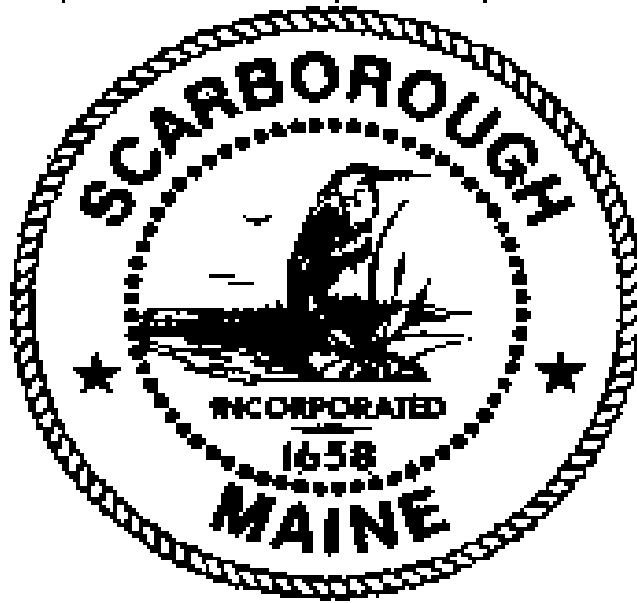


**CHAPTER 301**  
**TOWN OF SCARBOROUGH**  
**ADMINISTRATIVE CODE**



**Adopted April 1, 1970**  
**Amended September 19, 1973**  
**Amended December 19, 1973**  
**Amended June 19, 1974**  
**Amended July 1, 1982**  
**Amended March 24, 1982**  
**Amended November 20, 1985**  
**Amended February 6, 1991**  
**Amended May 15, 1991**  
**Amended July 6, 1994**  
**Amended August 16, 1995**  
**Amended September 06, 1995**  
**Amended June 19, 1996**  
**Amended October 2, 1996**  
**Amended January 5, 2000**

**Amended August 2, 2000**  
**Amended October 18, 2000**  
**Amended February 22, 2001**  
**Amended July 18, 2001**  
**Amended August 15, 2001**  
**Amended March 20, 2002**  
**Amended June 19, 2002**  
**Amended November 6, 2002**  
**Amended October 15, 2003**  
**Amended November 5, 2003**  
**Amended February 18, 2004**  
**Amended April 6, 2005**  
**Amended September 3, 2008**  
**Amended April 7, 2010**  
**Amended December 1, 2010**

ARTICLE I - GENERAL .....	1
Section 101. Town Seal .....	1
Section 102. Charter .....	1
Section 103. Administrative Manual .....	1
Section 104. Bonds .....	1
Section 105. Warrants and Legal Documents.....	2
Section 106. Compensation .....	2
Section 107. Funds.....	2
Section 108. Effect of Penalty .....	2
Section 109. Practices .....	2
Section 110. Property.....	2
Section 111. Record Preservation.....	3
Section 112. Reports .....	3
Section 113. Street Names .....	3
Section 114. Suits .....	3
Section 115. Vacancies on Appointive Boards.....	3
Section 116. Age of Employees.....	3
Section 117. Term of Office .....	4
ARTICLE II - TOWN MANAGER.....	4
Section 201. Establishment.....	4
Section 202. Duties .....	4
Section 203. Division of Administrative Service .....	4
Section 204. Definition of “Departments” .....	4
Section 205. Department Heads.....	4
205.1. Perform Duties. ....	5
205.2. Responsibility To The Town Manager. ....	5
205.3. Inaugurate Sound Practices.....	5
205.4. Report To The Town Manager. ....	5
205.5. Maintain Records. ....	5
205.6. Delegation of Duties. ....	5
205.7. Authority Over Employees. ....	5
205.8. Maintain Equipment. ....	5
205.9. Appointment. ....	5
ARTICLE III - DEPARTMENT OF FINANCE .....	5
Section 301. Establishment.....	5
Section 302. Duties .....	6
Section 303. Insurance .....	6
ARTICLE IV - RECORDS DEPARTMENT.....	6
Section 401. Establishment.....	6
Section 402. Duties .....	6
ARTICLE V - POLICE DEPARTMENT.....	7
Section 501. Establishment.....	7
Section 502. Duties of Police Chief.....	8
Section 503. Sealer of Weights and Measures.....	9
Section 504. Dog Officer .....	9
Section 505. Harbor Master .....	9

ARTICLE VI - FIRE DEPARTMENT.....	10
Section 601. Establishment.....	10
Section 602. Duties of the Fire Chief .....	10
Section 603. Board of Engineers [Amended 09/06/1995].....	11
ARTICLE VII - TOWN PLANNING DEPARTMENT (Amended 11/20/1985) .....	11
Section 701. Establishment.....	11
Section 702. Duties of Town Planner .....	11
Section 703. Duties of Assistant Town Planner/Engineer.....	11
Section 704. Duties of the Building Inspector.....	12
Section 705. Duties of the Electrical Inspector.....	12
Section 706. Duties of the Plumbing Inspector .....	12
ARTICLE VIII - HEALTH DEPARTMENT.....	12
Section 801. Establishment.....	12
Section 802. Duties of Health Officer .....	12
Section 803. License Inspector .....	12
Section 804. Complaints .....	13
Section 805. Plumbing Inspector .....	13
Section 806. Board of Health.....	13
ARTICLE IX - DEPARTMENT OF PUBLIC WELFARE .....	13
Section 901. Establishment.....	13
Section 902. Duties .....	13
ARTICLE X - DEPARTMENT OF PUBLIC WORKS .....	13
Section 1001. Establishment.....	13
Section 1002. Duties .....	13
Section 1003. Division of Tree Care .....	14
Section 1004. Duties of the Tree Warden.....	14
ARTICLE XI ECONOMIC DEVELOPMENT.....	14
Section 1101. Economic Development Advisory Committee .....	14
Section 1102. Duties .....	14
ARTICLE XII THE COMMUNITY SERVICES AND RECREATION ADVISORY BOARD Adopted 08/02/2000.....	15
Section 1201. Establishment.....	15
Section 1202. Duties .....	15
Section 1203. Rules and Regulations .....	15
ARTICLE XIII CONSERVATION COMMISSION [Adopted 08/02/2000; Amended 07/18/2001; Amended 09/03/2008] .....	15
Section 1301. Conservation Commission Established. ....	15
Section 1302. Number and Terms of Members. ....	15
Section 1303. Duties of Commission.....	15
Section 1304. Powers of Commission .....	17
Section 1305. Notice of Planning Operations.....	17
ARTICLE XIV - PLANNING BOARD [Adopted 09/19/1973, Amended 11/05/2003] .....	17
Section 1401. Establishment.....	17
Section 1402. Appointment, Tenure, Vacancy. ....	17
Section 1403. Meetings.....	18
Section 1404. Rules and Regulations. ....	18

