

## CHAPTER 2

### ADMINISTRATION

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## CHAPTER 2

### ADMINISTRATION

#### Article 1. Administrative Code

##### Section 2-01. City Manager

(A) The City Manager shall be the Chief Executive and Administrative Officer of City Government. He shall enforce the laws of the City and require faithful performance of all administrative duties and shall be responsible to Council for the administration of all City affairs placed under his charge.

(B) In the exercise of his administrative authority, the City Manager shall have those powers and shall perform those duties set forth in Section 302 of the Charter of the City of Bath and shall further have responsibilities over personnel in accordance with Section 402 of the Charter of the City of Bath and with respect to the City of Bath budget as prescribed in Chapter VI of the Charter of the City of Bath.

(C) In order to carry out his administrative duties, the City Manager shall have the following specifically listed authorities. This list of authorities is not meant to be limiting with regard to the powers of the Manager in any way but merely illustrative of the types of authorities available to him.

1. Prescribe Rules. The Manager shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies or departments subject to his authority, and he shall have the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.

2. Investigate. The Manager shall have the power either by himself or by any officer or person designated for that purpose by him, to investigate and to examine or inquire into the affairs of any department, division, bureau or office. He shall have the power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.

3. Override Officials. The Manager shall have the power to set aside any action taken by a department head and may supersede him in the functions of that department head's office.

4. Delegate Duties. The Manager shall have the power to direct any department, division or bureau to perform work for any other department, division or bureau.

5. Appear Before Council. The Manager shall have the power to appear before, and address Council at any meeting or workshop.

## Section 2-02. Governmental Organization

The governmental organization of the City shall be divided into the following departments:

1. Executive Department City Manager
  - Division of Purchasing
  - Division of Personnel
2. Finance Department Finance Director
  - Division of Collections  
and Treasury
  - Division of Administration
3. Records Department City Clerk
4. Assessment Department City Assessor
5. Codes Department Codes Enforcement Officer
  - Division of Building Codes/  
Inspection
  - Division of Health
  - Division of Plumbing,  
Sewer and Electrical
6. General Assistance Department General Assistance  
Administrator
7. Wastewater Treatment Plant  
Department Superintendent Wastewater  
Treatment plant
8. Public Works Department Public Works Director
  - Division of Streets and  
Sidewalks
  - Division of Storm water and Sewers
  - Division of Solid Waste
  - Division of Forestry
9. Cemeteries and Parks Department Director of Cemeteries, Parks and  
Recreation
10. Recreation Department Director of Cemeteries, Parks and  
Recreation

11. Planning and Community Development Department	Planning and Community Development Director
12. Fire Department	Fire Chief
13. Police Department	Police Chief
14. Department of Education	Superintendent of Schools

**Section 2-03. Executive Department.**

(A) General Duties. The Executive Department shall be responsible for conducting all executive activities on behalf of the City, including all personnel functions and all purchasing functions in accordance with Chapters XII and VII of the Code of the City of Bath.

(B) Executive Director. The City Manager shall serve as the head of the Executive Department. It shall be his duty to attend to all executive aspects of City Government, including but not limited to, purchase and sale of City property and administration of personnel for all City Departments. In this connection, the City Manager shall perform all other duties required by City Charter, City Ordinances, State Law, or as may from time to time be requested of him by the City Council.

(C) Division of Purchasing. It shall be the function of the Division of Purchasing to administer the purchase and sale of City property in accordance with Chapter VII of the Code of the City of Bath. The City Manager shall be the purchasing agent for the City.

(D) Division of Personnel. It shall be the function of the Division of Personnel to administer all personnel matters on behalf of the City of Bath in accordance with Chapter XII of the Code of the City of Bath, the City Charter, other applicable City Ordinances, State Law or as may from time to time be requested of him by the City Council. The City Manager shall serve as Director of Personnel for the City.

**Section 2-04. Finance Department.**

(A) General Duties. The Finance Department shall be responsible for conducting all financial transactions on behalf of the City and for all accounting and record keeping in connection with those transfers; this shall include the collection of monies due to the City of Bath, payment of all financial obligations of the City, investment of City funds where appropriate, conducting City bonding activities, borrowing and all other financial activities authorized by the City Charter, State Law or Ordinance.

