

ADMINISTRATIVE ORDINANCE OF THE TOWN OF NORTHPORT, MAINE

Be it enacted by the Inhabitants of the Town of Northport, Maine, as follows:

TITLE

This Ordinance shall be known as and may be cited as the "Administrative Ordinance of the Town of Northport, Maine," and will be referred to herein as the "Ordinance."

PURPOSE

The purpose of this ordinance is to provide the Town with the administrative capability necessary to function effectively and efficiently in accordance with state law and the Town's ordinances and comprehensive plan.

AUTHORITY

This Administration Ordinance is enacted by the authority of and pursuant to Title 30-A Maine Revised Statutes Annotated (M.R.S.A.) Chapter 141, Section 3001 et seq., and by the authority of any other enabling statutes, and all amendments thereto.

ARTICLE I: GRANT OF POWERS

Section 1.01 Powers of the Town

The Town of Northport shall have all the powers possible for a municipality to have under the Constitution and laws of Maine.

Section 1.02 Construction

The powers of the Town under this Administrative Ordinance shall be construed liberally in favor of the Town, and no mention of particular powers in the Administrative Ordinance shall be construed to be exclusive or as limiting in any way, the general power stated in this article or the general power of the Town pursuant to Home Rule Authority.

Section 1.03 Intergovernmental Relations

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or agencies thereof to the extent permitted by law.

ARTICLE 2: LEGISLATION

Section 2.01 Town Meeting

The legislative body for the Town shall be the Town Meeting.

A. Annual Town Meeting:

Annual Town Meeting shall be held during the month of June of each year for municipal elections of municipal officers and other municipal officials. Questions to be acted upon by

referendum (secret ballot) and the election of municipal officers and municipal officials shall be voted on the Saturday preceding the day of the floor vote for the Annual Town Meeting. At such time, a Moderator shall be nominated and elected by floor vote at the beginning of the Annual Town Meeting, and the Moderator shall continue to preside at the floor vote of the Annual Town Meeting. The Moderator may appoint a Deputy Moderator to preside at the Annual Town Meeting. As a legislative body of the Town, the Town Meeting shall have general authority for the enactment of ordinances and other legislation by the Town.

B. Special Town Meeting:

Town Meetings may be called by order of the Select Board or by citizen's petition, in accordance with the provisions of Title 30-A M.R.S.A. Section 2521, 2522, 2523 and 2524. At such time a Moderator shall be nominated and elected by floor vote. Town meetings held between Annual Town Meetings should be used when either there are numerous or time sensitive warrant articles to be considered or issues of importance for townspeople to address. By holding Town Meetings between Annual Town Meetings, the agenda of the Annual Town Meeting may be less protracted.

C. Record of Town Meeting:

The Select Board shall provide for keeping minutes of all Town Meetings. The minutes shall be a public record.

Section 2.02 Warrants for Town Meeting

Each Town Meeting shall be called by a warrant (M.R.S.A. Title 30-A, Sections 2521 and 2523).

A. Articles for the Warrant.

The Select Board, on its own initiative, may, by majority vote, place on the warrant any article relating to the welfare of the municipality.

B. Petitions for Articles in the Warrant.

Any qualified voter of the Town of Northport may request the Select Board to place an article in the warrant and shall present, in written form, the substance of the article. The written petition shall have a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten voters. The Select Board shall either insert a particular article in the next warrant issued or shall, within sixty (60) days, call a Special Town Meeting for its consideration.

Section 2.03 Ordinances

A. All ordinances shall be enacted by the legislative body, acting through a Town Meeting, except those ordinances, rules and regulations, that the Select Board can, by law, enact.

B. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven (7) days after adoption, unless otherwise specified therein.

Section 2.04 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that publication and notice of public hearing requirements may be omitted, providing the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the legislative body with or without amendment at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the next Annual or Special Town Meeting.

Section 2.05 Authentication and Recording of Ordinances

A. Authentication and Recording.

All ordinances and resolutions adopted by the Town or Select Board shall be authenticated by the signatures of the Select Board and the Town Clerk and recorded in full by the Town Clerk in a properly indexed book kept for that purpose. Such ordinances and resolutions shall be certified by the Town Clerk in accordance with Title 30A M.R.S.A. Section 3006.

B. Printing of Ordinances and Resolutions.

The Select Board shall cause each ordinance and resolution having the force and effect of law and each amendment to this Administrative Ordinance to be printed promptly following its adoption, and the printed ordinances, resolutions and Administrative Ordinance amendments shall be distributed or sold to the public at reasonable prices as fixed by the Select Board.

ARTICLE 3: SELECT BOARD

Section 3.01 General Powers and Duties

A. The Select Board shall provide for the performance of all duties and obligations imposed on the Town by law.

B. The Select Board shall have supervisory authority over the affairs of the Town.

C. The Select Board shall have the following enumerated powers in addition to those powers granted to the Board at an Annual or Special Town Meeting.

1. The Select Board shall have the authority to appoint, or to remove for cause after notice and hearing, non-elected municipal officials, and employees, pursuant to the provisions of Section 4.04 and Title 30-A M.R.S.A. §2601.