Section 1405. Voting. ....	18
Section 1406. Duties. ....	18
Section 1407. Interrelation Of Town Council And Planning Board.....	19
Section 1408. Transitional Provision.....	19
Section 1409. Repealing. ....	19
Section 1410. Saving Clause. ....	19
Section 1411. When Effective. ....	19
ARTICLE XV MUNICIPAL FACILITIES COMMITTEE [Adopted 07/06/1994, Amended 06/19/2002] .....	20
Section 1501. Definition. ....	20
Section 1502. Municipal Facilities Committee Established. ....	20
Section 1503. Duties. ....	20
Section 1504. Powers.....	20
Section 1505. Cooperation With Departments Of Town Government.....	21
Section 1506. Meetings Of The Committee. ....	21
Section 1507. Repeal Of Prior Ordinances.....	21
ARTICLE XVI ORDER ESTABLISHING SCARBOROUGH HOUSING ALLIANCE [Adopted 05/15/1991; Amended 10/15/2003; Amended 02/18/2004; Amended 04/06/2005] .....	21
Section. 1601. Purpose.....	21
Section. 1602. Membership. ....	21
Section. 1603. Vacancies and Removal.....	21
Section. 1604. Officers. ....	22
Section. 1605. Quorum and Voting. ....	22
Section. 1606. Meeting and Records. ....	22
Section. 1607. Activities.....	22
Section. 1608. State Recognition.....	23
ARTICLE XVII [Reserved] Repealed July 18, 2001 .....	23
ARTICLE XVIII OPEN SPACE COMMITTEE [Adopted 06/19/1996, Amended 10/02/1996] .....	23
Section. 1801. Overview.....	23
Section. 1802. Purpose.....	23
Section. 1803. Membership .....	23
Section. 1804. Vacancies and Removal.....	23
Section. 1805. Officers .....	23
Section. 1806. Quorum and Voting .....	24
Section. 1807. Meeting and Records .....	24
Section. 1808. Work Plan .....	24
ARTICLE XIX TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING AND REGULATING THE USE OF THE SCARBOROUGH RIVER WILDLIFE SANCTUARY [Adopted 01/05/2000.....	24
Section. 1901. Sanctuary Established.....	24
Section. 1902. Purpose of Sanctuary .....	25
Section. 1903. Hours of Operation .....	25
Section. 1904. Management.....	25
Section. 1905. Rubbish Removal.....	25

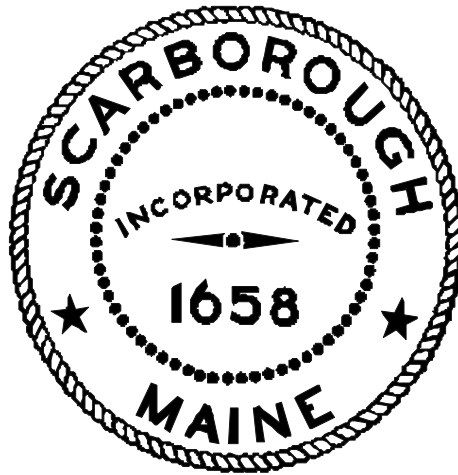
Section. 1906. Trails .....	25
Section. 1907. Vegetation Management .....	25
Section. 1908. Signs.....	25
Section. 1909. Parking .....	26
Section. 1910. Public Use Restrictions .....	26
Section. 1911. Violations and Enforcement .....	26
Section. 1912. Conflict With Other Ordinances .....	26
<b>ARTICLE XX TOWN OF SCARBOROUGH SOLID WASTE AND RECYCLING</b>	
<b>COMMITTEE [Adopted 01/05/2000] .....</b>	<b>27</b>
Section. 2001. Solid Waste and Recycling Committee Established.....	27
Section. 2002. Purpose of the Committee.....	27
Section. 2003. Duties and Responsibilities.....	27
Section. 2004. Powers.....	27
Section. 2005. Meetings of the Committee.....	28
<b>ARTICLE XXI TOWN OF SCARBOROUGH ADA ADVISORY COMMITTEE</b>	
<b>[Adopted 02/16/2001].....</b>	<b>28</b>
Section 2101. ADA Advisory Committee Established.....	28
Section 2102. Liaison. ....	28
Section 2103. Committee Procedures.....	28
Section 2104. Committee Purpose and Functions. ....	28
<b>ARTICLE XXII TOWN OF SCARBOROUGH A PARKS AND CONSERVATION</b>	
<b>LAND BOARD AS AN ADVISORY BODY TO THE TOWN COUNCIL [Adopted</b>	
<b>08/15/2001; Amended 03/20/2002; Amended 11/06/2002.....</b>	<b>29</b>
Section. 2201. Establishment.....	29
Section. 2202. Organization.....	29
Section. 2203. Duties. ....	29
Section. 2204. Procedure. ....	30
Section. 2205. Authority.....	30
Section. 2206. Council Acceptance. ....	30
Section. 2207. Land Acquisition Reserve Fund. ....	30
<b>DEFINITIONS:.....</b>	<b>31</b>
A. Natural Resources. ....	31
B. Linkages, Buffers and Additions to Conservation or Other Public	
Lands.....	31
C. Public Access. ....	31
D. Active and Passive Recreation.....	31
E. Community Character and Historical Significance.....	32
<b>ARTICLE XXIII TOWN OF SCARBOROUGH ENERGY COMMITTEE [Adopted</b>	
<b>04/07/2010}</b>	
Established .....	32
Purpose .....	32
Organization and/or Membership .....	32
Duties .....	32
Procedures .....	33

**CHAPTER 301  
TOWN OF SCARBOROUGH  
ADMINISTRATIVE CODE**

**ARTICLE I - GENERAL**

**Section 101. Town Seal**

The design hereby annexed shall be the device of the Town Seal, and the inscription shall be as follows:



**SCARBOROUGH, MAINE, INCORPORATED IN 1658**

**Section 102. Charter**

The words "town charter" means Chapter 141 of the Private and Special Laws of Maine 1969 entitled "An Act Providing for a Council-Manager Charter for the Town of Scarborough," and may be further amended.

**Section 103. Administrative Manual**

The manager is hereby authorized to issue such administrative regulations, consistent with the Town Charter, as he deems necessary to provide for the adequate functioning of all departments. All regulations so issued shall comprise the Administrative Manual, which shall be distributed to all members of the Town Council, all Department Heads, and to such others as the Manager may determine to be necessary or desirable, and shall be available in the office of the Town Clerk for public inspection.

**Section 104. Bonds**

Every town officer and employee who collects, has custody of or disburses any public moneys, must prior thereto, at the expense of the Town, furnish to the Town and maintain in full force and effect a corporate surety bond in such amount as the Town Council may determine. Until and unless bonded as required herein, no officer or employee of the Town shall handle any

public moneys at any time, except employees of bonded officers doing so under their specific direction and responsibility.

### **Section 105. Warrants and Legal Documents**

All warrants for disbursements of money and all necessary legal documents shall be signed by either the Chairman of the Town Council or the Chairman of the Finance Committee, except as otherwise ordered by the Town Council.

### **Section 106. Compensation**

The Town Council by order shall fix the salaries of officials elected or appointed by the Town Council, including the salary of the Town Manager for his services as such and for all other services rendered by him. Salaries of the appointees of the Town Manager shall be fixed by the Town Manager. Unless otherwise provided, all members of Boards and Commissions shall serve as members thereof without compensation. This provision is subject to Section 205 of the Town Charter.

