

## Chapter 2 ADMINISTRATION

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**ARTICLE 1. TOWN COMMITTEES\***

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\***State law reference(s)**--Town school committee, 30 M.S.R.A., § 2055.  
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**Sec. 2-1. Terms.**

(a) Committees appointed by the council shall serve until their successors are appointed by the town council.

(b) Any member serving on a committee where an expiration date has not been determined by the council or the Charter shall serve for a term of three (3) years.

(Ord. No. 26-1972, § 1, 9-11-72)

**ARTICLE 2. PARKS AND RECREATION DEPARTMENT\***

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\***Cross reference(s)**--Use of municipally-owned public property, § 7A-16 et seq.

**State law reference(s)**--Power of town to have park system, 30 M.S.R.A., § 3801 et seq.  
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**Sec. 2-2. Parks and recreation department; functions.**

(a) A department of parks and recreation shall be established for the town.

(b) The functions of this department shall be:

- (1) To formulate and implement plans relative to the development, maintenance, and improvement of playgrounds, parks, and/or other recreational areas; and
- (2) To formulate and implement recreational programs.

(Ord. No. 11-12-73)

**Sec. 2-3. Director; appointment; duties.**

(a) A director, appointed by the town manager and confirmed by the council, shall administer the department of parks and recreation. In his administration of this department, the director shall be responsible to the town manager in all matters. The position of the director of parks and recreation shall be a part-time position.

(b) The director shall:

- (1) Prepare the department budget, giving consideration to the recommendations of the board of parks and recreation;

- (2) Administer the financial matters of the department;
- (3) Formulate and carry out recreational programs for the benefit of the town's citizens;
- (4) Cooperate with other departments and agencies;
- (5) Supervise the maintenance and improvement of all recreational lands and facilities within the town;
- (6) Formulate, with the advice of the board of parks and recreation, long-range plans for programs and facilities relating to recreational needs of the citizens of the town;
- (7) Make periodic reports, as requested by the town manager, on the operation of the department;
- (8) Keep necessary records as directed by the town manager for the management and administration of his department; and
- (9) Act as secretary to the board of parks and recreation, attending meetings as a nonvoting member.

(Ord. of 11-12-73; Ord. No. 6-1978, 7-10-78)

**Sec. 2-4. Conservation commission recommendations.**

The director shall seek the advice and recommendations of the conservation commission relative to landscaping, trees, plants, land soils, wildlife, and other pertinent ecological considerations, in the planning, development, and maintenance of lands or waters being used for recreational purposes.

(Ord. of 11-12-73)

**State law reference(s)**--Establishment of conservation commission, 30 M.R.S.A., § 3851 et seq.

**Sec. 2-5. Board of parks and recreation; membership; term; vacancies.**

- (a) The board of parks and recreation shall consist of five (5) members to be appointed by the town council. The terms of such board members shall be staggered, one (1) member being appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years, and thereafter the term of each new member shall be three (3) years.
- (b) Vacancies occurring prior to the expiration of a term shall be filled by the council for the period of time necessary to complete the unexpired term.

(Ord. of 11-12-73; Ord. No. 18-1978, 12-11-78)

**Sec. 2-6. Board; officers; by-laws; procedures; minutes; annual report.**

The board shall elect officers, adopt its own by-laws and standard operational procedures. The board shall keep minutes of all meetings. Copies of minutes will be distributed to the members of the council. The board shall make an annual report to the council.

(Ord. 11-12-73)

**Sec. 2-7. Board; duties.**

(a) The duties of the board of parks and recreation shall be to:

- (1) Advise the director of the parks and recreation department as to the operation of recreational programs;
- (2) Formulate long range plans for lands and physical facilities deemed desirable for the recreational benefit of the citizens of the town;
- (3) Determine new programs needed by the town, and report these to the director for consideration; and
- (4) Aid the director in the preparation of the department's budget.

(Ord. 11-12-73)

**Sec. 2-8. Expenditure of funds.**

All funds appropriated for the department of parks and recreation shall be expended as provided by town policies, under supervision of the town treasurer.