2. The Select Board shall, by majority vote, appoint or remove for cause all boards, committees, commissions and trustees with the exception of those deemed to be elected positions under Section 4.04 A and Title 30-A M.R.S.A. §2525 & 2601.
3. All appointments shall be made within thirty (30) days (to the extent practical) of the adjournment of the Annual Town Meeting, or when a special need arises.
4. The Select Board shall have the right to initiate ad hoc boards, committees or commissions, as they deem necessary for Town affairs.
5. The Select Board shall serve as Overseers of the Poor and Assessors of the Town. The Select Board may appoint as necessary an Assessor's Agent under contract or annual retainer.
6. The Select Board shall make temporary and full time appointments to paid and unpaid Town positions.
7. The Select Board shall review and evaluate applications for officials and other Town positions to insure capable and qualified candidates. Job openings except those positions filled internally shall be advertised in local publications and posted in the Town Office.
8. The Select Board shall develop and administer a complete and appropriate personnel policy for all year-round Town employees. (The Employee Policies and Procedures outlines more comprehensive responsibilities and duties of employees as well as disciplinary actions.)
9. The Select Board shall act as a personnel board, when necessary, to resolve personnel issues.

Section 3.02 Composition, Election and Terms

- A. **Composition.** The Select Board shall be composed of three (3) members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be at least 18 years of age, a U.S. Citizen, a resident of the State of Maine and a registered voter of Northport.
- B. The number of members on the Select Board may be changed by the legislative body of the Town.
- C. **Election.** The election of the Select Board shall be held, in the manner provided by law, on the Saturday preceding the Annual Town Meeting floor vote. At each annual municipal election Select Board members (Municipal Officers) shall be elected to fill the positions of those whose terms expire.

- D. Terms. Select Board members shall be elected to serve staggered three-year terms. See Section 4.04 (A) 2.a
- E. Nominations for election to the Select Board shall conform with the requirements set forth in Title 30-A Maine Revised Statutes, Section 2528 (4)

Section 3.03 Compensation; Expenses

A. Compensation. Annual compensation shall be paid to each Select Board member. Changes in the rate of compensation for the Select Board shall be established annually by article in the Town Warrant at the Annual Town Meeting. Members serving unexpired terms shall be paid on a pro-rata basis for time served.

B. Expenses. Board members shall receive their actual and authorized expenses incurred in the performance of their duties of office. In order to be reimbursed for actual expenses, Board members must provide itemized receipts of those expenses.

Section 3.04 Prohibitions and Limitations

A. Employment of Select Board members by Town.

No Select Board member, during his or her term of office, shall receive direct or indirect personal compensation for any goods or services provided or for employment with the Town unless such compensation for goods or services or employment is the result of a competitive bid proposal approved by the majority of the Select Board, excluding the Select Board member who would receive such compensation, in accordance with Title 30-A M.R.S.A., §2605.

B. Prohibited appointment.

No Select Board member, during the term for which that Select Board member has been elected and for one year thereafter, may be appointed to any municipal office of profit or employment position of the Town, which was created or the compensation of which was increased by the action of the Select Board member during that person's term. This section shall not be construed to prohibit actions allowed or required under state or federal law, municipal ordinance or municipal charter but the requirements of this subsection shall conform to the statutory requirements of Title 30-A M.R.S.A., §2605 (5) (B).

C. Limitations of Board Action.

The Select Board shall act as a unit settling all questions by formal vote in a duly noticed public meeting. Members must not act individually unless some duty has been delegated to a member by a majority vote of the Select Board. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Select Board meetings.

D. Teleconference.

Up to one Select Board member may attend a duly noticed Select Board meeting via telephone or video conference, so long as all communication is audible to the public and questions may be asked of the telephoning member to the same extent as those other Board members physically present. This is only to be used in unavoidable circumstances where schedules would not otherwise accommodate physical presence.

E. Acquisition and Disposition of Tax-Acquired Property.

The procedure for acquisition and/or disposition of tax acquired property shall follow the process outlined by the State of Maine.

F. Interference with Administration.

Except for the purpose of inquiries and investigations under Section 7.08, the Board or its members shall interact with Town officials and employees who are subject to the direction and supervision of the Select Board.

Section 3.05 Vacancies; Forfeiture of Office; Suspension; Filling of Vacancies

A. Vacancies.

The office of a Select Board member shall become vacant upon a Board member's non-acceptance, resignation, death, permanent disability, legal in-competency, and forfeiture of office or failure of the municipality to elect a person to the office.

B. Forfeiture of Office.

After holding a duly authorized hearing, a Select Board member shall forfeit that office for one or more of the actions listed below, with evidence of these actions included in the hearing record; or shall have the opportunity to maintain their position by satisfactorily explaining to the Select Board in the hearing that he or she did not in fact commit one of the following actions:

1. Lacks at any time during the term of office for which elected, any qualification for the office prescribed by this Administrative Ordinance or by law,
2. Intentionally violates any express material prohibition of this Administrative Ordinance,
3. Is convicted of a crime or offense which is reasonably related to his or her ability to serve as a Select Board member, or
4. Fails to attend three (3) consecutive regular meetings of the Board without having been excused by the Board.

2. In the event of an emergency meeting, notice shall be made in accordance with the general laws of the State of Maine, and notice shall be posted for such emergency meetings in two conspicuous places whenever practical.
3. All meetings of the Select Board shall be open to the public and the public shall have the opportunity to be heard. However, public access does not mean an unconditional right of public participation. The Board may recess for an executive session for any reason permitted under Title 1, M.R.S.A, §405.
4. The Chair, or Vice-chair in his or her absence, shall preside at meetings of the Board and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but he/she shall have no regular administrative duties.
5. The Chair shall exercise his or her vote in Town affairs as a regular member of the Board. The Chair or Vice-chair is also responsible for calling special meetings of the Board when such meetings are warranted.

C Rules and Record

The Select Board shall determine its own rules and order of business, allow for public comment within reasonable time limits, and shall provide for keeping a record of its proceedings. This record shall be a public record. Correspondence among Select Board members, including email messages, shall be copied and sent to the Town Office, available for public review.