### **Section 107. Funds**

Every town official shall keep an accurate account of all moneys, which may by virtue of his office come into his hands from whatever source, stating from whom received, and on what account the same was paid; he shall pay such moneys to the Town Treasurer at such periods as the Town Treasurer may require.

### **Section 108. Effect of Penalty**

The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and each day that violation is permitted to exist shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation of any ordinance shall not preclude the Town Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, alteration, repair, conversion, removal, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

### **Section 109. Practices**

All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Manager, such new practices as appear to be of benefit to the services and to the public.

### **Section 110. Property**

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

and for which he is unable to account, if such loss is due to his carelessness or negligence. The amount of such reimbursement shall be determined by the Town Council.

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

#### **Section 111. Record Preservation**

Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence, or other data relative to the business of any department, shall be destroyed or removed permanently from the files without the knowledge and approval of the Town Manager. Each department head shall retain a copy of all communications issued by him or his department.

#### **Section 112. Reports**

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

#### **Section 113. Street Names**

The Town Council alone shall have the power and authority to name all streets. The several streets of the Town shall continue to be called and known by the names previously given to them by official action of the various municipal officers of the Town, until the same shall be changed by the Town Council pursuant to the Town of Scarborough Ordinance Regulating Street Names and Numbers. (amended 09/06/95)

#### **Section 114. Suits**

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

#### **Section 115. Vacancies on Appointive Boards**

Any vacancy during the unexpired term of any member appointed to any Board or Commission by the Town Council shall be filled by the Town Council for the remainder of the term.

#### **Section 116. Age of Employees**

No person shall be employed on a full-time basis by any Department after attaining the age of sixty-five years, except as specifically authorized by the Town Council following affirmative recommendation of the Town Manager. Any extension granted by the Town Council shall be for

a one-year period only. Additional extensions may be made by the Town Council annually following the Town Manager's affirmative recommendations.

This section shall not apply to any employee 65 years of age or older on the effective date of this ordinance.

**Section 117. Term of Office**

Notwithstanding the provisions of any Town Ordinance to the contrary, and except where otherwise required by the Council-Manager Charter of the Town of Scarborough or law of the State of Maine, the terms of office of all appointed members of any Board or Commission of the Town shall expire on December 31. On the effective date of this Section, the terms of office of existing appointed members of any Boards or Commissions shall be reduced, if applicable, to accomplish a smooth and orderly transition. (Amended 11/20/85)

**ARTICLE II - TOWN MANAGER**

**Section 201. Establishment**

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

**Section 202. Duties**

He shall perform such duties as are specified in Article 3 of the Town Charter, including complete executive direction of the administrative service of the Town.

**Section 203. Division of Administrative Service**

The administrative service of the Town shall be divided, under the Town Manager, into the following departments:

Department

Finance Department	Tax Collector-Treasurer
Records Department	Town Clerk
Police Department	Police Chief
Fire Department	Fire Chief
Building Inspection Department	Building Inspector
Health Department	Health Officer
Public Welfare Department	Director of Public Welfare
Public Works Department	Director of Public Works

**Section 204. Definition of "Departments"**

Whenever used in any ordinance, the word "Department" shall be construed to mean department, agency or office of the Town, unless the context plainly requires otherwise.

**Section 205. Department Heads**

The heads of the departments shall:

**205.1. Perform Duties.**

Perform all duties required by his office by charter, by ordinance, or other laws, and he shall perform such duties not in conflict therewith as may be assigned by the Town Manager.

**205.2. Responsibility To The Town Manager.**

Be immediately responsible to the Town Manager for effective administration of their departments.

**205.3. Inaugurate Sound Practices.**

Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Town Manager, such new practices as appear to be of benefit to the service and to the public.

**205.4. Report To The Town Manager.**

Submit reports of the activities of their departments when requested by the Town Manager.

**205.5. Maintain Records.**

Establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the Town Manager.

**205.6. Delegation of Duties.**

Have power to delegate to members of the departments or divisions coming under their direction such duties and responsibilities as deems advisable, together with proportionate authority for their fulfillment, but in no case may they delegate their over-all responsibility or any of their accountability.

**205.7. Authority Over Employees.**

Have authority to appoint and remove, subject to the personnel regulations and the authority of the Town Manager, all subordinated under them.

**205.8. Maintain Equipment.**

Be responsible for the proper custody and maintenance of all town property and equipment used in their departments.

**205.9. Appointment.**

Serve for indefinite terms at the pleasure of the Town Manager. All Town Council appointments including the Town Manager and Assessor shall also be for indefinite terms at the pleasure of the Town Council.

**ARTICLE III - DEPARTMENT OF FINANCE**

**Section 301. Establishment**

There shall be a Department of Finance, the head of which shall be the TAX COLLECTOR-TREASURER who shall be, or be appointed by, the Town Manager. There shall be a Town Assessor appointed by the Town Council as provided in Section 204.1 of the Charter, and serve at its pleasure. There shall also be a Town Purchasing Agent, who shall be, or be appointed by,

the Town Manager. A Board of Assessment Review who shall be appointed by the Council as provided in Sections 602 and 603 of the Charter.

### **Section 302. Duties**

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

This Department shall be divided into the following divisions:

302.1 Division of Accounting and Control, the head of which shall be the Tax Collector-Treasurer, who shall be responsible for the proper pre-audit and recording of all financial transactions.

302.2 Division of Assessment, the head of which shall be the Town Assessor, who shall be responsible for the performance of all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices as required by Section 601 of the Town Charter.

302.3 Division of Purchases, the head of which shall be the Town Purchasing Agent, who shall do all of the purchasing required by the various departments, offices and agencies of the Town government, subject to the provisions of 303-7 of the Town Charter. He shall have charge of the storage of supplies and materials purchased by the Town and not delivered directly to the various departments, and shall keep proper inventory records thereof. He shall keep informed and maintain records as to the sources of supply for all classes of purchases, price trends, and other related matters.

302.4 Treasury Division, the head of which shall be the Deputy Town Tax Collector and Assistant Treasurer, whose duty it shall be to collect all bills, either for services rendered by the Town, and in all respects comply with all laws and ordinances concerning other moneys due or coming to the town.

### **Section 303. Insurance**

The Tax Collector-Treasurer shall audit and file in his office all policies of insurance placed on Town property.

## **ARTICLE IV - RECORDS DEPARTMENT**

### **Section 401. Establishment**

There shall be a Department of Records, the head of which shall be the Town Clerk who shall be appointed by the Town Manager and serve at his pleasure. The Town Clerk shall appoint a Deputy Town Clerk to act as his agent, and as many Assistant Clerks as approved by the Town Manager.

### **Section 402. Duties**

The Town Clerk shall:

402.1. Serve as Clerk of the Council, and perform such other duties for the Council as it may require. He shall authenticate by his signature and be responsible for the filing, indexing and safekeeping of all proceedings of the Council, which shall be open to public inspection.

402.2. Make all the arrangements for elections. Keep and maintain all election records and have custody of all property used in connection with elections.

402.3. Issue to every person appointed to any office by the Town Council or by the Town Manager, a certificate of such appointment.