(B) Finance Director. The Finance Director shall act as the head of the Finance Department and it shall be his duty to attend to all financial aspects of City Government, and to supervise all financial activities, subject to the direction of the City Manager. The Finance Director shall specifically be responsible for the duties of Municipal Tax Collector and the duties of Municipal Treasurer; and he shall perform all other duties required by City Charter, City Ordinances, State Law or as may, from time to time, be requested of him by the City Manager and/or City Council.

(C) Division of Collections and Treasury. It shall be the function of the Division of Collections and Treasury, under the direction of the Finance Director and subject to the supervision of the City Manager, as follows:

1. Tax Collection. To collect and account for all taxes in the manner authorized, as required by law.
2. Other Collection. To collect all other monies whether in the form of grants, user fees, interest on investments, proceeds of bonds, or borrowing, State or Federal funds or any other funds whatsoever due and owing to the City and to account for same.
3. Certification and Payment of Proposed Expenditures and Monies. To obtain the appropriate certification where necessary of the City Manager, Department Head or other Municipal Official, for all expenditures whether in the form of bills, invoices, payrolls or other evidences of claims, demands or charges against the City Government; to determine, with legal advice where necessary and appropriate, the regularity, legality and correctness of such claims, demands or charges; and to determine that there is an unencumbered balance of appropriation in the cost center before making any particular expenditure.
4. Accounts and Supervision of Monies. To keep all general accounts of City Government and of the respective departments, officers, boards, commissions and institutions thereof including dedicated revenue accounts, special purpose accounts, bond or borrowing proceeds, or any other monies whatsoever; and to have accounting control over all expenditures and payments to ensure that the cost center budget appropriations are not exceeded.

(D) Division of Administration.

1. Conduct Collections and Payments. To conduct all activities necessary and appropriate to see to the collection of all monies due and owing the City from whatever source and for making such expenditures as are necessary and appropriate and in accordance with budgetary requirements; to provide staff and staff support for these activities.
2. Financial Reports. To make all necessary financial reports on a regular basis in such form as is approved by the City Council and City Manager indicating the financial condition of the City of Bath.
3. Fiscal Year Report. To prepare for the City Manager and City Council as of the end of each fiscal year, a complete financial statement and report.
4. Fiscal Assistance. To provide fiscal assistance to all officers of the City regarding the proper management of the fiscal concerns of their respective offices; in connection with this assistance, to examine the books of each department from time to time and where appropriate to make recommendations with regard to proper form or procedure.
5. Annual Audits. To provide for an annual audit of all offices and departments of the City of Bath, said audit to be by an independent, outside auditing firm or agency.

6. Examination and Certification of Financial Contracts and Documents. To examine and approve documents by which the City Government incurs financial obligation, having previously ascertained that monies have been appropriated and allotted, and will be available when the obligation shall become due and payable.

7. Custodian of Financial Documents. To maintain custody of official bonds of the City, and all other contracts, notes, debts, choses in action, and any other documents which concern the finances of the City of Bath.

8. Other duties. To perform all other duties required by City Charter, City Ordinances, State Law or as may, from time to time, be requested by the City Manager and/or City Council.

### **Section 2-05. Records Department.**

(A) General Duties. The Records Department shall be responsible for the maintenance of all records, documents, writings or any other form of action or record with regard to the operation of City Government or in connection with any action taken by City Government, with the exception of those financial documents which are the province of the Finance Department.

(B) City Clerk. The head of the Records Department shall be the City Clerk. It shall be the Clerk's general duty, through the Clerk or the Clerk's designee(s), to safely keep all records required in the conduct of City business, to preserve those records and to reproduce them as is necessary and appropriate. The Clerk shall also be responsible for the conduct of business in the Clerk's Office and for those employees involved in such activities.

(C) Department Responsibilities. The Records Department shall have the following responsibilities:

1. Council Records, Clerk of Council. To be responsible for the recording, filing, indexing, safe keeping and reproduction of all proceedings of the Bath City Council; the City Clerk, or the Clerk's designee(s), shall serve as Clerk of the Council in order to perform these duties, and the Clerk shall perform such other duties of a like nature as may be required by the City Council.

2. Record Ordinances. To record in full, uniformly and permanently, all ordinances duly passed by the City Council of the City of Bath and to authenticate same.