D. Voting.

Voting, except on procedural motions, shall be by a show of hands for votes, and the votes of each member shall be recorded in the record if other than by unanimous vote. Two members of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of two Board members.

Section 3.09 General and Administrative Ordinances

A. Ordinances.

The Select Board may enact ordinances as authorized by M.R.S.A. Title 30-A, Chapter 141, §3008 and 3009.

B. Articles for the Annual Town Meeting Warrant.

The Select Board on their own initiative may by majority vote place on the warrant any article relating to the business or welfare of the municipality.

ARTICLE 4: ADMINISTRATIVE ORGANIZATION

Section 4.01 Municipal Policy

C. Suspension: If a Select Board Member is indicted, he/she may be suspended (with pay) at a duly authorized hearing by the Select Board until the matter is resolved by the judicial authorities.

D. Filling of Vacancies. If a seat in the Select Board becomes vacant more than five (5) months prior to the next Annual Town Meeting, the Select Board shall call a special election to fill the un-expired term. If such a vacancy occurs five (5) months or less prior to the next Annual Town Meeting, that seat shall be filled at that next Annual Town Meeting.

Section 3.06 Code of Conduct

Upon advance written notice to all Board members, and following a public hearing with ten (10) days advance notice to the public, the Board shall have the power to set additional standards of conduct for its members beyond those specified in the Administrative Ordinance and may provide for such penalties as it deems appropriate, including forfeiture of office. Decisions made by the Board under this section may be subject to judicial review.

Section 3.07 Recorder to the Board

The Select Board shall appoint an official or employee of the Town who shall have the title of Recorder to the Board. The Recorder to the Board shall keep the record of its proceedings and perform such other duties as are assigned by the Select Board. A record of attendance of Board members at all regular and special meetings shall be recorded by the Recorder. For all town meetings, the Clerk shall be the keeper of the record and he/she will take minutes and record the proceedings, pursuant to State Statute

Section 3.08 Meeting Procedure

A. Initial Meeting. The members of the newly constituted Board shall meet within two (2) weeks after the adjournment of the Annual Town Meeting and the Board shall organize to the extent possible as follows:

1. To be sworn to the faithful discharge of their duties by any person authorized by state law to administer oaths.
2. Elect a Board Chair, Vice-chair and Secretary.
3. To confirm and appoint Town Officials as necessary, within thirty (30) days (to the extent practical) of the adjournment of Annual Town Meeting.

B. Regular and Special Meetings

1. The Select Board shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings, shall meet regularly at least twice a month, and shall give appropriate legal notice thereof to the public. It shall also provide a method for calling a special meeting.

A. The Town of Northport is an equal opportunity employer and as such will pursue, in good faith, affirmative action programs.

B. It shall be the policy of the Town of Northport to appoint, assign, and promote personnel on the basis of merit and fitness without regard to race, color, religious creed, national origin, sex, sexual orientation, ancestry, age or physical handicap, or military status unless related to bona fide occupational qualifications.

C. All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination, evaluations(s) or other evidence of competence.

D. The Town of Northport shall prepare an affirmative action program for the Town in accordance with criteria established by state and federal law.

Section 4.02 Personnel Administration

A. Personnel Board

1. The Select Board, or its designee, shall develop and administer a complete and appropriate personnel policy for all year-round Town employees. They shall also act as a personnel board, when necessary, to resolve personnel problems occurring in the Town administration and keep complete minutes of personnel proceedings.
2. Non-elected municipal employees shall receive a written annual review by the Town Administrator, of their performance, which shall be used as a guide for changes in salary, promotion, demotion and dismissal.

Section 4.03 Legal and Professional Services

- A. Attorney – appointed annually by the Select Board
- B. Assessor’s Agent – appointed and contracted by the Select Board
- C. Auditing Company – contracted annually by the Select Board
- D. Ambulance Services – contracted by the Select Board
- E. Town Administrator – appointed and contracted by the Select Board

Section 4.04 Elected and Appointed Officials; Compensation

A. Elected Positions

1. The election of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by election until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting. Officials required by statute to be elected are Select Board, School Committee members, Road Commissioner, and Moderator.

2. The following elected positions shall be determined by secret ballot vote in conjunction with the Annual Town Meeting:
 - a. Select Board – Three (3) members for staggered three-year terms
 - b. School Committee Members – Three (3) members for staggered three (3) year terms beginning July 1st of each year.
 - c. Road Commissioner - One (1) position for a two-year term
 - d. Moderator - Serves only during a Town Meeting
3. Positions, other than Select Board, unfilled at the time of election or any vacancies occurring during a regular term may be filled by appointment until the next Annual Town Meeting at the discretion of the Select Board.

B. Appointed Positions

1. The Select Board shall, by majority vote, appoint all boards, committees, commissions and officials not elected. Such annual appointments shall be made within thirty (30) days (to the extent practical) after the Annual Town Meeting or when a special need arises, and shall be for one (1) year unless otherwise specified.
2. The appointment of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by appointment until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting.
3. The following positions shall be appointed:
 - a. Addressing Agent – term of one year
 - b. Animal Control Officer – term of one year
 - c. Assessor's Agent – term of one year
 - d. Attorney for the Town – term of one year
 - e. Code Enforcement Officer – term of one year
 - f. Comprehensive Plan Committee Members (as needed) – terms of one year
 - g. Deputy Animal Control Officer – term of one year
 - h. Deputy Code Enforcement Officer – term of one year
 - i. Deputy Licensed Plumbing Inspector – term of one year
 - j. Deputy Town Clerk – term of one year
 - k. Election (Ballot) Clerks – term of two years, appointed on even years
 - l. Emergency Management Director – term of one year
 - m. Excise Tax Collector – term of one year
 - n. Finance Director – term of one year