402.4. Publish all legal notices unless otherwise provided.

402.5. File and preserve all contracts, surety bonds, oaths of office and other documents not required to be filed elsewhere.

402.6. Issue all licenses and permits authorized by the municipal officers of the Council, and collect the fees required thereof as provided by state law or Town ordinance.

402.7. Notify the Chief of Police on or within one week after the expiration date of each license or permit, when a new license or permit to take effect on such expiration date has not been applied for, except when the Town Clerk knows that no new license or permit is required.

402.8. Obtain and maintain, all statistics relating to births, marriages and deaths as required by law.

402.9. Be the custodian of the official Town Seal.

402.10. Perform all duties and exercise all powers incumbent upon or vested in town clerks generally, which are not inconsistent with the Town Charter.

402.11. Maintain in his office a public information service, to furnish information concerning the Town government relative to the public service. All requests for information shall be complied with promptly and courteously, provided the required information is available in the office of the Town Clerk; otherwise the Town Clerk shall either, as the applicant for information prefer, refer the individual applicant to the proper department or request the proper agency of the Town for such information as is required, and such agency shall supply the same as quickly as reasonably possible consistent with the extent or type of the information requested. Nothing herein shall be construed to require the Town Clerk to supply or to request any other department to supply the type of information which either state law or the public interest requires to be kept confidential. Nor shall any information be prepared or supplied when the cost of so doing would result in increased expense to the Town; such information, however, shall be supplied at the expense of the applicant, provided that the estimated cost is paid for in advance by the applicant, subject to final adjustment on basis of actual cost, or at an agreed upon charge paid by the applicant in advance to the Town Clerk or to the department undertaking such extra expense.

402.12. Account for all public moneys received by him in such manner as the Treasurer may prescribe.

402.13. Notify promptly all department heads of Council actions of concern to them.

## **ARTICLE V - POLICE DEPARTMENT**

### **Section 501. Establishment**

There shall be a Police Department, the head of which shall be the Police Chief who shall be appointed by the Town Manager. There shall also be a Harbor Master, Dog Officer, and a Sealer of

Weights and Measurers, all of whom shall be appointed by the Town Manager, but who shall be directly responsible to the Chief of Police.

501.1. The number of regular and special policemen, including special fire policemen, shall be determined by, and each such policeman shall be appointed by, the Town Manager, except as he may delegate the appointive power to the Police Chief. Special policemen shall have all the powers vested in the regular Town Policemen; said special policemen shall, however, serve only when and as specifically required by the Police Chief, and shall function only under the direction of the Police Chief; they shall assist the Police Chief whenever called upon and whenever so called shall be compensated for services rendered, as the Town Manager may determine. No special policeman shall be on duty as a special policeman at any time or place without being ordered to do so by the Police Chief and no special policeman shall be paid for police services by any person directly other than the appropriate Town official.

### **Section 502. Duties of Police Chief**

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

502.1. Be responsible for the enforcement of law and order.

502.2. Direct the police work of the Town.

502.3. Arrange for the attendance of one or more Police Officers at every fire, to preserve order and to prevent theft and destruction of property.

502.4. Cause the streets, ways and lands of the Town to be inspected regularly and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be prosecuted when necessary to abate such nuisances.

502.5. Cause to be observed, and reported immediately to the Director of Public Works, all defects and want of repair in streets and sidewalks.

502.6. Receive and deliver all notices and papers to members of the Town Council and to the Town Manager and officers appointed by either, when requested by the Town Clerk, and make due return thereof.

502.7. Be responsible for the maintenance and care of all property used by the Police Department.

502.8. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the Town may be liable, instruct all police officers to report to him such accidents; and notify the Town Manager promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the Town may be liable, it shall be the duty of such police officer forthwith to communicate such facts and information as he may have to the Police Chief.

502.9. Investigate promptly all applicants for any license or permit when such application requires certification by the Police Chief, and either deliver promptly to the Town Clerk a certificate approving such license or permit or promptly advise the Town Clerk of his refusal to so certify.

502.10. The Chief, or his duly authorized representative of the Police Department of the Town of Scarborough, upon request for aid from a fully authorized representative of another municipality having similar ordinances, within or without the state, is hereby authorized to send to such other municipal Police Department such equipment and/or personnel as he shall deem feasible for the purpose of rendering aid within such other municipality.

502.11. During the course of rendering such aid to another municipality, the aiding municipality shall be responsible for damage to its own equipment, personal injury or property damage caused by the negligence of its personnel in the operation of its equipment, and for any payments which it is required to make to any member of its Police Department or to his widow or other dependents on account of injuries or death, as required by the Workmen's Compensation Act of the State of Maine.

502.12. The Town Manager is hereby authorized to execute, for and on behalf of the Town of Scarborough, a mutual aid agreement in accordance with the provisions of the above sections with any other municipality or municipalities having similar ordinances.

(Sections 502.10, 11, and 12 approved on 9/19/73)

502.13. Pursuant to 30-A M.R.S.A. §2671, the Town Council delegates to the Chief of Police the Council's authority to authorize any police officer of the Town, including the Chief, to prosecute alleged violations of any ordinance which such police officer is empowered to enforce, provided the police officer is duly certified in accordance with 25 M.R.S.A. §2803,[3][A]. (Section 502.13 approved by Council on 02/06/91).

### **Section 503. Sealer of Weights and Measures**

The Town Manager shall appoint for indefinite term to serve at his pleasure an officer of the Town titled Sealer of Weights and Measures, who is hereby placed under the direction of the Police Chief. He shall have such powers and perform such duties as may be authorized by state law or Town ordinance.

### **Section 504. Dog Officer**

The Town Manager shall designate one or more police officers to be titled Dog Officers, whose duties shall be to enforce state and local laws regarding dogs.

### **Section 505. Harbor Master**

The Town Manager shall appoint a Harbor Master. It shall be the duty of the Harbor Master to:

505.1. Have the care and regulation of the harbor and port of Scarborough.

505.2. Provide himself with the printed rules and regulations of the port, for distribution.

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

505.4. Promote order in the harbor, and assure the safety and convenience of users of the harbor and the general public.

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

505.6. Notify and warn the owner of any dock, pier, wharf or landing strip that has fallen into disrepair or remains in a dangerous condition, and cause the condition to be abated as a nuisance if not corrected within a reasonable period of specified by the Harbor Master.

505.7. Enforce the provisions of any statute, ordinance and any rules and regulations lawfully promulgated thereunder, applicable to the harbor, waterfront and watercraft.

505.8. Exercise the same powers and duties with respect to the Town Landings as are authorized in connection with his jurisdiction over Scarborough harbor and waterfront and any watercraft.

505.9. Prepare rules and regulations for the keeping open of convenient channels for the passage of vessels in Scarborough harbor, for the establishment of boundary lines of such channels, and for the assignment of suitable portions of the harbor for anchorage, which rules after approval by the he shall enforce.

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

## **ARTICLE VI - FIRE DEPARTMENT**

### **Section 601. Establishment**

There shall be a Fire Department, the head of which shall be the Fire Chief, who shall be appointed by the Town Manager.

