.
8. Cooperate with community organizations to provide assistance in program planning and projects.
9. Maintain and care for all property assigned to the library.
10. Prepare and maintain all records pertaining to the Thomas Memorial Library.

#### **Sec. 2-1-7 Planning Department**

(a) Department Staff. The Planning Department shall be under the supervision of the Town Planner and consist of the Town Planner and such level of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Function: The Planning Department shall perform the following functions:

1. Provide staff assistance to the Planning Board, Conservation Commission, and to other committees when requested by the Town Manager.
2. Maintain the Town's geographic information system (GIS)
3. Maintain records and maps of the Town's open space and greenbelt.
4. Assist with all issues related to the Comprehensive Plan.
5. Assist citizens with accessing property records.
6. Provide clerical assistance to the Assessment and the Building and Inspection Departments.
7. Perform all other functions that may be required by statute or ordinance.
8. Perform all related functions as required.

#### **Sec. 2-1-8. Police Department**

(a) Department Staff. The Police Department, under the supervision of the Chief of Police, shall consist of such forces of officers, reserve officers and other personnel as may be recommended by the Town Manager and approved by the Town Council. The Chief of Police shall appoint and may remove a Harbormaster who shall be responsible for the administration of the Harbors Ordinance and undertake statutory duties and responsibilities given to harbormasters in Maine.

(b) Function. The Police Department shall perform the following functions:

1. Enforce the laws and ordinances.
2. Prevent crime and maintain law and order.
3. Protect lives and property from malicious damage and injury.
4. Maintain and care for all property of the Police Department.
5. Prepare and maintain all necessary records pertaining to the Police Department.
6. Provide assistance to the public in all matters of law enforcement
7. Liaison with the school department to ensure proper safety in the schools and on school grounds.
8. Coordinate the animal control and dispatch relationship with neighboring communities.
9. Coordinate the municipal street lighting program.
10. Perform all related functions as required.

## **Sec. 2-1-9. Public Works Department**

(a) Department Division. The Public Works Department, under the supervision of the Director of Public Works, shall consist of the divisions of Highway, Parks, Sewer, Refuse Disposal and Garage. Each division shall consist of such level of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Highway Division. The Highway Division shall perform the following functions:

1. Construct, maintain and repair all roads, bridges, and sidewalks, except where specific projects may be let to contractors.
2. Remove snow and distribute salt and sand on all highways, streets, bridges, municipal and school properties, and public ways.
3. Remove snow on sidewalks designated by the Director of Public Works.
4. Maintain and care for all property and equipment assigned to the Highway Department.
5. Issue all permits for street openings.
6. Perform all other related functions as required.

(c) Parks Division. The Parks Division shall perform the following functions:

1. Develop, maintain and care for all municipal parks, school grounds, municipal lots, and cemeteries.
2. Maintain and care for all property and equipment assigned to the Division.
3. Perform all other related functions as required.

(d) Sewer Division. The Sewer Division shall perform the following functions:

1. Repair, maintain and operate the Town sewer system and treatment facilities, except that part of the system maintained by the Portland Water District, and except where specific projects may be let out to contract.
2. Maintain and care for all property and equipment assigned to the Sewer Division.

3. Prepare and maintain all necessary records pertaining to the Sewer Division except sewer billing records.
  4. Perform all other related functions as required.
- (e) Refuse Disposal Division. The Refuse Disposal Division shall perform the following functions:
1. Operate, maintain and repair the Town Recycling Center and all other municipal refuse disposal and recycling facilities.
  2. Maintain and care for all property and equipment assigned to the Refuse Disposal Division.
  3. Perform all other functions as required.
- (f) Garage Division. The Garage Division shall perform the following functions:
1. Operate, maintain and repair the Town Garage and its facilities.
  2. Repair and maintain all the motorized Town vehicles and other public works equipment.
  3. Purchase stock and charge to the using department parts and accessories as required, in conformance with the purchasing procedure.
  4. Maintain and care for all property and equipment assigned to the Garage Division.
  5. Perform all other related functions as required.

(g) Tree Warden. The Tree Warden shall be appointed and may be removed by the Director of Public Works subject to approval by the Town Manager. The Tree Warden shall be charged with such duties and exercise such powers as shall be prescribed from time to time by statute, local ordinances and regulations.

## **Article II. Positions Not Part of Other Municipal Departments**

### **Sec. 2-2-1. Community Services Director.**

(a) Community Services Director. The Community Services Director shall be appointed by the School Board and shall be an employee of the School Department, which shall establish the salary and other terms of employment. The Superintendent of Schools shall consult the Town Manager on appointments and removals from this position.

- (b) Function. The Community Services Director shall perform the following functions:
1. Attend meetings of municipal department heads
  2. Perform such functions as the School Department may require.

**Sec. 2-2-2. Town Engineer.** The Town Engineer shall be appointed by, and may be removed by, the Town Manager and is charged with such powers as may be prescribed by statute, regulation and ordinance.

### **Sec. 2-2-3. Municipal Comptroller.**

(a) Municipal Comptroller. The Municipal Comptroller, who shall also serve as School Department Business Manager, shall be appointed by the School Board and shall be an employee of the School Department, which shall establish the salary and other terms of employment. The Superintendent of Schools shall consult the Town Manager on appointments and removals from this position.

- (b) Function. The Municipal Comptroller shall serve the following functions:
1. Coordination of the municipal/school computer system including planning of system enhancements, arrangement of personnel training, accounting control functions and system maintenance.
  2. Supervision of municipal/school accounting practices including the establishment of the chart of accounts, preparation of required financial reports to outside agencies, drafting of the annual financial statement and provision of assistance to the independent auditors.
  3. Attend meetings of Town Department Heads.
  4. Perform such functions as the School Department may require.
  5. Perform related functions as required.