- o. Fire Chief – term of one year
- p. General Assistance Administrator- term of one year
- q. Harbor Master – term of two years effective November 15th
- r. Health Officer – three year term (Title 22 §451(4))
- s. Land Use Ordinance Committee Members (as needed) – terms of one year
- t. Planning Board Members – staggered terms of three years
- u. Plumbing Inspector – term of one year
- v. Registrar of Voters – term of two years, appointed on odd years
- w. Tax Collector – term of one year
- x. Town Clerk- term of one year
- y. Treasurer – term of one year
- z. Tree Warden – term of one year, as needed
- aa. Zoning Board of Appeals Members (ZBA) – staggered terms of three years

Other positions as may be required, will be appointed with terms of one year unless otherwise stated.

Section 4.05 Public Safety and Public Works

A. Fire Department

1. Fire prevention and firefighting services for the Town, shall be provided by the Northport Volunteer Fire Department, which is an independent corporation that sets its own policies.
2. The Fire Chief shall submit a proposed annual budget for approval to the Select Board for inclusion in the Annual Town Warrant.
3. The Fire Chief is recommended to the Select Board by the Fire Department, however, the appointment is made by the Select Board under Title 30-A M.R.S.A. §3153. Wages are set by the Fire Department and approved at Town Meeting.

B. First Responders

1. The First Responder Service Chief shall submit a proposed annual budget for approval to the Select Board for inclusion in the Annual Town Warrant.
2. The First Responders are a department of the Town of Northport.

C. Law Enforcement

1. Police protection and public safety for the Town, shall be provided by the Waldo County Sheriff's Office and the Maine State Police.

D. Public Works

1. Maintenance of the Town roads, ditches, culverts, and Town property shall be supervised by the Road Commissioner, as well as other requirements determined by the Town and/or Select Board.

a. Road commissioner – Elected for a term of two years

2. The Road Commissioner shall submit a proposed annual budget, and list of budget priorities, to the Select Board for approval and inclusion in the Annual Town Warrant.

3. Roads: Openings/Culverts/Damages:

Within this section, the words “way” and “road” may be used interchangeably. Any work requiring a town way or public easement, including the limits of the rights of way to be opened, shall require a permit from the Road Commissioner. (In the absence of the Road Commissioner, the Town Administrator may issue a permit.)

This also applies to the following

Town ways or public easements, or portions of said Town ways or public easements, as located within the area of the Northport Village Corporation:

Cross Street

Bayside Road

George Street

Shore Road

Broadway

Bay Street

Sea Street

Bluff Road

a. No road shall be opened within five (5) years of paving or reconstruction of that road. If a road is opened within five (5) years, the Town may require the permittee to relay the full width of the road surface on both sides of the cut for a distance of 20 feet from the furthest outside edge of the cut. (M.R.S.A. Title 23 §3351-A)

b. If it is determined by the Road Commissioner, that a road opening could not have been anticipated, and was of an emergency nature such as a broken underground pipe, the permit and fee may be waived. Whether an emergency, or non-emergency, the least invasive type of opening will be made.

c. The Permit fee shall include but not be limited to \$75.00 per sq.yd for paved surfaces disturbed, \$30.00 per sq.yd for disturbed unpaved shoulders, ditches etc., and \$25.00 for the Permit.

- d. The cost of purchasing and installing the initial driveway culvert(s) will be the responsibility of the property owner, with placement and culvert size approved by the Road Commissioner.
- e. Replacing or resetting a culvert(s) will be the responsibility of the Town if the Road Commissioner deems the replacement or resetting is necessary and the owner, or his/her agent, did not cause the condition necessitating the replacement or resetting of the culvert(s)
- f. All culvert(s) installations shall be in accordance with best practices specifications provided by the Road Commissioner, and shall have a minimum length of twenty-four(24) feet and a minimum diameter of twelve (12) inches. All culvert(s) lengths and diameters larger than the minimum shall be approved by The Road Commissioner.
- g. If more than one culvert is required, additional culverts shall be the responsibility of the property owner.
- h. Any damages caused to a town way or public easement due to vehicle and/or equipment passage over that road, shall be the responsibility of the owner and/or operator of such vehicle and/or equipment, or the person who hired the vehicle and/or equipment. The road may then be repaired by the Town to restore it to the condition it was in immediately prior to said damage. The owners and/or operators of such vehicle(s) which causes said damage shall reimburse the Town for said repairs within thirty (30) days from the date an invoice is sent from the Town to the responsible operator and/or owner. For logging, site clearing, building demolition or other multi-trip hauling projects, the Town may accept the posting of a bond in an amount and in a form acceptable to the Town, so long as said bond reasonably reflects the anticipated damage or deterioration that is estimated to reasonably reflect the likely damages to be caused to any town way or public easement by said multi-trip hauling project. In no event shall any person cause any repair or improvement to be made to any town way or public easement.
- i. Parking on town roads, within a town right of way or public easement during winter months is prohibited so that emergency personnel and plowing equipment may safely access all town roads.