(Ord. 11-12-73)

**Sec. 2-9. Equipment, usage.**

Equipment of any kind purchased or donated to the department of parks and recreation shall remain the property of the town. Use of this equipment by other departments is allowed with reimbursement on a pro-rated basis as established by town fiscal policies.

(Ord. 11-12-73)

**Sec. 2-10. Enforcement of article; personnel policies.**

Enforcement of this article shall be the duty of the town manager, who shall follow the general policy of the town. Personnel employed by the department of parks and recreation shall be subject to the general employment policies as adopted by the council. (Ord. 11-12-73)

**ARTICLE 3. PLANNING BOARD**

**Sec. 2-11. Planning board; establishment.**

A planning board shall be established for the town.

(Ord. 33-1973, Art. 1, § 1, 12-10-73)

**Sec. 2-12. Advisory status; submission of regulations to council.**

- (a) The planning board shall be an advisory board established for the purpose of advising the council on all matters pertaining to land subdivision, zoning ordinances, zoning adjustments, comprehensive planning, and any other planning duties that the council may specifically delegate to the planning board.
- (b) All regulations pertaining to subdivisions promulgated by the planning board shall be submitted to the council for approval prior to implementation.

(Ord. 33-1973, Art. 1, § 2, 12-10-73)

**Sec. 2-13. Board; appointment; composition; residency; term; vacancies.**

- (a) Appointments to the board shall be made by the council. The board shall consist of five (5) members and two (2) associate members. An associate member shall have voting privileges only in the absence of a regular member and authorized to vote by the chairman of the planning board.
- (b) All members shall be qualified voters residing in the town.
- (c) The term of each member and associate shall be for five (5) years in staggered terms.
- (d) The Council shall fill any vacancy by appointment to fill the unexpired term.

(Ord. 33-1973, Art. 1, §§ 3, 4, 5, 12-10-73)

**State law reference(s)**--Related state law, 30 M.R.S.A., § 4952.

**Sec. 2-14. Notice of de facto vacancy.**

A notice of de facto vacancy due to absence of a member or an associate, of forty (40) per cent of the regular board meetings in twelve (12) consecutive months may be referred to the council after a majority vote of the planning board at a regular meeting.

(Ord. 33-1973, Art. 1, § 6, 12-10-73)

**Sec. 2-15. Meetings; place; special.**

The planning board shall establish by board resolution a regular place and time for holding its regular meetings. The meetings shall be at least once a month. The board shall also provide a method for calling special meetings. All meetings of the board shall be open to the public.

(Ord. 33-1973, Art. 2, § 1, 12-10-73)

**State law reference(s)**--Related state law, 30 M.R.S.A., § 4952.

**Sec. 2-16. Quorum; notice of meeting.**

The majority of the planning board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least eight (8) hours notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

(Ord. 33-1973, Art. 2, § 2, 12-10-73)

**Sec. 2-17. Board officers.**

The planning board shall annually select a chairman, vice-chairman, and secretary.

(Ord. 33-1973, Art. 2, § 3, 12-10-73)

**Sec. 2-18. Procedures.**

The board shall adopt procedures for conducting its business.

(Ord. 33-1973, Art. 2, § 4, 12-10-73)

**Sec. 2-19. Minutes as record.**

The planning board shall maintain, as a permanent record, the minutes of its meetings and proceedings at public hearings. A copy of the minutes of all meetings and proceedings shall be forwarded to the council.

(Ord. 33-1973, Art. 2, § 5, 12-10-73)

**Sec. 2-20. Annual report.**

The planning board shall advise the council annually of its planned activities for the coming year along with applicable recommendations.

(Ord. 33-1973, Art. 2, § 6, 12-10-73)

**ARTICLE 4. PUBLIC CEMETERIES\***

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\*State law reference(s)--State law regarding cemeteries generally, 13 M.R.S.A., §§ 71, 901 et seq., 1031 et seq.  
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**Sec. 2-21. Board of trustees; designation.**

A board of trustees shall be appointed by the council to be in charge of the administration of all public cemeteries located within the town limits. The trustees to be referred to as the "trustees of Winslow's public cemeteries" or, in this Code, as the "trustees".