### **Section 602. Duties of the Fire Chief**

The Fire Chief is charged with the prevention and extinguishment of fires, the protection of life and property against fire, and the removal of fire hazards. He shall be responsible for the care and maintenance of all property used by the Fire Department. He shall inspect promptly all premises for which a license or permit is applied for, which requires certification by the Fire Chief, and either deliver promptly to the Town Clerk, a certificate approving the license or permit applied for, or promptly advise the Town Clerk of his refusal to certify.

602.1. The Chief, or his duly authorized representative of the Fire Department of the Town of Scarborough, upon request for aid from a duly authorized representative of another municipality or incorporated volunteer fire department of another municipality, having a similar ordinance, within or without the state, is hereby authorized to send to such other municipal or incorporated volunteer fire department, such equipment and/or personnel belonging to the Fire Department of the Town of Scarborough as he shall deem feasible for the purpose of rendering aid within such other municipality.

602.2. During the course of rendering such aid to another municipality, the aiding municipality shall be responsible for damage to its own equipment, personal injury or property damage caused by negligence of its personnel in the operation of its equipment, and for any payments which it is required to make to any member of its Fire Department or to the widow or other dependents on account of injuries or death, as required by Workmen's Compensation Act of the State of Maine.

602.3. The Town Manager is hereby authorized to execute, for and on behalf of the Town of Scarborough, a mutual aid agreement in accordance with the provisions of the above sections with any municipality or municipalities having similar ordinance.

602.4. The Fire Chief shall, after review by the Board of Engineers and Safety Review Board when applicable, establish rules and regulations for the Fire Department and its members, subject to the approval of the Town Manager. [amended 08/16/95]

**Section 603. Board of Engineers [Amended 09/06/95]**

603.1. There is hereby established a Board of Engineers for the Scarborough Fire Department consisting of the Fire Chief, Deputy Chiefs, EMS Director, Captains, and/or their designee from each company and one member of the Town Council appointed by the Town Council. The Board of Engineers shall serve in an advisory capacity to the Fire Chief.

603.2. The Board of Engineers shall advise the Fire Chief and the Town Manager on the needs of the fire and rescue companies of the Town and on the effective operation of the Fire Department.

This ordinance shall take effect on July 1, 1982.

(Section 602.2, 3 and 4 enacted 9/19/73)

(Section 602.5 and 602.1 and 2 enacted March 24, 1982)

**ARTICLE VII - TOWN PLANNING DEPARTMENT (Amended 11/20/85)**

**Section 701. Establishment**

There shall be a Town Planning Department, the head of which shall be the Town Planner who shall be appointed by the Town Manager. He shall be assisted by the Assistant Town Planner/Engineer, Building Inspector, Plumbing Inspector, and Electrical Inspector. In addition, the inspectors will coordinate their work with the Fire Chief to assure that all safety regulations are being complied with.

**Section 702. Duties of Town Planner**

The Town Planner shall be the head of the Town Planning Department. He shall:

702.1. Serve as Technical Staff to the Planning Board, reviewing proposals, site plans, subdivision submissions, land use regulations, ordinances and recommending amendments or new regulations.

702.2. Direct the activities of staff involved with Code Enforcement and Engineering, providing guidance and directing and coordinating workload.

702.3. Prepare and administer the Department Budget.

702.4. Supervise the compilation and analysis of studies on economic, social and physical factors affecting land use, housing or transportation.

702.5. Prepare long-range, comprehensive plans for the utilization of land and physical facilities of the Town.

**Section 703. Duties of Assistant Town Planner/Engineer**

The Assistant Town Planner/Engineer shall:

703.1. Assist the Town Planner in performance of his duties.

703.2. Maintain and keep records, instruments, plans, profiles, records of surveys and all other property and papers relating to engineering work or every description belonging to the Town and shall deliver the same to his successor in office.

703.3. Provide technical and engineering expertise to the Town Planning Department.

#### **Section 704. Duties of the Building Inspector**

704.1. Be responsible for issuing all building permits.

#### **Section 705. Duties of the Electrical Inspector**

705.1. Be responsible for issuing all electrical permits.

#### **Section 706. Duties of the Plumbing Inspector**

706.1. Be responsible for issuing all plumbing permits.

The above Inspectors shall also be responsible for handling building or zoning ordinance violations by notifying the violator that he must correct the problem. If after a reasonable time, the violation continues, the Inspector shall then report it to the Town Planner and the Town Manager, who, through the Town's legal counsel, shall take the necessary action to enforce compliance with the law.

### **ARTICLE VIII - HEALTH DEPARTMENT**

#### **Section 801. Establishment**

There shall be a Department of Public Health, the head of which shall be the Health Officer who shall be a physician appointed by the Town Manager, as provided under Section 303 of the Town Charter. There shall also be one or more Plumbing Inspectors appointed by the Town Manager, to be under the direction of the Health Officer.

#### **Section 802. Duties of Health Officer**

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

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

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

802.3. Nursing, which shall consist of the inspection of the operation of all private or public infant, preschool and school hygiene programs, and their direct operation if and when so authorized by ordinance.

#### **Section 803. License Inspector**

He shall inspect promptly all premises for which license applied for requires certification by the Health Officer, and either deliver to the Town Clerk promptly a certificate to the effect that the

health laws are complied with and proper sanitary conditions exist, or promptly advise the Town Clerk of his refusal to so certify.

#### **Section 804. Complaints**

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

#### **Section 805. Plumbing Inspector**

The Plumbing Inspector or Inspectors shall perform such duties as may be required by state law and by any ordinance of the Town.

#### **Section 806. Board of Health**

A Board of Health shall be appointed by the Town Council consisting of three members. Appointments shall be for three-year terms with the term of one member expiring each year.

806.1. Duties, the Board of Health shall constitute an advisory body to the Health Officer.

### **ARTICLE IX - DEPARTMENT OF PUBLIC WELFARE**

#### **Section 901. Establishment**

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

#### **Section 902. Duties**

The Director of public Welfare shall:

902.1. Be responsible for the planning, budgeting, reporting and control of the Town Welfare program.

902.2. Exercise all powers and perform all the duties conferred or imposed by state law upon Overseers of the Poor.

### **ARTICLE X - DEPARTMENT OF PUBLIC WORKS**

#### **Section 1001. Establishment**

There shall be a Department of Public Works, the head of which shall be the Director of Public Works who shall be appointed by the Town Manager. The number of employees shall be determined by, and each such employee shall be appointed by the Town Manager, except as he may delegate such power to the Director of Public Works.

#### **Section 1002. Duties**

The Director of Public Works Shall:

1002.1. Be responsible for all matters pertaining to construction, management, maintenance, and operation of the physical properties of the Town under the administrative direction of the Town Manager, except as otherwise provided by the Town Charter or by any ordinances.

1002.2. Be responsible for all planning in connection with such changes or improvements to the physical properties as are essential or desirable for the future growth of the Town.

1002.3. Be responsible for the care and maintenance of all property used by the Public Works Department.

1002.4. See that no encroachments are made upon any street, public landing, place, square, land or ground of the Town, by fences, buildings or otherwise, and whenever any encroachments shall hereafter be made upon the same, and the party making such encroachment shall neglect or refuse after notification to remove the same, to report the facts at once to the Police Chief and cooperate to the end that the person so offending shall be prosecuted and nuisance abated.