Section 4.06 Boards, Committees and Commissions

A. Duties and Responsibilities of Members:

1. Regular members and alternates will attend as many meetings as possible and inform the Town Administrator, Selectmen or board/committee chair as soon as possible prior to any absence.
2. Members shall work with other departments, committees and municipal officials, in a courteous and collaborative manner.
3. All meetings shall be held in a public handicap accessible place, publicly announced or posted and open to the public to discuss and fulfill the board or committee's charge.
4. Draft minutes shall be submitted to the Town Office as soon as possible for distribution to the Select Board.
5. Land use committee members shall use the Comprehensive Plan as a guideline, keeping in mind that the Plan will continue to be revised and updated to project Northport's future.
6. Voting members shall elect annually a Chair, Vice Chair and Secretary for each board, committee or commission.
7. An alternate may participate in discussions but may vote only in the absence of a regular member.
8. Chair shall submit a written report of activities for the prior year to the Select Board to be included in the Annual Town Report.
9. Chair shall submit a proposed annual budget to the Select Board for approval and inclusion in the Annual Town Warrant if needed.
10. A board or committee member should excuse himself/herself from debate and voting if there is a conflict of interest or appearance of one and/or feels he/she is unable to make a fair and unbiased decision.
11. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

B. Standing or Regular Boards, Committees or Commissions

All members to boards, committees or commissions shall be registered voters of the Town of Northport.

1. **Planning Board** – shall under Home Rule Powers, review applications in accordance with the provisions of applicable town adopted ordinances and state law, and work in collaboration with the Land Use Committee to prepare amendments for zoning and other land use ordinances. The Planning Board shall adopt bylaws governing board functions, including rules and procedures for transaction of business. The bylaws, a record of its resolutions, transactions, correspondence, findings, and determinations, shall be kept at the Town Office. The Planning Board secretary may keep a copy of these materials as well. A majority of appointed members present and voting shall constitute a quorum. The Board shall consist of:

year terms who will be elected by the Northport legislative body and whose term will begin July 1st of each year.

5. The Select Board shall appoint ad hoc boards, committees and commissions as needed with terms of one year.

ARTICLE 5: FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

The fiscal year of the Town of Northport shall begin on July 1st and end June 30th of each year.

Section 5.02 Town Budget

A. The Town Budget shall provide a complete financial plan of all Town and Town Administration funds and activities for the ensuing fiscal year, and, except as required by this Administrative Ordinance, shall be in such form as the Select Board requires.

B. Budget Organization

The Select Board shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activities and object.

C. Budget Preparation

1. No later than the thirty (30) days before the Annual Town Meeting, the Select Board shall propose a budget for the ensuing fiscal year to be voted at Annual Town Meeting, and an accompanying message.

D. The Gross Town Budget shall show:

1. All estimated revenue that includes property taxes as well as non-property tax revenues and all proposed expenditures for current operations during the ensuing fiscal year in detail by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
2. Debt service, and proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practical, and the proposed methods of financing such expenditures.
3. Data arranged to show comparative budget figures for the estimated revenue and expenditures for the fiscal year in progress, the comparative actual revenue and expenditures for the most recently completed fiscal year, and the proposed revenue and expense budget for the ensuing fiscal year.

- a. Five (5) voting members with staggered 3-year terms appointed by the Select Board
 - b. Two (2) alternates appointed annually by the Select Board

- 2. **Zoning Board of Appeals** – shall have the power and authority set forth in Title 30-A M.R.S.A., Sections 2691 and 4353, as amended and in addition, any other powers or authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the Town. The ZBA Board shall adopt bylaws governing board functions, including rules and procedures for transaction of business. The Board secretary shall keep the bylaws, a record of its resolutions, transactions, correspondence, findings, and determinations, and provide a copy of the bylaws, records, and any revisions thereto, to the municipal clerk. A quorum shall constitute a majority of the Zoning Board of Appeals members. The ZBA Board shall consist of:
 - a. Five (5) voting members with staggered 3-year terms appointed by the Select Board
 - b. Two (2) alternates appointed annually by the Select Board

- 3. **Harbor Committee** – shall act as an advisory committee to the Select Board on matters related to the harbor and shall develop and write requests for state/federal grants of harbor related marine projects and shall consist of:
 - a. Five (5) voting members with 2-year terms, as set forth in the Harbor Ordinance
 - b. The Harbor Master shall be a nonvoting sixth member of the Committee, appointed by the Board. It is a two year term beginning November 15th of each year.

- 4. **Northport School Committee**
 - a. Shall have the power and authority set forth in Title 20-A §1251, §2305 and §2306, as well as provisions of the Northport Administrative Ordinance, adopted town ordinances and State law.
 - b. The School Committee shall adopt bylaws governing board functions, including rules, policies and procedures for conducting business.
 - c. The School Committee shall appoint a Chairman, Vice-Chairman and Secretary of the Board. The Board Secretary shall keep a record of its proceedings and a copy given to the Town Clerk.
 - d. A minimum of two (2) affirmative votes are required for binding legal action.
 - e. Notwithstanding any other portion of this Ordinance, the Northport School Committee shall consist of three (3) voting members with staggered three (3)

Section 5.03 Northport School Budget

1. The School Committee shall comply with the budget process and school budget requirements mandated by 20-A M.R.S.A. 2307 and 20-A M.R.S.A. Chapter 103-A.
2. The School Committee, with the Superintendent, shall prepare the school budget.
3. A budget approved by the School Committee shall go before the residents Northport legislative body for final approval.

Section 5.04 Preparation of Warrants

The Select Board shall determine the procedure for preparing warrants and writing corresponding checks for payment of Town expenses. No checks shall be signed until the warrants are approved and signed by the Select Board. The exception shall be those payments mandated by law and/or outlined in the Town of Northport policies, and requires a payment within a certain time frame, may be disbursed when the warrant is signed by a designated Selectman. These payments include the State of Maine, Treasurer of State and payroll checks.