(Ord. 24-1972, § I, 10-11-72)

**Sec. 2-22. Appointments; qualifications.**

- (a) The trustee shall be elected and appointed by the council and shall possess the following qualifications:
  - (1) A resident of the town;
  - (2) A tax-payer of the town;
  - (3) A registered voter in the town; and,
  - (4) A person of good moral character and reputation.

(Ord. 24-1972, § II, 10-11-72)

**Sec. 2-23. Number of trustees; terms; vacancies.**

- (a) The council shall set the number of trustees at three (3). The trustees terms of office shall run for six (6) years, such terms to be staggered.
- (b) The trustee shall remain in office unless the office is vacated due to a valid and just reason, or unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- (c) All periods of office shall begin at the time of confirmation. A trustee may be reappointed to serve another term at the wish of the council.

(Ord. 24-1972, § III, 10-11-72)

**Sec. 2-24. Trustees' authority; superintendent; duties; operation.**

- (a) The trustees shall have the full authority to establish all rules and regulations for all public cemeteries in the town. Before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply

with the laws of the state.

- (b) The trustees shall act through their chairman who will be the town public cemeteries superintendent who will be responsible for all administrative details. The trustees shall delegate to the superintendent the authority to supervise all burials, interment and disinterment, as allowed under the laws of the state. A record will be maintained at all times. This record shall be given to the board of trustees upon their request.
- (c) The trustees will receive all funds and other money, pay all accounts payable, and maintain the record of the funds through the superintendent of the public cemeteries.
- (d) The town clerk shall be responsible for the preservation of the records, which will be submitted to the council annually.
- (e) The trustees shall submit an annual report to the council. This report, after acceptance by the council, shall be included in the annual town report.
- (f) The trustees are authorized to sell burial lots, issue deeds for the sale, in the name of the town. The trustees shall maintain the record of all transactions.
- (g) The superintendent shall have full supervision, maintenance, and care of the public cemeteries and will be answerable to the trustees for all of his actions and deeds.

(Ord. 24-1972, § IV, 10-11-72)

**Sec. 2-25. Cemetery funds; gifts, monies, and other consideration.**

- (a) All gifts, monies, and other consideration received or tended to the town in trust or with special stipulation for the benefit of the town public cemeteries shall be subject to the acceptance of the trustees. Such considerations shall be kept in a separate fund known as the "perpetual care fund". These funds shall be invested at the discretion of the trustees with the approval of the town treasurer.
- (b) All gifts, monies and other consideration received or tended to the town without any specifications intent shall be placed in the cemetery fund. The money received from the sale of lots shall also be placed in the cemetery fund. The cemetery fund may be expended by the trustees for development and maintenance of cemeteries. The cemetery funds and records shall be audited yearly by the town auditor.

(Ord. 24-1972, § V, 10-11-72)

**ARTICLE 5. MUNICIPAL LIBRARY CODE**

Mission Statement:

Winslow Public Library exists to provide all members of the community with diverse materials which communicate experience and ideas from one person to another. Its function is to assemble, preserve and make freely available, materials in a variety of formats that will assist them to

educate themselves continuously as well as meet their informational, cultural, recreational and community needs. The Library will serve as a repository for historically significant materials relating to Winslow, and as a community gathering place. To fulfill this purpose, Winslow Public Library endeavors to maintain a carefully selected collection of permanent value, as well as one which meets current interests and technological advances.

## **Board of Trustees:**

### **2-26: Establishment**

The Town of Winslow hereby establishes the Winslow Public Library Board of Trustees.

### **2-27: Purpose**

The purpose of the Winslow Public Library Board of Trustees is to represent the citizens of the town as the governing board of the library.

### **2-28: Appointments, Term Renewal, Vacancy**

- a. The Board shall consist of six elected members. All members shall be residents of the town.
- b. The term of office shall be three years on a staggered basis. All terms shall start January 1st.
- c. In the event of the resignation of any trustee, or death, inability to serve, or absence with unacceptable reasons from three regular consecutive meetings, the seat shall be declared vacant. The Town Council may appoint a member to finish any unexpired terms that might remain.