3. Public Council Action. To publish as required by Charter or by Council action all ordinances and resolutions of the Council, and all other legal notices as required by law or ordinance.

4. Election Records. To keep and maintain all election records and have custody of all property used in connection with elections.

5. Vital Statistics. To prepare, attest and report on, such vital statistics of the City of Bath as are required by law or ordinance.

6. Notice of Expiration of Term. To notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, said notice to be given at least thirty (30) days before such expiration.

7. Official Seal. To be the custodian of the official seal of the City of Bath.

8. Other Records. To keep and maintain and when necessary reproduce all other records or documents of whatever kind and nature as may be deemed necessary and appropriate for the conduct of Governmental business, as determined by the City Council, or as may be required by law or ordinance.

9. Other Duties. To perform all other duties as may be required by City Charter, City Ordinance, State Law or as may, from time to time, be requested by the City Manager or the City Council.

### **Section 2-06. Assessment Department.**

(A) General Duties. The Assessment Department shall be responsible for the assessment of all properties and the computation of all data necessary and appropriate to such assessment, together with the production of all records, notices, assessment reports, tax rolls, commitments, reports, information and other documentation as may be required or appropriate.

(B) Assessor. The Assessor shall act as the head of the Assessment Department and shall be appointed and serve in accordance with Section 403 of the Charter of the City of Bath. It shall be his duty to attend to all assessment requirements and to supervise all assessment activities and shall perform all other duties required by City Charter, City Ordinances, State Law (Title 36, M.R.S.A.) or as may, from time to time, be requested of him by the City Manager and/or City Council.

(C) Department Responsibilities. The Assessment Department shall have the following responsibilities:

1. Assessment. To conduct the assessment of property in or relating to the City of Bath as required by law; to meet, in conducting such assessment activities, minimum assessment ratios and minimum assessment ratings as required by 36 M.R.S.A. Section 327.

2. Records. To maintain accurately and in sufficient detail all records necessary and appropriate to the assessment of properties in or relating to the City of Bath and to provide opportunity for the public to review such records on a reasonable basis; to keep and maintain and when necessary reproduce all other records or documents of whatever kind and nature as may be deemed necessary and appropriate for assessment purposes as determined by the City Council or as may be required by Law or Ordinance.

3. Official Reports and Documents. To develop and establish official documents such as the City of Bath annual tax commitment, tax rolls, listings of City owned property, exempt property, City of Bath tax maps, and other official records as are required by City Ordinance or State Law.

4. Other Duties. To perform all other duties as may be required by City Charter, City Ordinance, State Law or as may, from time to time, be requested by the City Manager and/or City Council.

## **Section 2-07. Codes Department.**

(A) General Duties. The Codes Department shall be responsible for the administration of all Land Use, Building and Housing Codes and related Police Power Ordinances and regulations enacted by the City of Bath or imposed by State Law.

(B) Codes Enforcement Officer. The Head of the Codes Department shall be the Codes Enforcement Officer. It shall be the Codes Enforcement Officer's general duty, personally or through a designee(s), to administer all Land Use Development, Housing, Building or related Codes, Regulations or State requirements and to conduct inspections as reasonably necessary and appropriate to ensure compliance with applicable Codes, Laws or Regulations; he shall be responsible for all record keeping, receipt and processing of applications and the maintaining of permanent records; the Codes Enforcement Officer shall also be responsible for enforcement of all Codes under his jurisdiction, and shall perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council.

(C) Division of Building Codes/Inspection. The Division of Buildings Codes/Inspection shall have the following responsibilities:

1. Administration. To administer the City of Bath Land Use Code including the Flood Hazard Provisions, as well as City Housing Building Codes, Fire Prevention Code and Sign Ordinance, and such other Codes and Provisions as have been or may be adopted relating to building activities or occupancy; and to administer all applicable State Laws, Rules or Regulations.

2. Applications. To receive applications for building activity or other development required by any above captioned Codes; to determine whether applications meet Code requirements and to render decisions thereon, or where appropriate, to refer the application to the appropriate City Board for further determination and to maintain all records regarding to applications and decisions thereon as rendered by this Department.