1002.5. Prepare or cause to be prepared all contracts and specifications that may be required for public works; all such specifications and contracts shall be subject to final approval by the Town Manager.

### **Section 1003. Division of Tree Care**

1003.1. There shall be a Division of Tree Care, the head of which shall be the Tree Warden who shall be appointed by the Town Manager.

### **Section 1004. Duties of the Tree Warden**

The Tree Warden shall:

1004.1. Be responsible for the care and control of all public shade trees upon and along all highways, streets and parks and shall enforce all laws relative to the preservation of the same.

1004.2. Be responsible for initiating an adequate tree-planting program for the Town.

1004.3. Be responsible for a Town forest should one be developed.

## **ARTICLE XI ECONOMIC DEVELOPMENT**

### **Section 1101. Economic Development Advisory Committee**

There shall be an Economic Development Advisory Committee to consist of not more than nine members appointed by the Town Council. In addition, the Town Manager, Chairman of the Planning Board, and a designated member of the Council shall be ex-officio members. Members shall be appointed for three-year terms. The Chairman of the Committee shall be appointed annually by the Town Council.

### **Section 1102. Duties**

The Economic Development Advisory Committee shall: (1) promote, assist, encourage, develop, and advance agriculture, commercial and industrial business and the general economic welfare of the Town; (2) promote, assist, encourage and facilitate the establishment of new business and the development, expansion, improvement and rehabilitation of established business in the community; (3) cooperate with other Town, area and state organizations for the promotion, assistance,

encouragement, development and advancement of business in Scarborough and the general economic area; (4) and to procure, study, analyze, publicize, and make available information concerning labor, materials, land sites, community facilities, markets business opportunities and advantages, both actual and potential, of the Town.

The Committee shall report to the Town Council at least annually and at such other times as the Committee shall determine.

## **ARTICLE XII THE COMMUNITY SERVICES AND RECREATION ADVISORY BOARD Adopted August 2, 2000**

### **Section 1201. Establishment**

There is hereby established a Recreation Advisory Committee consisting of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for three year terms, staggered according to the expiration dates currently in effect at the time of enactment of this ordinance. The Director of Community Services shall attend the meetings of the Board. Those members serving on the Recreation Advisory Committee at the time of enactment of this ordinance shall continue as members until their terms expire. A member of the Town Council shall serve as liaison to the Board. The Community Services and Recreation Advisory Board shall replace the Recreation Advisory Committee established by the Town Council in 1970.

### **Section 1202. Duties**

The Board shall advise the Town Council on matters pertaining to the planning, developing, financing and implementation of Community Services recreational programs and facilities for the benefit of residents of Scarborough. Each year the Board shall prepare a proposed work plan for presentation to and approval by the Town Council. This plan may be updated by the direction of the Town Council and/or a change in Board priorities.

### **Section 1203. Rules and Regulations**

The committee shall adopt rules and regulations for the transaction of its business, which shall be subject to Council approval.

## **ARTICLE XIII CONSERVATION COMMISSION [Adopted August 2, 2000, Amended July 18, 2001; Amended 09/03/2008]**

### **Section 1301. Conservation Commission Established.**

Pursuant to the provisions of the Town Charter and Title 30-A M.R.S.A. §3261 and 30-A M.R.S.A. §3001, Conservation Commissions, and Title 30-A M.R.S.A. §3001, Ordinance Power, there is hereby established the Conservation Commission of the Town of Scarborough. (Amended July 18, 2001)

### **Section 1302. Number and Terms of Members.**

The Conservation Commission shall consist of seven members appointed by the Town Council for three-year terms.

The Commission may recommend to the Town Council that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years.

**Section 1303. Duties of Commission.**

The Conservation Commission shall:

1303.1 Keep minutes of meetings including those attending; adopt procedures for conducting business; file minutes and procedures with the Town Clerk and submit an annual report to the Town Council;

1303.2 Coordinate activities and programming with other conservation groups within the community;

1303.3 Keep an index of all open areas within the Town of Scarborough, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The Conservation Commission may recommend to the Town Council or any municipal body or board, or any body politic or public agency of the State with prior knowledge of the Town Council, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements;

1303.4 Assist various town agencies with Open Space Land Planning and with establishing Acquisition Priorities for Open Space purposes;

1303.5 Publicize the Development Transfer Program and work with Rural Landowners to both educate and encourage their use of the program in accordance with the Comprehensive Plan and the Town of Scarborough Zoning Ordinance;

1303.6 Encourage Trail Planning and promote Connectivity of a town-wide trail system;

1303.7 Collaborate with other Town Council appointed committees on Environmental/Conservation Related Regulations and Standards;

1303.8 Promote and encourage local environmental initiatives, such as education and encouraging the public with respect to environmentally sensitive lawn products, native landscaping, residential buffers to natural resources, water conservation and similar measures;

1303.9 Initiate critical environmental studies and projects; and,

1303.10 Develop Land Management Plans for Town Conservation Land in collaboration with the Scarborough Conservation Land Trust and applicable Town Departments.

**Section 1304. Powers of Commission.**

The Conservation Commission may:

1304.1 Advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets, which it considers necessary;

1304.2 Receive gifts in the name of the Town of Scarborough for any of the Commission's purposes with the approval of the Town of Scarborough and the Commission shall administer such gifts for those purposes subject to the terms of the gifts.

1304.3 Act as an advisory board to the Scarborough Town Council on types and sources of coastal pollution within the Town of Scarborough and to conduct research and develop data on the sources of pollutants within the coastal areas of the Town.

1304.4 Act as an advisory board to the Scarborough Town Council and applicable Town Departments on the acquisition of land for open space purposes, the implementation of land management plans of Town owned property, and the expansion of a town-wide trail system.

1304.5 The Conservation Commission shall review subdivision plans, site plans or other Planning Board reviews or studies upon the requested by either the Town Council or the Planning Board.

**Section 1305. Notice of Planning Operations.**

Any body politic or public agency of the State conducting planning operations with respect to open areas within the Town of Scarborough shall notify the Conservation Commission of all plans and planning operations at least 30 days before implementing any action under that plan.

**ARTICLE XIV - PLANNING BOARD, Adopted September 19, 1973, Amended November 5, 2003**

**Section 1401. Establishment.**

The Planning Board of the Town of Scarborough is hereby created and constituted under the provisions of the Charter of the Town of Scarborough, Article VIII-A of the Maine Constitution and by Title 30, Chapter 201-A, Section 1917 M.R.S.A., 1964 as they may be amended.

**Section 1402. Appointment, Tenure, Vacancy.**

1402.1 The Planning Board shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council. They shall be residents and registered voters of the Town of Scarborough and shall serve without compensation.

1402.2 Neither a municipal officer nor a member of the Zoning Board of Appeals may be a member of the Planning Board.

1402.3 The term of office of a member or alternate shall be three years except for the initial appointments, which shall be as follows: Two regular members for three-year terms, two regular members for two-year terms, and one regular member for a one-year term, one alternate member for a three-year term and one alternate for two-year term.

1402.4 The Board shall annually elect a chairman and vice chairman and a secretary from its own membership, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.