Section 5.05 Payment of Town Taxes

- A. Northport property taxes shall be due in two (2) installments: the first payment within sixty (60) days of the tax commitment of each year and the second payment by March 1st of each year, however property taxes may be paid in full at any time.
- B. The Annual Town Meeting shall establish the amount of interest to be charged for delinquent tax payments.

Section 5.06 Budget Amendments After Adoption

A. Modification of Appropriations

If at any time during the fiscal year it appears probable to the Select Board that the revenues available will be insufficient to meet the amount appropriated, the Select Board shall then take any further action as it deems necessary to prevent any deficit including calling a Special Town Meeting.

B. Transfer of Appropriations

The Select Board may call a Town Meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one account to another.

Section 5.07 Lapse of Appropriations

- A. General fund appropriations, except appropriations for a capital expenditure, grant funds not completely expended for a project, and funds allotted for projects not completed by fiscal year end, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement, or

unless the Town legislative body has granted specific authority to continue in force an appropriation for other than a capital expenditure.

B. Lapsed funds shall be transferred to a Fund Balance Account.

C. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 5.08 Annual Post-Audit

The Select Board shall provide for an annual post-audit of the prior fiscal year municipal finances by an individual or firm.

Section 5.09 Administration of the Budget

The Select Board shall decide the procedures for administering the budget.

Section 5.10 Financial Public Records

A. Copies of the budget and the capital program as adopted by the Select Board, School Committee, shall be public record and shall be made available to the public during business hours.

B. Town Warrant – The Town Warrant shall contain the total budgeted revenues and expenditures for the previous year, together with (under each article requiring an appropriation) the recommendation for the ensuing fiscal year of the School Committee or Select Board (as appropriate).

Section 5.11 Bid Procedure

The bid process shall be followed when the scope of work, or services to be performed, may be in excess of \$5,000.00, except in those cases where the Board determines an emergency situation or it may be in the best fiscal interest of the town. The following guidelines shall be followed:

- a. A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up.
- b. The manner of which the bids are to be submitted, when they shall be due in the Town Office and when the bids are to be opened shall be clearly stated.
- c. Requests for bids shall be advertised in the local papers. Such advertisements shall include the statement that “the Select Board reserve the right to accept or reject any or all bids.”

Section 5.12 Tax Anticipation Borrowing Guidelines

In the event that the Town of Northport finds it necessary to borrow money in anticipation of taxes, the following guidelines are to be followed:

- a. Invitations to bid may be extended to three or more banks at the same time
- b. Invitations shall be dated and delivered to the invited banks on a timely basis prior to the bid opening and awarding of the bid
- c. Invitation to bid shall specify the maximum amount to be borrowed
- d. The method of borrowing shall be clearly defined; i.e., as needed or lump sum
- e. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay
- f. Invitation shall show estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump sum basis.)
- g. Invitation shall state the date, time and place bids are due, and shall indicate date the bids will be opened and awarded
- h. Invitation shall inform bidders of the Town's right to accept or reject any or all bids
- i. Bidder shall be asked to submit interest rates in multiples of one-hundredth (1/100) of one percent (1%)
- j. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365- day period

Section 5.13 Town Clerk's Fees

Pursuant to Title 30-A, Section 2652, any and all fees which would normally accrue to the Town Clerk shall accrue directly to the Town of Northport.

ARTICLE 6: ELECTIONS

Section 6.01 Town Elections

In conformity with State Law, elections shall conform with the requirements of Title 30-A, M.R.S.A., Section 25286 & 2528 as amended, and any other applicable statutes.

Section 6.02 Terms for Elected or Appointed Officials

A. The term of any elected official shall begin the day after the final day of adjournment of the Annual Town Meeting, except those positions whose terms are otherwise specified in this Ordinance or by State Statute.

B. The term of any appointed official shall begin no later than the second business day following the appointment of said official.

C. Any official shall serve for his or her prescribed term or until a successor is elected or appointed.

Section 6.03 Swearing in of Officials

The Town Clerk shall administer the oath and sign it as the notary for every Town Official. All Town Officials shall be sworn to the faithful discharge of the duties incumbent upon him or her according to the Constitution and laws of the State of Maine and the Administrative Ordinance and ordinances of the Town of Northport and shall be sworn to support the Constitution of the United States of America and the Constitution of the State of Maine.

Section 6.04 Elections

In the event that any election procedure is not expressly stated in this Administrative Ordinance, such election procedure shall conform to the requirements set forth in Title 30-A Maine Revised Statutes §252-6 & 2528, as that statute may from time to time be amended.

ARTICLE 7: GENERAL PROVISIONS

Section 7.01 Town Meeting

Town Meetings may be called by order of the Select Board or by citizen's petition, in accordance with the provisions of Title 30-A, M.R.S.A., Section 2521 (4). and Section 2.01 B of the Administrative Ordinance.

Section 7.02 Initiative and Referendum

The powers of initiative and referendum are hereby reserved to the voters of the Town of Northport.

A. Definition:

1. *Initiative* guarantees the right by which citizens can petition to place a warrant article before the electorate for vote.
2. *Referendum* is the actual secret ballot vote.

B. Procedure:

1. The details of procedure by which both of these rights are fulfilled are described in Title 30-A, M.R.S.A., Section 2522 for votes at open town meeting and Section 2528(5) for referendum, votes by secret ballot.
2. Nothing in this Administrative Ordinance shall be construed to diminish the rights granted by law.