3. Inspections. To conduct inspections whether in response to inquiries or complaints, at the Inspector's initiative, or in accordance with a program of systematic inspection and enforcement, or as otherwise may be deemed necessary and appropriate, to assure compliance with applicable Codes, Regulations and Law; to maintain records of such inspection, to provide notices of violations where same are found to the owner of record of the property, and to maintain such other records of inspection and inspection reports as are necessary and appropriate.

4. Public Assistance. To provide assistance to the public in applying for permits and complying with permit and Codes requirements and to prepare and disseminate educational and explanatory information related to such requirements.

5. Ordinance and Regulation Revision. To review and make recommendations on Amendments or changes to applicable Ordinances and procedures.

(D) Division of Health. The Division of Health shall have the following responsibilities:

1. Health Officer. The Codes Enforcement Officer, or his designee(s), shall serve as the Health Officer for the City of Bath.

2. Administration. To be responsible for the administration of all health related portions of City Codes or applicable State Law or Regulation.

3. Enforcement. To enforce all health provisions of City Codes, State Law or Regulations; to conduct such inspections whether in response to inquiries or complaints or at the Inspector's initiative, or according to a program of systematic inspection and enforcement, to assure compliance with all health-related Code, regulatory or legal provisions or State Law Provisions; to issue notices of violations where necessary and appropriate and to refer violations for corrective action, and/or the imposition of penalty, as permitted under City Ordinance, State Law or Regulation.

(E) Division of Plumbing, Sewers and Electrical. The Division of plumbing, Sewers and Electrical shall have the following responsibilities:

1. Administration. To administer all Codes Provisions, State Laws and Regulations referring to plumbing, sewer or electrical work or installation within the City of Bath.

2. Other Duties. To perform such other duties, in relation to Plumbing, Sewer and Electrical Code Regulations and State Law, as are set forth with respect to Building Codes in Sections D (1) through (5) above.

## **Section 2-08. General Assistance Department.**

(A) General Duties. The General Assistance Department shall be responsible for administering the City of Bath General Assistance Programs and for the maintenance of all records, documents, writings or any other form of action taken in regard to General Assistance.

(B) General Assistance Administrator. The head of the General Assistance Department shall be the General Assistance Administrator. The General Assistance Administrator shall be responsible, through the Administrator or designee(s), to administer all aspects of public assistance for the City of Bath and to maintain all records as required or appropriate in the rendering of such public assistance, and shall perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may **from** time to time **be** requested by the City Manager and/or City Council.

(C) Department Responsibilities. The General Assistance Department shall have the following responsibilities:

1. Administration. To administer, in accordance with the General Assistance Ordinance of the City of Bath, and applicable State Law, Rules, and Regulations, the General Assistance Program of the City of Bath.

2. Applications. To provide applications and appropriate forms for public assistance clients to apply for public assistance; to assist where appropriate in the completion of those applications.
3. Information. To conduct interviews in private with the applicant and to garner information from such other sources as is permitted under Welfare Rules and Regulations, to determine the eligibility of each applicant for public assistance and the level of that eligibility.
4. Decision and Reports. To render in each case a written report of acceptance or denial of public assistance, and to maintain such other reports, writings and documents as are necessary and appropriate for the administration of Public Assistance in the City of Bath and to comply with reporting requirements of City of Bath General Assistance Ordinance, applicable State Regulations, Rules and Laws.

## **Section 2-09. Wastewater Treatment Plant Department.**

(A) General Duties. The Wastewater Treatment plant Department shall be responsible for the operation and maintenance of the City of Bath Wastewater Treatment plant Facility and for all pumping stations associated therewith and for the maintenance of all necessary and appropriate records, documents or writings in connection with the operations and maintenance of the Facility.

(B) Superintendent of the Wastewater Treatment plant. The head of the wastewater Treatment Plant Department shall be the Superintendent of the Wastewater Treatment plant. It shall be the Superintendent's duty, through the Superintendent or designee(s), to perform all activities necessary and appropriate to the proper functioning and maintenance of the City of Bath Wastewater Treatment Plant Facility, and associated pumping stations, in accordance with sound operating procedure and applicable State Law, Regulations and Licensing Requirements, and to perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council.