1402.5 When there is a permanent vacancy, the Town Council shall, within sixty-days of its occurrence, appoint a person to serve for the unexpired term.

1402.6 A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a resident of the Town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) months period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Council in writing. The Board may recommend to the

Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Council disapproves the recommendation.

1402.7 The Town Council may also remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.

### **Section 1403. Meetings.**

1403.1 The chairman shall call meetings of the Board as required and shall call at least one regular meeting of the Board each month. The chairman shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. Special meetings may be held upon the call of the chairman, or in his absence, the vice chairman, and at such other times as the Board may determine, provided that at least 24 hours notice be given to each member.

A quorum of the Board necessary to conduct an official Board meeting shall consist of at least four members. The chairman or the vice chairman shall preside at all meetings of the Board. If both the chairman and the vice chairman are absent, any member of the Board may convene the meeting and the Board shall, upon motion made by any member, designate a chairman pro tem to preside. The chairman shall be the official spokesman of the Board. [amended 11/05/03]

1403.2 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 members, except the member who is being challenged.

### **Section 1404. Rules and Regulations.**

1404.1 The Board shall adopt rules and regulations for the transaction of its business, and may establish a schedule of filing fees relative to matters presented to the Board sufficient to cover the administrative costs of public hearings, all of which shall be subject to Council approval.

### **Section 1405. Voting.**

1405.1 When a member is unable to act because of physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in his stead.

1405.2 Alternate members shall attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairman to act for a regular member.

1405.3 No member or alternate member shall vote or “participate” in discussion upon any matter in which he has a conflict of interest.

### **Section 1406. Duties.**

The Planning Board Shall:

1406.1 Prepare and adopt, subject to the approval of the Town Council, a Comprehensive Plan for the Town of Scarborough in accordance with the provisions of 30 M.R.S.A. Section 4961, or acts amendatory or supplementary thereof.

1406.2 Give the public ample opportunity to be heard concerning the development of the Comprehensive Plan.

1406.3 Advise the Town Council on proposed changes to the Zoning Ordinance.

1406.4 Review and issue its order with respect to all proposed subdivisions.

1406.5 Approve the naming of all streets in proposed subdivision.

1406.6 Investigate and report on any problems referred to it in writing by the Town Council or by the Town Manager.

1406.7 Make studies on any area of town development as it may deem necessary.

1406.8 Make recommendations to the Town Council concerning any project Capital Improvement Programs.

1406.9 Perform such duties and services necessary to its proper function within the limits of the appropriation made for the purpose.

1406.10 Submit a status report of the Planning Board quarterly, at a regular meeting of the Town Council.

1406.11 Make and enter into such contracts subject to the approval of the Town Council as it may deem advisable to carry out the objectives and purposes of the Board, and shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the town, and may obtain goods and services necessary for its proper function within the limits of its budget as approved by the Town Council or as otherwise supplemented by the Town Council.

#### **Section 1407. Interrelation Of Town Council And Planning Board.**

1407.1 The Board shall be an advisory body of the Town Council and the existing zoning and subdivision ordinances shall not be revised or amended until the Board has made a careful investigation of all proposed revisions or amendments in conjunction with the Town's Comprehensive Plan. When the Council directs and Planning Board in writing to study and report back on proposed revisions or amendments to ordinances, the Board shall make its official report to the Town Council within sixty (60) days unless a longer period of time has been granted by the Council.

#### **Section 1408. Transitional Provision.**

1408.1 The terms of office of present members of the Planning Board shall expire upon the appointment and qualification of new members pursuant to the terms of this ordinance.

#### **Section 1409. Repealing.**

1409.1 All prior Acts, Ordinances or Boards inconsistent herewith are hereby repealed.

#### **Section 1410. Saving Clause.**

1410.1 The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

#### **Section 1411. When Effective.**

1411.1 This ordinance shall take effect 30 days after enactment.

## **ARTICLE XV MUNICIPAL FACILITIES COMMITTEE, ADOPTED JULY 6, 1994, Amended June 19, 2002**

### **Section 1501. Definition.**

As used in this Article XV, the term “facilities” means: buildings, structures or other physical improvements to property which are built or constructed to serve a municipal purpose such as, but not limited to, Town offices, school administrative offices, public works garages, fire stations, police stations, schools, recreational and playing fields, parking facilities, and the like.

### **Section 1502. Municipal Facilities Committee Established.**

There shall be a Municipal Facilities Committee to consist of five members appointed by the Town Council. Members shall be appointed to three year terms, except for the initial appointments, which shall be one member for a term of one year, two members for terms of two years each and two members for terms of three years each. In addition there shall be two non-voting members, one of which shall be a member of the Town Council and one of whom shall be a member of the Board of Education, appointed by the Town Council and the Board of Education, respectively.

### **Section 1503. Duties.**

The Municipal Facilities Committee shall serve as an advisory committee to the Town Council on the use, maintenance, construction and planning of all municipal buildings and facilities. In performing that function, the Committee shall:

1503.1 Prepare an inventory of existing municipal buildings and facilities.

1503.2 Determine future building and facility needs.

1503.3 Evaluate electrical, plumbing and other maintenance needs of existing buildings and facilities.

1503.4 Prepare maintenance schedules for existing buildings and facilities, including long-range plans for repairs and renovations.

1503.5 Present a maintenance plan to the Town Manager in January of each year for consideration in preparation of the municipal budget.

### **Section 1504. Powers.**

In performing its duties, the Committee may:

1504.1 Consult with municipal staff employees.

1504.2 Conduct inspections of buildings and facilities.

1504.3 Obtain architectural plans for existing buildings and facilities and, where new buildings or facilities are proposed, require submission of architectural plans.

1504.4 Request that the Town Manager provide the Committee with technical assistance for specific problems.

1504.5 Make recommendations to the Town Council as to which existing buildings and facilities are viable and which should not be used.

**Section 1505. Cooperation With Departments Of Town Government.**

The head of each department of Town government shall appoint a staff person (which may be the department head) to serve as a contact person with the Municipal Facilities Committee.

**Section 1506. Meetings Of The Committee.**

The Municipal Facilities Committee shall meet when requested by the Town Manager or at the direction of the Council. The Committee may establish a schedule of more frequent meetings and may conduct meetings in addition to regularly scheduled meetings as needed from time to time. All meetings of the Committee shall be conducted as public proceedings under the Maine Freedom of Access Law. [Amended June 19, 2002]

**Section 1507. Repeal Of Prior Ordinances.**

The Municipal Facilities Committee replaces and supersedes the School Building Committee, which shall cease to exist upon the effective date of this Article XV. This Ordinance repeals all previous orders, ordinances and any other actions of the Town whereby the School Building Committee was created.

**ARTICLE XVI ORDER ESTABLISHING SCARBOROUGH HOUSING ALLIANCE Adopted May 15, 1991, Amended October 15, 2003, Amended February 18, 2004, Amended April 6, 2005**

**Section. 1601. Purpose.**

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to (1) work together to develop and recommend a local affordable housing agenda to the Town Council, and (2) implement a local affordable housing program under the guidance of the Town Council, and (3) perform such other duties as may be assigned by the Town Council from time to time.