### **2-29: Meetings**

- a. Regular meetings shall be held monthly except in July and August.
- b. Notice of the Trustees' regular meeting and agenda shall be sent to each trustee well in advance of each meeting, and shall be posted in full public view on the library's bulletin board for a reasonable time prior to the meeting, and should be posted in a local newspaper.
- c. Special meetings shall be called by the President or upon written request of at least two members or the Library Director.
- d. The meeting held in January of each year may be known as the annual meeting. The purpose of this meeting shall be the election of officers, namely the President, Vice President and Secretary, and to conduct other business that may need to come before the Board, after the election of officers.

- e. After review, copies of the budget must be submitted by the Library Director to the Town Manager for submission to the Town Council.
- f. A quorum is achieved with one half of the Library Board of Trustees' membership plus one.
- g. All meetings are open to the public. Executive sessions may be held in accordance with the Maine Revised Statutes Annotated, but all votes must be in public.

### **2-30: Officers**

- a. The trustees shall consist of the following officers: President, Vice President and Secretary, who shall be elected at the 1st regular meeting in January to serve for one year or until a successor shall be elected and qualified.
- b. The House Committee and the Material Selection Committee shall be selected from amongst the trustees.

### **2-31: Duties of Officers**

The duties of the officers shall be as follows:

- a. The President shall preside at all the meetings of the trustees, appoint all committees, represent the trustees at appropriate public affairs, and shall maintain the dignity and efficiency of the trustees in all possible ways.
- b. The Vice President shall act in the official capacity of the Board of Trustees in the absence of the President.
- c. The Secretary shall keep a record of the proceedings of the trustees, shall read all official communications to the trustees, write correspondence as directed, keep on file all important letters and replies thereto.

### **2-32: Elections**

- a. All officers shall be elected by nominations made from the floor at the 1st regular meeting in January. Elections shall be the first order of business at said meeting.
- b. The 1st meeting will be opened by the outgoing president, who will pass the gavel to the secretary for the purpose of conducting the elections. Upon completion of elections, the new presiding president will continue the meeting.
- c. No elections shall be held unless a quorum is present.

### **2-33: Gifts and Donations**

The trustees shall have the authority to accept gifts and donations which are to be deposited with the Town Treasurer contingent upon approval by the Town Council.

### **2-34: Library Board of Trustees**

- a. It shall be the duty of each trustee of the board to take an active part in the direction of the library's programs and to act in whatever capacity may be needed to represent the community's interest.
- b. Any trustee is privileged to make an inspection of the library and equipment at any time and to bring a report before the Board.
- c. It is the duty of the trustees to determine the library's mission and to ensure that its purpose is being fulfilled.
- d. To work with professional staff as partners.
- e. To participate actively in the meetings of the Board of Trustees.
- f. To determine the operating policies, programs of the library and material selection policies.
- g. To make it a point to discuss the work of the library with citizens and community groups. Get reaction from the public relations program and solicit volunteers to assist at the library.
- h. To be acquainted with the tax resources of the community and secure adequate funds for the library program, including Capital Improvements.
- i. To be familiar with the recommended standards for public libraries in the following areas: buildings, grounds, collections and programs.
- j. Trustees shall familiarize themselves with Robert's Rules of Order and Parliamentary Law. Meetings shall be conducted and policies enacted within this framework.
- k. To develop long-range goals and advise the Town Council of all possible avenues of Federal and State grant and aid programs pertaining to the library.
- l. To report regularly to the Town Manager, Town Council and the general public.
- m. Trustees shall recommend to the Town Manager, a person or persons to be Library Director when a vacancy occurs.

(Ord. No. 2-1999, 6-14-99)

## **ARTICLE 6: SENIOR CITIZENS ASSOCIATION**

**Sec. 2-35. Association board created; duties.**

A board of directors shall be appointed by the town to be in charge of the administration, supervision, and activities of the senior citizens association for all senior citizens within the town.

(Ord. 35-1974, § 1, 5-13-74)

**Sec. 2-36. Senior citizen defined.**

In this article, "senior citizen" shall mean each and every person of any nationality, race or creed who has attained the age of fifty-five (55) years or older and is a resident of the town.

(Ord. 35-1974, § 2, 5-13-74)

**Sec. 2-37. Board; appointment; qualifications.**

The directors shall be appointed by the council. The directors shall be residents of the town and shall be of good moral character and reputation.