(C) Department Responsibilities. The Wastewater Treatment Plant Department shall have the following responsibilities:

1. Operation. To operate the Bath Wastewater Treatment plant Facility together with pumping stations and all other installations associated with the Plant in a proper and effective manner in accordance with applicable Rules and Regulations.
2. Reports. To maintain such records and information as is necessary and appropriate and to render such reports as are required by law and for the proper operation and maintenance of the Facility.

## **Section 2-10. Public Works Department**

(A) General Duties. The Public Works Department shall be responsible for conducting all matters relating to construction, management, maintenance and operation of the physical properties of the City, with the exception of those properties designated to be under the control of the Recreation Department and School properties. This shall specifically include all public streets and sidewalks, City sewer and storm water systems (with the exception of pumping stations and the Treatment Plant, which are under jurisdiction of the Wastewater Treatment Plant Department), the solid waste facility, and all forestry activities.

(B) Public Works Director. The Public Works Director shall be the head of the Public Works Department and it shall be the Director's duty to attend to all public works aspects of City Government and to supervise all public works activities within the City, subject to the direction of the City Manager. The Public Works Director shall specifically be responsible for construction, management, maintenance and operation of the public street and sidewalks, sewerage and storm water systems, the solid waste site, and all forestry operations; the Public Works Director shall perform all duties required of him by City Charter, City Ordinances, State Law, or as may from time to time, be requested of him by the City Manager and/or City Council.

(C) Division of Street and Sidewalks. It shall be the function of the Division of Streets and Sidewalks, under the Direction of the Public Works Director and subject to the supervision of the City Manager, as follows:

1. Streets and Sidewalks. To maintain, repair and improve City streets and sidewalks in order to facilitate the safe and convenient passage of vehicles and pedestrians.
2. Signing. To provide, install and maintain such signing as may be required to advise the public of City Ordinances effecting the passage and parking of vehicles and usage of the public ways by pedestrians and vehicles.
3. Snow Removal. To provide snow removal, sanding, salting and plowing activities during winter storm conditions.

(D) Division of Storm Water and Sewers. It shall be the function of the Division of Storm water and Sewers, under the direction of the Public Works Director, and subject to the supervision of the City Manager, as follows:

1. Sewers. To construct, operate, maintain, replace, repair and improve the City sewerage collection systems which shall consist of all sewer pipes, catch basins and mains not privately owned or under the jurisdiction of the Wastewater Treatment plant.
2. Storm Water Systems. To construct, operate, maintain, improve and repair the City's storm water drainage system in order to provide adequate drainage on all streets and sidewalks.

(E) Division of Solid Waste. It shall be the function of the Division of Solid Waste, under the direction of the Public Works Director, and subject to the supervision of the City Manager, as follows:

1. Solid Waste Site. To administer all activities necessary and appropriate to the operation of the City's solid waste site in accordance with applicable State and Local Laws, Ordinances, Rules, Regulations and Standards.

2. Solid Waste. To be responsible for the administration of all solid waste matters within the City of Bath in accordance with Chapter 12 of the Code of the City of Bath and all other applicable Provisions of State Law, other City Ordinances, or applicable Rules and Regulations.

(F) Division of Forestry. It shall be the function of the Division of Forestry, under the direction of the Public Works Director, and subject to the supervision of the City Manager, as follows:

1. Forestry Services. To provide such services as may be necessary and appropriate for the benefit of the City concerning all trees and tree growth located on public ways or City property or encroaching in any way on said public ways.

2. Arborist Services. To provide, where appropriate, arborist services for the healthy maintenance and continuation of tree growth on public property within the City of Bath.

## **Section 2-11. Cemeteries, Parks and Recreation Department**

(A) General Duties. The Cemeteries, Parks and Recreation Department shall be responsible for operating, maintaining, repairing and improving all City cemeteries and parks; this will include the administration of City cemeteries and burial activities in accordance with Chapter 6 of the Code of the City of Bath and in accordance with applicable State Law. The Cemeteries, Parks and Recreation Department shall also be responsible for the administration of all recreational programs sponsored by the City of Bath and for the administration, use and maintenance of all recreational facilities.