**Sec. 2-2-4. Cable Television Coordinator.** The Cable Television Coordinator shall be appointed and removed by the Town Manager. The coordinator shall operate the Town's public access channel and bulletin board in conformance with guidelines approved by the Town Council and shall perform related functions as required.

**Sec. 2-2-5. Webmaster.** The Webmaster shall be appointed and removed by the Town Manager. The Webmaster shall maintain the municipal website in conformance with guidelines approved by the Cape Elizabeth Town Council and shall perform related functions as required.

**Sec. 2-2-6. Facilities Manager.** The Facilities Manager shall be appointed and removed by the Town Manager. The Town Manager shall consult the Superintendent of Schools on appointments and removals from this position. The Facilities Manager shall oversee building and energy related projects on municipal and school property. The Facilities Manager shall also maintain records on all municipal and school properties including records of energy use and work completed on buildings and shall perform related functions as required.

**Sec. 2-2-7. Museum Director.** The Director of the Museum at Portland Head Light shall be appointed and removed by the Town Manager, subject to the approval of the Board of Directors of the Museum at Portland Head Light. . The Museum Director shall provide for the curatorial direction and operation of the Museum at Portland Head Light, shall operate the gift shop at Portland Head Light and perform related functions as required.

### **Article III. Purchasing Procedure**

**Sec. 2-3-1 Purpose.** The primary purpose of this purchasing procedure is to ensure that the goods and services purchased by the Town are of the quality needed and are secured at the lowest possible price. A second objective is to purchase goods and services in a manner that all qualified vendors have an equal opportunity to do business with the Town.

#### **Sec. 2-3-2. General Provisions.**

(a) Department heads may purchase goods and services not to exceed \$5,000 without prior specific approval of the Town Manager provided funds are available in the budget line item. All purchases over \$250 shall be done with three price quotes which shall be kept in a log record within the department.

(b) Department heads may purchase goods and services of value between \$5,000 and \$10,000 with specific approval of the Town Manager provided funds are available in the budget line item. Department heads shall provide quotes to the Town Manager from at least three vendors or provide evidence of having sought three quotes.

(c) The Town Manager may purchase goods and services of value between \$10,000 and .05% of the last state valuation provided funds are available in the budget line item. All purchases shall be made with written sealed competitive bids concurrently opened in public.

(d) The Town Manager may purchase goods and services of value over .05% of the late state valuation only after the purchase has been specifically authorized by the Town Council.

(e) The Town Manager may make recurring purchases of professional services based on a competitive selection process and the competition shall be opened at least once every five years.

(f) The Town Manager may purchase on a recurring basis without competitive bidding goods and services from regional and statewide organizations serving local government and from other units of government. Such purchases shall be specifically disclosed as part of the annual budget process.

(g) The Town may participate in collaborative bidding with other entities including regional entities and may utilize prices given to the collaborative bid processes and the State of Maine though their competitive bids in lieu of obtaining bids independently.

(h) The Department Head, Town Manager, or Town Council, as applicable, shall accept the lowest best bid/quotation meeting specifications and may decide to accept or reject any or all bids. The Town Manager may waive any provision of the purchasing policy in times of emergency and if an insufficient number of bids or quotations are able to be obtained. This purchasing procedure shall not apply to goods purchased for resale. In determining the lowest best bid/quotation meeting specifications, the following shall be considered:

1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required,
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
6. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
7. The sufficiency of the financial resources and any required performance guarantees required to perform the contract or provide the service.
8. The ability of the bidder to provide future maintenance and service for the subject of the contract;
9. The number and scope of conditions attached to the bid or proposal;
10. The life cycle costs of all good or service to be provided;
11. In the event of a tie bid, quality and service being equal, preference may be given to a local vendor.

**Sec. 2-3-3. Sale of Equipment.** No Town equipment or property may be sold without authorization of the Town Manager except goods specifically purchased for resale. Any equipment or property with a value in excess of \$15,000 may be only be sold upon authorization

of the Town Council. Property in this instance is defined as “goods” and does not include real property and property interests which may be sold only with Town Council authorization.

#### **Article IV Improvements to Town Owned Land and Buildings**

**Sec. 2-4-1. Town to be the Applicant.** All projects on municipal and school property needing review or a permit shall be directly overseen by the Town Manager or a designee of the Town Manager. The Town manager shall be responsible for all permitting including local building permits, state and federal permits, and for coordinating presentation before all review agencies. Any private groups interested in a project may represent their own interest before any review board, but shall not be recognized as representing the Town.

**Sec. 2-4-2. Town Council to Review Plans.** Any project over \$50,000 in estimated costs and requiring a building permit shall not be submitted to any review agency without first being authorized by the Town Council. This shall not apply to drainage projects or to emergency repairs. The Town Council authorization shall include two separate authorizations. The first shall be for funding and project planning and design. The second authorization shall be for approval of the specific application/plans to be submitted.

**Sec. 2-4-3 Role for Community Groups and Individuals.** Some projects on municipal or school property may involve contributions of funds and/or in-kind services from groups or individuals. The Town Treasurer may not accept any gifts for projects without acceptance by the Town Council or unless the Town Council has authorized fund raising for the project. Persons and groups providing financial or in-kind support for a project may provide input into project planning, but the scope of any project must be approved by the Town Council. Any projects within school buildings involving community groups shall be subject to school department regulation.

**Sec. 2-4-4 Use of Municipal Resources.** Some projects on municipal and school property may be jointly funded by private groups and individuals and by the Town. The Town Council shall approve a cost sharing agreement for any joint project and no physical work may begin on a project or any construction contract signed unless funds are in place to complete the project or written cost sharing plan provides otherwise.