(Ord. 35-1974, § 3, 5-13-74)

**Sec. 2-38. Number of directors; terms; vacancies.**

- (a) The number of directors of the senior citizens association shall be set at five (5).
- (b) Their term of office shall be three (3) years and such terms shall be staggered.
- (c) The directors shall remain in office unless the office is vacated due to a valid and just reason, unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- (d) All periods of office shall begin at the time of appointment. A director may be re-appointed to serve another term at the option of the council.

(Ord. 35-1974, § 4, 5-13-74)

**Sec. 2-39. Directors' authority; duties; records.**

- (a) The directors shall have the full authority to establish all rules and regulations for the senior citizens association. However, before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.
- (b) The directors shall be the general supervisors of the senior citizens association, and will be responsible for all administrative details. The directors will attend to all purchases in behalf of the senior citizens association.
- (c) The town treasurer shall supervise payments and the maintenance of the necessary record

books. The records shall be retained in the town office.

(Ord. 35-1974, § 5, 5-13-74)

**Sec. 2-40. Senior citizens association fund; gifts, monies, and other consideration.**

- (a) All gifts, monies, and other consideration received or tended the town in trust or with special stipulation for the benefit of the senior citizens association shall be subject to acceptance by the board of directors. Such considerations shall be kept in a separate fund known as the Winslow senior citizens association fund. This fund shall be used or invested at the discretion of the directors, with the approval of the town treasurer. Any interest or gains received from any investment will remain the proceeds of the senior citizens association. The "prudent man rule" shall prevail at all times on investments.
- (b) All gifts, monies, and other consideration received or tended to the association without any specifications intent shall be placed in the Winslow senior citizens association fund. The senior citizens association fund may be expended by the directors with the approval of the town treasurer for any and all future developments and other authorized purposes of the senior citizens association.

(Ord. 35-1974, § 6, 5-13-74)

**Sec. 2-41. Directors; compensation.**

The board of directors shall receive no compensation for services rendered.

(Ord. 35-1974, § 7, 5-13-74)

**Sec. 2-42. Grants; approval required.**

- (a) The senior citizens association is authorized, through the town treasurer, to apply for and receive federal, state, and/or private funds in grant form.
- (b) Any project which exceeds one thousand dollars (\$1,000.00) shall have the approval of the council.

(Ord. 35-1974, § 8, 5-13-74)

**ARTICLE 7. ENGINEERING SECTION**

**Sec. 2-43. Established.**

An engineering, technical assistance and planning section is established within the administration department of the Town of Winslow. It will be staffed by a full-time civil engineer who has graduated from a four-year college with a degree in civil engineering or has the equivalence of six (6) years of acceptable experience. The general duties and functions of the engineering section will be directed and supervised by the town manager.

## **ARTICLE 8. POLICE**

### **2-44. Full Time Police Officers**

The full time police officers who have met the requirements of 25 MRSA §2804-C be authorized to perform any of the acts described in 17-A MRSA §15 while the police officers are outside the limits of the Town of Winslow if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest. (Ord. No. 3-1999, 12-13-99; Ord. No. 3-2004, 7-12-04)

## **ARTICLE 9. EMERGENCY MANAGEMENT**

### **Sec. 2-45. Title:**

This ordinance shall be known and may be cited and referred to as the "EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF WINSLOW". Authorized under Title 37-B M.R.S.A., Section 782

### **Sec. 2-46. Definition:**

Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery, and mitigation) and for liaison with Kennebec County Emergency Management Agency. This position was formerly called the Civil Defense Director.

### **Sec. 2-47. Establishment:**

The Town of Winslow Office of Emergency Management (OEM) and the position of Emergency Management Director of the Town of Winslow are hereby created. The Town Manager of the Town of Winslow may appoint additional OEM staff members as needed.

### **Sec. 2-48. Appointment:**

The Town Manager of the Town of Winslow shall appoint the Fire Chief as the EMD and may appoint the Police Chief as Deputy EMD.

### **Sec. 2-49. Oath of the Emergency Management Director:**

Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-AM.R.S.A., section 2526.