(B) Director of Cemeteries, Parks and Recreation. The Director of Cemeteries, Parks and Recreation shall act as head of the Cemeteries, Parks and Recreation Department and it shall be the Director's duty to attend to all City cemetery and park facilities, to keep all records required and necessary regarding cemetery activities, and preserve those records and to reproduce them as necessary and appropriate, and shall perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council. The Director shall also plan, promote, organize and supervise a comprehensive municipal recreation program and administer the same in the interest of the entire community, together with such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council. The Director, in administering the municipal recreation program, shall be advised of the recreational policies as determined by the Recreation Commission.

(C) Division of Cemeteries and Parks Responsibilities. The Division of Cemeteries and Parks shall have the following responsibilities:

1. Cemeteries. To develop, maintain and operate City cemetery areas in accordance with Chapter 6 of the Code of the City of Bath, and to provide for the sale of cemetery lots, to keep records with regard to burials thereon and to perform such other functions as are necessary to the operation of the City's cemeteries.

2. Parks. To maintain and improve City park areas for the use of the general public and for such special usages as may be permitted by City Council and to monitor these uses and maintain and establish park areas in a safe and usable condition.

(D) Division of Recreation Responsibilities. The Division of Recreation shall have the following responsibilities:

1. Administration. To administer the comprehensive municipal recreation program in accordance with the Division Budget as approved by City Council and policy, rules, regulations, fees and charges as approved by the Recreation Commission.

2. Maintenance and Improvement of Facilities. To maintain in good and safe condition and to improve the condition of all recreational areas so designated by order of the Bath City Council.

3. Supervision and Scheduling. The Director shall supervise the recreational use and scheduling of playgrounds, playfields, recreational centers, ball diamonds and such other recreational areas and facilities as may be made available to carry out the City's comprehensive recreation program and accommodate school activities.

4. Conduct Community Activity. To conduct and supervise any form of recreational, cultural or social activity that will employ the leisure time of the citizens in a wholesome and constructive manner.

(E) Designation of Recreational Facilities. The City Council shall designate, by order, all facilities used for recreational purposes in the City of Bath and which shall be under the supervision of the Director. This designation of a particular property shall continue in effect until abrogated, altered, amended or modified by subsequent order of the Council. Nothing herein however shall be construed as delegating to the Director any authority to dispose of recreational property.

(F) Funding-Special Purpose Fund. The Recreation Department both in terms of revenues and expenditures, shall be designated as a special purpose fund and all revenues and expenses relating to Department activities shall be accounted for as part of this fund. All revenues collected related to Department programs and activities shall be dedicated to this fund for the purpose of funding its expenditures. The Annual Budget, on a line item basis consistent with other City Departments, shall be developed by the Director and shall be submitted to the City Manager, along with revenue estimates and sources of revenue, at least thirty (30) days prior to the date the Manager is required to submit his Annual Budget to the City Council. Funds appropriated in the City's Annual Budget as the City's share for subsidizing Recreation Department activities shall be transferred to the special purpose fund as a supporting revenue. All fees, charges and other revenues shall be credited directly to the special purpose fund and may be expended, with the approval of the Commission in accordance with the Department's Annual Budget. Additional revenues, over and above those estimated in the Budget, may be expended to offset shortfalls of revenue in other areas,

or to fund new activities or programs. All revenues, however, shall initially be applied to costs of operations. Items for salaries of Department personnel included in the Department's Budget shall be finally set by City Council as part of the annually approved City pay plan. Any balances in any accounts shall be carried forward from year to year and shall not lapse to surplus. [Ord. 94-5]

### **Section 2-12. Recreation Commission**

1. Membership. A Recreation Commission consisting of seven (7) members shall be appointed by the Council. One (1) of the seven (7) members, so appointed, shall be a member of the Bath City Council. Each member, so appointed, shall serve for a term of three (3) years, with the exception of the Council member who shall serve for a one (1) year term coinciding with the Council year. This Commission is authorized to conduct its business regardless of any vacancies as long as a quorum exist at any meeting.

2. Duties. The Recreation Commission shall advise the Director regarding the recreational activities conducted on all grounds and areas by the City used for recreational purposes. The Commission shall establish policy regarding the appropriate use of recreational facilities, and shall approve rules and regulations regarding such use, and fees and charges for such use. The Commission shall review a Budget to fund Department activities in accordance with the special purpose fund noted above and make recommendations to the Director.