Section 7.03 Conflicts of Interest

A. Conflicts of Interest -- The use of public office for private gain is prohibited. Regulations to this end shall include, but not be limited to the following:

1. Acting in an official capacity on matters in which the official has a private or financial interest clearly separate from that of the general public;
2. The acceptance of gifts and other things of value;
3. Acting in a private capacity on matters dealt with as a public official;
4. The use of confidential information for personal benefit or for matters not directly related to the purpose for which the confidential information was obtained;
5. Making appearances by Town Officials before other Town agencies on behalf of private interests; or exerting influence as a Town official over the activities or opinions of any other Town official or body so as to benefit one's own private interests. (This shall not prohibit any town official from appearing as an applicant for a permit, or from speaking his or her personal opinions as a citizen of Northport.)
6. Town Officials shall provide reasonable public disclosure of interest in any question, issue or contract with which they have decision-making authority over monetary expenditures and contractual matters. (Ref. M.R.S.A., Title 30-A, Section 2605)

Section 7.04 Prohibitions

A. Activities Prohibited

1. No appointed official or employee shall be removed from office or discharged without notice.
2. No person shall in any way be favored or discriminated against with respect to any Town position or appointive Town administrative office because of race, gender, age, handicap, country of origin, sexual preference, political or religious opinions or affiliations.

3. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test certification or appointment under the personnel provisions of this Administrative Ordinance or the rules and regulation made there-under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
4. No person shall directly or indirectly give, pay, render, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.
5. Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as he or she chooses, to express privately and publicly his or her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

B. Penalties – If any person elected, appointed or in the employ of the Town of Northport should be found to have violated any provision of Section 7.04 by the appointing body, he or she may be removed or reprimanded as deemed necessary by the appointing body, after notice and hearing.

Section 7.05 Recall

Any elected official may be recalled and removed by the voters of the Town of Northport as herein provided.

A. Procedure for Filing Petition.

1. Any registered Northport voter may submit an affidavit with the signatures of five (5) or more registered voters of the Town and file that affidavit with the Town Clerk in order to seek the removal of any elected official of the Town provided that such affidavit shall contain the following information:
 - a. The name and address of the five or more registered voters.
 - b. The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
 - c. The name and address of the elected official whose removal is sought.
 - d. A detailed statement of the reasons why the removal of that elected official is sought.
2. Upon receipt of the affidavit, in proper form, the Town Clerk shall thereupon within five (5) days deliver to the person submitting such affidavit, copies of petition blanks (printed forms of which shall be kept on hand for that purpose). Such blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal thereto attached; they shall be dated and addressed to the Select Board, shall contain the name of the persons to whom issued, the number

of blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

3. The recall petition, to be effective, must be returned and filed with the Town Clerk within thirty (30) calendar days after the filing of the affidavit.
4. The petition, upon being returned and filed, shall contain the signatures of no less than twenty (20) percent of the voters of the municipality voting in the last gubernatorial election.
5. The petition, to be valid, must also contain the following information:
 - a. The name and address of the elected official whose removal is sought by the petition
 - b. The name and address of the five registered voters who commenced the circulation of the petition
 - c. A detailed statement of the reason why the removal from office is sought by the petitioners

B. Signatures to Petitions.

1. The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that the circulator, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator's presence and is to the best of the circulator's knowledge and belief the genuine signature of the person whose name it purports to be.
2. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

C. Filing, Examination and Certification of Recall Petitions.

1. All petition papers comprising a recall petition shall be assembled and filed with the Town Clerk as one instrument.
2. Within ten (10) working days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.

3. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds.
4. If the Town Clerk's certificate shows the petition to be insufficient, the Town Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) day after the giving of the notice of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition.
5. The Town Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no timely amendment was made, the Town Clerk shall file the petition in the Town Clerk's office and shall notify each of the persons, designated thereon as filing it, of that fact.
6. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the Town Clerk shall certify the result thereof to the Select Board at its next regular meeting. If the Town Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

D. Calling of Recall Election.

1. If the petition or amended petition shall be certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with the certificate to the Select Board at its next meeting and shall notify the member or members whose removal is sought of such action.
2. The Select Board shall at such meeting order an election to be held not less than forty-five (45) nor more than sixty (60) days after the Select Board meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

E. Form of Ballot in Recall Election.

1. Unless the member or members whose removal is sought shall have resigned before the receipt by the Select Board of the Town Clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall "A" be recalled? Shall "B" be recalled?" etc., (the name of the member or members whose recall is sought being inserted in place of "A", "B", etc.)
2. In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided

however that the total number of votes cast on the particular recall question equal or exceed 40% of the votes cast in the last gubernatorial election.

3. Any such vacancy shall be filled in accordance with the provision of this Administrative Ordinance related to vacancies on the Select Board as outlined in Section 3.05 D.

F. Procedure on Refusal Of Select Board.

1. In the event the Select Board fails or refuses to order a recall election, pursuant to the provisions set forth in this Section 7.05 , then such election may be ordered by any Justice of the Superior Court, upon complaint to the Superior Court by any registered voter of the Town of Northport, such complaint shall be filed pursuant to Rule 80-B of the Maine Rules of Civil Procedure and in accordance with the time limits for filing of such complaint set forth in Rule 80-B.

Section 7.06 Bonds

The Select Board shall require a bond by a reputable surety company, or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody or disbursement of any monies of the Town. The Town, however, shall pay the costs of providing such bonds.

Section 7.07 Investigations

The Select Board, or authorized committees, or commissions of its own members, or of citizens appointed by the Select Board may make investigation into the affairs of the Town and the conduct of any Town department, office, official, employee or agency.

Section 7.08 Severability

If any provision of this Administrative Ordinance is held invalid, the other provisions of the Administrative Ordinance shall not be affected thereby. If an application of the Administrative Ordinance or any of its provisions to any person or circumstance is held invalid, the application of the Administrative Ordinance and its provisions to other persons or circumstances shall not be affected thereby.