### **Sec. 2-50. Duties of the Emergency Management Director:**

The EMD shall:

- a. Prepare and update a Hazard Risk and Vulnerability Assessment.
- b. Prepare and maintain the Town of Winslow Emergency Operations Plan.
- c. Organize, activate and operate the Town of Winslow, Emergency Operation Center (EOC).
- d. Prepare and maintain a list of disaster resources.
- e. Develop procedures for the operation of the Town of Winslow (EOC).
- f. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Town Manager.
- g. Provide Emergency Management training to Town Officials, planners, and responders.
- h. Develop and implement a Disaster Exercise program.
- i. Attend County Local Emergency Planning Committee (L.E.P.C.) meetings.
- j. Provide Disaster Preparedness information to town residents.
- k. Complete and report Damage Assessments to Kennebec County E.M.A.
- l. Complete and submit applications for FEMA disaster funds and grants.

**Sec. 2-51. Membership of the Emergency Operations Center:**

When directed by the EMD or Deputy EMD the EOC will be established and manned. In the absence of the EMD or Deputy EMD the Town Manager, chairperson of the Town Council or a designated Council Member may activate the EOC. The following town officials may be included on the EOC staff:

- a. Town Manager
- b. Town Council
- c. Town Clerk and Treasurer
- d. Code Enforcement Officer
- e. Police Department Officials
- f. Public Works Officials
- g. Fire Department Officials
- h. School Department Officials
- i. Animal Control Officer
- j. Scribe, and or a recorder

**Sec. 2-52. Establishment of the National Incident Management System. (N.I.M.S.)**

The Town of Winslow hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and Municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Town of Winslow emergency and disaster responders for incident management.

**Sec. 2-53. Training:**

The EMD or Deputy EMD may take necessary training as provided by Kennebec County Emergency Management, Maine Emergency Management, and FEMA.  
(Ord. No. 4-2006, 1-8-07)

**Article 10. PERSONNEL**

**Sec. 2-54. Personnel rules and regulations adopted.**

There is hereby adopted by reference the personnel rules and regulations, job descriptions, and pay scale schedule for town employee positions of the Town of Winslow as enacted by Ordinance No. 5-1978, adopted August 14, 1978, as if fully set out herein.

<b>Ord. No.</b>	<b>Date</b>	<b>Ord. No.</b>	<b>Date</b>
1-1979	9-10-79	5-1990	9-10-90
2-1980	3-10-80	1-1998	7-13-98
2-1982	8- 9-82	4-2001	7-9-01
2-1983	4-11-83	8-2001	10-15-01
1-1986	4-14-86	5-2003	12-8-03
6-1987	6-29-87		
3-1988	4-11-88		
8-1988	1-9-89		

2-1989	3-13-89		

A complete copy of the Personnel Policy can be found in Appendix A.

**ARTICLE 11. GENERAL ASSISTANCE**

**Sec. 2-55. Adoption of rules and regulations.**

The General Assistance rules and regulations as prepared by the Maine Municipal Association and adopted by the Town of Winslow with Ord. No. 7-1983, adopted November 14, 1983, in compliance with state law, are hereby adopted by reference as if set forth in full herein.

<b>Ord. No.</b>	<b>Date</b>	<b>Ord. No.</b>	<b>Date</b>
1-1985	1-13-86	8-2005	11-14-05
1-1988	2- 8-88	1-2007	2-12-07
7-1989	1- 8-90	14-2007	11-13-07
4-1991	11- 4-91		
1-1992	2-10-92		
3-1992	7-13-92		
6-1993	10-4-93		
2-1998	12-14-98		
2-2001	5-14-01		
9-2001	12-10-01		

4-2002	11-12-02		
4-2003	11-10-03		

A complete Administration of General Assistance can be found in Appendix A.

**ARTICLE 12. Addressing**

**Sec. 2-56. Purpose.**

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Winslow.

**Sec. 2-57. Authority.**

This ordinance is adopted pursuant to the consistent with Municipal Home Rule Powers as provided for in article VIII, Part 2, Section 1 of the Constitution of the State of Maine and title 30-A M.R.S.A. Section 3001.