3. Commission Meetings and Quorum. The Commission shall meet monthly in order to perform such duties as required, and at such other times as becomes necessary and appropriate, said meetings to be called by the Chairman, or in his absence, the Director. The Commission may suspend any regular monthly meeting when, in the judgment of the Chairman or a majority of the Board, no action is required of the Commission. The Commission shall adopt its own rules of procedure and four (4) members attending any regular or special meeting shall constitute a quorum. Any member who does not attend fifty percent (50%) of the Recreation Commission meetings within any six (6) month period, unless excused by the Chairman of the Commission, may be removed by City Council.

This Ordinance shall become effective July 1, 2007.

### **Section 2-13. Planning and Community Development Department**

(A) General Duties. The Planning and Community Development Department shall be responsible for the administration of all planning activities and development activities within and for the City of Bath.

(B) Director of Planning and Community Development. The head of the Planning and Community Development Department shall be the Planning and Community Development Director. It shall be the Planning and Community Development Director's general duty to direct and supervise planning activities and to direct, supervise and be involved in such development activities as the City Council deems appropriate, and shall perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council.

(C) Department Responsibilities. The Planning and Community Development Department shall have the following responsibilities:

1. Staff Function. To provide staff services to the Bath Planning Board, Bath Zoning Board of Appeals and such other boards, departments or agencies within or without City Government as may be necessary and appropriate to carry out the planning and development activities of the City.
2. Code Activities. To provide staff support services and assistance and coordination of the effort in maintaining, updating and amending the City of Bath's Comprehensive Plan, its Land Use Ordinances and all other Code Provisions dealing with planning and developmental issues.
3. Relations With Other Agencies. To maintain liaison with other local, regional and state, public, quasi-public, or private agencies including, but not limited to, housing authorities, community action agencies, and regional planning and development agencies.
4. Planning Functions. To organize, direct and coordinate the gathering and analysis of social, economic and engineering data necessary or useful in the conduct of planning and/or developmental activities; also to assist and/or coordinate with the program and project planning of other City departments, boards, agencies or commissions.
5. Program Applications. To assist in the preparation of federal or state grant in aid program applications and to perform such functions as are necessary and appropriate in the administration of such programs.
6. Development Activities. To coordinate such community development activities as may be of benefit to the City.
7. Public Information. To act as a source of information to the public, to other agencies, boards, commissions or departments relative to City Land Use and Building Codes and to coordinate applications with various City officials, commissions and boards where such is necessary and appropriate.

## **Section 2-14. Police Department**

(A) General Duties. The Police Department shall be responsible for all law enforcement activities within the City of Bath, for coordination of the communications function and for all harbormaster activities.

(B) Police Chief. The head of the Police Department shall be the Chief of Police. It shall be the Chief of Police's general duty, personally or through a designee(s), to administer all functions of the Police Department, direct the City's law enforcement effort, supervise its communications effort and direct activities with regard to the City's harbor; the Chief of Police shall be responsible for all record keeping, processing of complaints and all other recording requirements necessary to the police, communication and harbormaster functions; the Chief of Police shall direct the police work of the City, formulate departmental policies, regulations and goals and set program priorities, and shall perform such other duties as may be required under State Law or Regulation, City Charter or City Code or as may from time to time be requested by the City Manager and/or City Council.

(C) Division of Patrol and Investigation. The Division of Patrol and Investigation shall have the following responsibilities:

1. Patrol. To assign and administer the motor and foot patrol units and to direct their activities in the monitoring of traffic and general activities required for the enforcement and maintenance of law and order in the City, and to conduct preliminary investigations.
2. Investigation. To have charge of and conduct the investigation of crimes.
3. Evidence. To accumulate, prepare and preserve evidence used in the prosecution of criminal cases.
4. Crime Laboratory. To be responsible for the administration of the City's crime laboratory facilities.

(D) Division of Parking Control. The Division of Parking Control shall have the following responsibilities:

1. To administer the parking and control ordinances under Chapter 17 of the Code of the City of Bath and applicable State Laws regarding the parking and movement of vehicles and pedestrians.

(E) Communications Division. The Communications Division shall have the following responsibilities:

1. Communications Function. To provide a communications system, emergency and otherwise, involved with all police and fire department operations and to provide such other communication related services as may be deemed advisable or necessary by the City Manager.