Section 7.09 Statutory References

All references to statutes incorporating statutory language are intended to incorporate the language of that statute, as it existed as of the date of adoption of this Administrative Ordinance, and any amendments thereto.

ARTICLE 8: ADMINISTRATIVE ORDINANCE AMENDMENTS

Section 8.01 Administrative Ordinance Amendments

Amendments to the Administrative Ordinance, which may be appropriate due to changed circumstances, may be initiated either by the municipal officers, or by the legislative body of the Town of Northport. Amendments to this Ordinance shall become effective immediately unless otherwise specified. Procedures are outlined in Title 30-A M.R.S.A. Chapter 141, Section 3001 et seq.

ARTICLE 9: TRANSITIONAL PROVISIONS

Section 9.01 Effective Date

After adoption of this Administrative Ordinance by the voters, this Administrative Ordinance shall become effective on February 1, 2004, which is the first day of the next succeeding municipal year; provided, however, that this Administrative Ordinance shall become effective immediately for the purposes of conducting any elections required by this Administrative Ordinance. Amendments to this Ordinance shall become effective immediately unless otherwise specified.

Section 9.02 Committees, Boards & Commissions

All members serving on Committees, Boards or Commissions at the effective date of this Administrative Ordinance shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Section 9.03 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Administrative Ordinance.

Section 9.04 Officials, Employees, and Board Members

A. Continuance of Office or Employment

1. Except as specifically provided by this section, if at the time this Administrative Ordinance takes full effect a Town Official or employee holds any office or position which is abolished by or under this Administrative Ordinance, he/she shall continue in such office or position until the taking effect of some specific provision under this Administrative Ordinance directing that he/she vacate the office or position or until his or her term of office expires or is terminated.
2. All established boards and committees not inconsistent with this Administrative Ordinance shall continue in effect until changed by action of the Select Board, and the incumbent members shall serve their appointed terms or until replaced.

Section 9.05 Departments, Offices, and Agencies

A. Transfer of Powers

1. If a department, office or agency is abolished by or under this Administrative Ordinance, the powers and duties given it by law shall be transferred to the Town department, office or agency designated in this Administrative Ordinance, or if the Administrative Ordinance makes no provision, designated by the Select Board.

B. Property and Records

1. All property, records and equipment of any department, office or agency existing when this Administrative Ordinance is adopted shall be transferred to the department, office or agency assuming its powers and duties; but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Select Board in accordance with this Administrative Ordinance.

Section 9.06 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Administrative Ordinance and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Administrative Ordinance,

Section 9.07 State and Municipal Laws

All Town ordinances, resolutions, orders and regulations which are in force when this Administrative Ordinance becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Administrative Ordinance or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officials or employees which are in force when this Administrative Ordinance becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Administrative Ordinance or of ordinances or resolutions adopted pursuant thereto.

GLOSSARY

Assessor: An expert certified by the State of Maine to calculate property values.

Assessor's Agent: An Assessor certified by the State of Maine and appointed or contracted by the Select Board

Boards: Decision-making or administrative bodies of the Town, such as Select Board, Planning Board, and Zoning Board of Appeals.

Capital Expenditure Program: Investment in long-term or permanent assets.

Comprehensive Plan: A community development plan for the continuing development of the municipality. The plan includes maps, charts, and textual matter. The basic comprehensive plan has the following elements: a statement of objectives; a plan for land use; a plan for community facilities and utilities; and a map indicating the relationship of the proposed developments to areas in the municipality. The comprehensive plan includes the data and information as set forth in Title 30-A M.R.S.A. §4326.

Ensuing Year: The fiscal year subsequent to the current fiscal year.

Fiscal Year: The year with reference to accounting for finances and financial matters.

Legislative Body: Registered voters of the Town.

Moderator: The presiding official at a Town Meeting.

M.R.S.A.: Maine Revised Statutes Annotated.

Municipality: Town of Northport.

Municipal Officers: Select Board Members

Municipal Official: Any elected or appointed member of municipal government

Municipal Year: Town's fiscal year.

Overseers of the Poor: Select Board acting as Overseers of the Poor.

Petition: Document with sufficient signatures by statute that requires submission of an issue to the voters of the Town.

Qualified Voter: Any person qualified and registered to vote under law in the Town of Northport

Quorum: A minimum number of members to constitute a legal body to conduct business.

Resident: A person whose primary residence or domicile is within the Town of Northport.

Secret Ballot: A secret ballot within the meaning of Title 30-A M.R.S.A. 2528.

Staggered Terms: Terms of office, which are arranged so that such terms shall expire in different years; the purpose of staggered terms being continuity of office.

Surety: A guarantee of performance, payment or other obligation.

Town: Town of Northport.

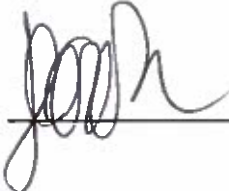
Town Employee, year-round: A person hired by the Town of Northport, who is compensated for their work, and whose position is year-round, not seasonal.

Warrant(Meeting): A document stating the time and place of the meeting and, in distinct articles, the business to be acted on at the meeting.

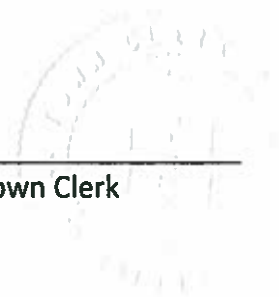
Adopted: May 5, 2005
Revised/Approved: June 3, 2013
Revised/Approved: June 1, 2015




Selectman



Town Clerk





Selectman



Selectman

1947

1948

1949

1950

1951



Handwritten signature or initials.

Handwritten signature or text.