**Sec. 2-58. Administration.**

This ordinance shall be administered by the CEO who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The CEO shall also be responsible for maintaining the following official records of this ordinance:

- a. A town map for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

**Sec. 2-59. Naming System.**

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Winslow shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- b. No two roads shall have similar sounding names (e.g., Beech Street and Peach Street).
- c. Each road shall have the same name throughout its entire length.

### **Sec. 2-60. Numbering System.**

Numbers shall be assigned along both sides of the road to fit the lot width in the zoning district in which they occur, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin from Clinton Avenue. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- d. Condos and apartments will have the complex name and one property number followed by an apartment number, such as 235 Maple Street, Apt 2 or Fontaine Oaks, 135 Halifax Street, Unit 1A.

### **Sec. 2-61. Compliance.**

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure. Where the structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
- b. Number at Street Line. Where the structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on the post, fence, wall, the mail box, or on some structure at the street property line adjacent to the walk or access drive to the numbered structure.
- c. Size and Color of Number, Numbers shall be minimum 6 inches high and be of the contrasting color to background.
- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in

conformance with this ordinance.

- e. Interior Location. All residence and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

**Sec. 2-62. New Development and Subdivisions.**

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the CEO. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the planning Board. Approval by the planning Board after consultation with the CEO shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every 50 feet so as to aid in the assignment or numbers to structures subsequently constructed.

**Sec. 2-63. Effective Date.**

This ordinance shall become effective as of July 1, 2003. It shall be in the duty of the CEO to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

**Sec. 2-64. Enforcement.**

The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any legal and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this Chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this Chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

- a. The Code Enforcement Officer shall be given access to real estate in the Town at reasonable hours as necessary for the enforcement of this Chapter.
- b. Any person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this Chapter shall be guilty of a civil violation and upon conviction thereof, shall be fined not less the \$50.00 nor more than \$1000.00. Each day such violation continues shall constitute a separate offense.

(Ord. No. 1-1996, 3-11-96; Ord. 2-2003, 5-12-03)

## ARTICLE 13. WINSLOW BOARD OF ASSESSMENT REVIEW

### Sec. 2-65 Authority of Board

1. The Winslow Board of Assessment Review (hereinafter "Board") receives its authority to review and grant tax abatements pursuant to State law (36 M.R.S.A., Section 843 (1-A), (2), and 844-N) and is hereby created and empowered by the Winslow Town Council for such purpose under Title 36 M.R.S.A., Section 471-A. If the majority of the Board determines that a taxpayer has been over-assessed, the Board shall grant such reasonable abatement as the Board thinks proper.

### Sec. 2-66. Organization of Board

1. ESTABLISHMENT OF BOARD. The Board shall consist of five members appointed by the Town Council for staggered terms of three years, except that the initial terms shall be two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year, with each position being appointed for three (3) years thereafter. Any vacancy shall be filled by appointment of the Town Council for the unexpired term. The staggered terms of office for each initial Board member shall be determined by rule of the Board.
2. BOARD QUALIFICATIONS. Board members shall be appointed upon the basis of their knowledge of taxation and property values. Each Board member shall be a resident of the Town at the time of his/her appointment and must continue as a resident during his/her term to continue to qualify as a Board member. If a Board member terminates his/her residence in the Town, his/her position shall become vacant.
3. CHAIRMAN/SECRETARY. The Board shall annually choose a Chair and a Secretary from its membership.
4. BOARD OFFICIAL DUTIES-. The members of the Board, in carrying out their official duties, shall act in a quasi-judicial capacity, acting fairly, independently, and impartially. The Board's findings of fact and determinations of each case shall be based only upon evidence presented to the Board in its public proceedings which shall become the record in the case. Generally, the record shall consist of the application for abatement, the Assessor's and taxpayer's evidence presented before the Board, exhibits offered, *any* stipulations of the parties, and, if the Board desires, an inspection of the property.

### Sec. 2-67. Procedure

1. MEETING/QUORUM. The Chair shall call all meetings of the Board as required. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least three members. The Chair shall preside at all meetings of the Board and be the official spokesperson of the Board. When not inconsistent with applicable State law, Town ordinance or Board rules, Robert's Rules of Order shall guide the Board's

procedures and deliberations; however, the Chair may waive any rule upon good cause shown. The Board shall give ample notice of all meetings and its meetings shall be open to the public.