(F) Harbormaster Division. The Harbormaster Division shall have the following responsibilities:

1. Rules and Regulations. To administer such rules and regulations, as well as ordinances and applicable state statutes, that may be applicable to the harbor of the City of Bath.
2. Information. To provide such information and public informational services as is deemed appropriate to enhance the public use and enjoyment of the Bath harbor facilities.

(G) Animal Control Division. The Animal Control Division shall have the following responsibilities:

1. Dogs. To administer all City Ordinances and applicable State Laws regarding the keeping and conduct of dogs within the City of Bath.
2. Animals. To administer all City Ordinances and applicable State Laws, Rules and Regulations regarding the conduct of animals within the City of Bath, to receive complaints regarding same, and investigate said complaints and where necessary to provide for the disposition of animals.

## **Section 2-15. Fire Department**

(A) General Duties. The Fire Department shall be responsible for the prevention of fires, the protection of lives and property against fires and other hazards, and to provide such emergency medical service/ambulance service as deemed appropriate by City Council.

(B) Fire Chief. The head of the Fire Department shall be the Fire Chief. It shall be the general duty of the Fire Chief to direct the activities of the Fire Department in the prevention of fires and the protection of lives and property against fire hazards or other hazards. The Fire Chief shall be authorized to make such Rules and Regulations and issue such orders not inconsistent with State Laws, City Charter and City Ordinances and to perform such other duties as may be required by State Law or Regulation, or City Ordinance, or as may from time to time be requested by the City Manager and/or City Council.

(C) Department Responsibilities. The Fire Department shall have the following responsibilities:

1. Municipal Fire Protection. The Municipality shall provide fire protection by any of the following means:

- a. Maintenance of a Municipal Fire Department as defined in 30 M.R.S.A. §3771(1).
- b. Support of an incorporated volunteer fire association as that term is defined in 30 M.R.S.A. §3771(3).
- c. Contracting with other Governmental Agencies or with private fire protection services.
- d. Any combination of the above.

(2) Emergency Medical/Ambulance Service. To provide such emergency medical service and/or ambulance service as may be deemed appropriate by Council.

(3) Equipment and Training. Where the City chooses to provide fire protection through a Municipal Fire Department and an emergency medical/ambulance service, to be responsible for the maintenance and care of all property and equipment used in delivery of these services and to provide proper training for those persons responsible for the efficient delivery of these services.

## **Section 2-16. Department of Education.**

(A) General Duties. The Department of Education shall be responsible for the administration of all public schools, public education and school properties within the City of Bath.

(B) Board of Education. The Board of Education, as established under Chapter 5 of the Charter of the City of Bath, shall be the superintending school committee for the Bath school system and it shall be their general duty to administer the school system in and for the City of Bath in conformance with the powers and duties designated under State Law.

(C) Superintendent of Schools. Pursuant to Section 508 of the Charter of the City of Bath, the Board of Education shall elect a Superintendent of Schools. It shall be the Superintendent's general duty to administer the Bath School Department pursuant to the direction of the School Board, and applicable State Law.

(D) Department Responsibilities. The Department of Education shall have the following responsibilities:

1. Public School Programs. To administer all public school programs for the benefit of the children and citizens of the City of Bath in accordance with applicable State Law, Rules and Regulations of the State of Maine Department of Education, and other applicable Laws, Ordinances, Rules and Regulations.
2. School Property. To be responsible for the establishment, upkeep, repair, maintenance and replacement of all school properties.
3. Special Education. To provide such special education instructions, facilities and programs as are necessary and appropriate to meet the needs of students and in conformity with applicable State Law, Rules and Regulations.
4. Support Services. To provide such support services as are necessary and appropriate for the efficient and effective delivery of general school services within and for the City of Bath.
5. Athletic and Co-Curricular. To provide athletic and co-curricular programs for the benefit of pupils attending the Bath School System, as deemed appropriate by the Bath Board of Education.
6. Transportation. To provide such transportation services as are necessary and appropriate to provide attendance at school sessions and school sponsored activities.
7. Other. To have the power and to be responsible for all other such school related activities as may be necessary and appropriate or required pursuant to State Law, Rules and Regulations of the Department of Education or otherwise.