2. **BOARD RECORDS.** The activities of the Board and its records are governed by the Maine Right to Know Law (1 M.R.S.A., Section 401, et seq.) The Secretary to the Board shall maintain a permanent file of all documents submitted and correspondence of the Board as part of the various proceedings which may be brought before the Board. All Board records and recording tapes-are deemed public, shall be-maintained at the Assessor's Office for a reasonable amount of time, and may be inspected or listened to at reasonable times pursuant to Town procedures. Anyone desiring a copy of any record or transcript of the tapes of the Board's meetings shall pay in advance the cost of duplication or transcription pursuant to Town procedures.
3. **CONFLICT OF INTEREST.** Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the other members present and voting.
4. **APPLICATION.** To initiate an abatement appeal the applicant must have filed a timely written application to the Town Assessor, must have received a written denial from him/her, or otherwise the expiration of 60 *days* from the date the application for abatement was received by the Assessor must have expired if no written denial was given (unless the applicant and the Assessor shall have consented in writing to further delay) whereby the application to the Assessor is deemed denied, and the applicant must then file a written appeal to this Board within 60 days thereafter. Appeal forms shall be available in the Assessor's office, which forms shall provide the name and address of the appealing party, a description of the property involved, the amount assessed by the Assessor, and the amount the applicant requests as the proper assessment to be and the reasons therefore. The application to this Board shall be filed with the Assessor who shall present the same to the Board, and the Board shall schedule a hearing on the appeal within a reasonable time.
5. **EVIDENCE.** The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence and witnesses, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The Board may continue any hearing to obtain additional information or clarification of the facts or legal issues involved; provided, however, that once scheduled, a hearing may not be continued except for good cause or as fairness requires as determined by the Board.
6. **VIEW OF THE PROPERTY.** If a majority of the Board deems it necessary, the Board may view or inspect the property in issue. At any inspection of the property, the Taxpayer and the Assessor (and legal counsel, if any) shall have the right to be present. No evidence or testimony shall be offered at the inspection, but both parties may nevertheless call to the attention of the Board those characteristics of the

property which they wish the Board to observe but without further comment. A summary of the inspection shall be made by the Board on the record at the next scheduled meeting of the Board, and either party may at that time offer his/her own summary of the inspection for the record.

7. INFIRMITY OR POVERTY OF TAXPAYER. The Board is without the power to grant abatements to those who, by reason of infirmity or poverty, are unable to pay property taxes assessed, and therefore evidence of the applicant's financial, difficulties or inability to pay taxes on time *is* irrelevant.
- a) OTHER RULES. The Board shall make such other reasonable rules of procedure from time-to-time as it deems advisable.

### **Sec. 2-68. Decision and Further Appeal**

1. TIME OF DECISION. The Board may render a written decision on all applications within sixty (60) days from the date the application is filed, unless the applicant and the Board agree in writing to further delay. If the Board renders a written notice of decision, it shall mail or hand-deliver such to all parties within ten (10) days of the Board's decision. If the Board should fail to give written notice of its decision within sixty (60) days, the application shall be deemed denied as if there had been a written denial and the applicant may appeal to Superior Court under Title 36 M.R.S.A., Section 843(2); or under 36 M.R.S.A., Section 843(1-A) for non-residential property with an equalized valuation of one million dollars (\$1,000,000) or greater, an intermediate tax abatement appeal may be taken to the State Board of Property Tax Review prior to an appeal to the courts.

The Board may close the hearing after all evidence has been submitted and continue its deliberations until the next meeting of the Board. All deliberations of the Board on all appeals shall be held in public at its meetings.

If the Board chooses to render a written decision, the Board shall issue it to the Taxpayer with a copy to the Assessor and the Town Manager. The written decision shall set forth the Board's findings of facts and reason or reasons for its decision which are sufficient to apprise the applicant, the Town, and any interested member of the public of the basis of the decision.

(Added 7-12-76) (Amended Ord. No. 2-1996, 7-8-1996)