**Section. 1602. Membership.**

Members of the Alliance shall be comprised of seven (7) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members shall be appointed from both the public and private sectors and may include such individuals as town councillors, bankers, business people, clergy, housing activists, real estate brokers, builders, comprehensive planning committee members, interested citizens, and representatives from community action programs, human service organizations, and other non-profit organizations. Of the seven (7) members first appointed, one (1) member shall be appointed for a term of one year, three (3) members for a term of two years, and three (3) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years. A Council Liaison will be appointed as a non-voting member. [amended 10/15/03] [amended 02/18/04]

**Section. 1603. Vacancies and Removal.**

Any vacancy shall be filled for the remainder of the unexpired term by the Town Council. The Town Council may remove any member of the Alliance by vote of a majority of its members for misconduct or nonperformance of duty.

**Section. 1604. Officers.**

The Alliance shall annually elect a Chair, Vice-Chair, and Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Alliance, including the right to vote.

**Section. 1605. Quorum and Voting.**

A quorum shall consist of four (4) members. The concurrence of a majority of the members of the Alliance present and voting shall be necessary to decide any questions before the Alliance. [amended 10/15/03] [amended 04/06/05]

**Section. 1606. Meeting and Records.**

The Alliance shall meet at least monthly at a regular date and time specified by vote of a majority of the Alliance at its annual organizational meeting. Other meetings shall be called by the Chair, provided that the Chair shall call a meeting of the Alliance upon request of at least two (2) members. The Alliance shall keep minutes of all its meetings. [amended 10/15/03]

**Section. 1607. Activities.**

It is the intent of the Council that the Alliance will develop sufficient knowledge and expertise about housing issues in Scarborough to act as a resource for the Town and as an advocate for affordable housing, if the Alliance determines such advocacy is needed and appropriate. To that end, the Alliance's activities may include but are not limited to the following:

- Develop an inventory of existing housing with particular emphasis on quality and affordability for a cross-section of residents.
- Identify any deficiencies in housing stock and develop recommendations for the Town Council as to how best to address any such deficiencies.
- Investigate the suitability of existing Town or other publicly owned properties for housing needs.
- Consider the feasibility of a demonstration affordable housing project, either Town Sponsored or in cooperation with a non-profit or for profit developer.
- Analyze existing land use regulations and patterns of development and recommend modifications to the Comprehensive Planning Committee, the Planning Board and the Town Council.
- Develop programs and ideas for assisting elderly residents to remain in their homes and/or in the community.
- Recommend a public education program to promote understanding of the need for and acceptance of affordable housing. [amended 10/15/03]
- With the approval of the Town Council aggressively identify any available state and federal funding, particularly under the various Department of Economic and Community Development affordable housing grant programs. [amended 10/15/03]

**Section. 1608. State Recognition.**

It is the intent of the Scarborough Town Council that the Scarborough Housing Alliance shall constitute the “*Local Housing Alliance*” of the Town of Scarborough for purposes of State law and regulations. [amended 10/15/03]

**ARTICLE XVII [Reserved] Repealed July 18, 2001**

**ARTICLE XVIII OPEN SPACE COMMITTEE Adopted June 19, 1996, Amended October 2, 1996**

**Section. 1801. Overview**

The Town of Scarborough Comprehensive Plan, adopted by the Town Council on July 20, 1994, recommended that an Open Space Plan be developed. The purpose of this plan shall be to identify significant recreational and open spaces, which are an important component of the perceived “quality of life” in Scarborough according to its residents, as well as areas of significant natural resources, and existing and potential greenbelts and trails systems. The plan should recommend policies to guide future development and land acquisition in such a way that will preserve these significant areas within a coordinated vision that reflects the broad goals of the Comprehensive Plan.

**Section. 1802. Purpose**

The purpose of the Council in establishing the Open Space Committee is to create a broadly-based community group to (1) work together to develop and recommend an Open Space Plan to the Town Council, and (2) to implement the Open Space Plan under the guidance of the Town Council, and (3) perform such other duties as may be assigned by the Town Council from time to time.

**Section. 1803. Membership**

Members of the Open Space Committee shall be comprised of a maximum of fourteen (14) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members may include one (1) representative from each of the following committees: the Long Range Planning Committee, Planning Board, Town Council, Scarborough Land Trust, Conservation Commission, Scarborough Historical Society, Coastal Pollution Committee, Community Services Department, School Board, SEDCO, Recreation Advisory Committee; and, at least two (2) members at large and an alternate. Of the fourteen (14) members first appointed, five (5) members shall be appointed for a term of one year, five (5) members for a term of two years, and four (4) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years.

**Section. 1804. Vacancies and Removal**

Any vacancy shall be filled for the remainder of the unexpired term by the Town Council. The Town Council may remove any member of the Open Space Committee by vote of a majority of its members for misconduct or nonperformance of duty.

**Section. 1805. Officers**

The Open Space Committee shall annually elect a Chair, Vice-Chair, and Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Open Space Committee, including the right to vote.

**Section. 1806. Quorum and Voting**

A quorum shall consist of seven (7) members. The concurrence of a majority of the members of the Open Space Committee present and voting shall be necessary to decide any question before the Committee.

**Section. 1807. Meeting and Records**

The Open Space Committee shall meet at least monthly at a regular date and time specified by vote of a majority of the Committee.

**Section. 1808. Work Plan**

The Plan shall include the following work components:

Inventory/review existing data on land use, including but not limited to a natural resources, rural roads, publicly owned land, recreational areas, trail systems, utility rights-of-way, land in farming and forestry use, public easements, historical and archaeological resources;

Field inventory (from public rights-of-way and/or public land) of general land characteristics and special features, as well as patterns of development and existing connections between developed areas;

Possible aerial photography from a light plane to provide a visual record which can illustrate development patterns, natural resources patterns, and a sense of the overall character of the land, for use by the committee and for the general public;

Consolidation of above data into a map or maps showing the relationship of all the individual features;

Specific open space goals for the Town, reflecting community attitudes expressed in the 1990 Community Survey, working with an Open Space Committee, as well as any additional input through public informational meetings;

A concept plan, which will reflect the above goals and show a vision for the future pattern of parks and open space in Scarborough;

Specific standards for preservation of special features and characteristics of rural roads and landscapes, which can be incorporated into proposed development;

Draft proposed amendments to the Zoning Ordinance, which will permit implementation of the Open Space Plan;

Implementation measures, which include but are not limited to methods of acquisition and/or protection, funding sources, plans for maintenance and oversight of public lands.

**ARTICLE XIX TOWN OF SCARBOROUGH ORDINANCE  
ESTABLISHING AND REGULATING THE USE OF THE  
SCARBOROUGH RIVER WILDLIFE SANCTUARY Adopted January 5,  
2000**

**Section. 1901. Sanctuary Established**

There is hereby established a sanctuary for wildlife, to be called the Scarborough River Wildlife Sanctuary (the "Sanctuary"), on the property located at Pine Point Road in the Town of Scarborough

and identified on Scarborough Assessor's Map 28 as Lot 33, to be used and managed as described in this Ordinance.

**Section. 1902. Purpose of Sanctuary**

The Sanctuary shall be used for the protection and encouragement of wildlife habitat and for the preservation of the historical significance of the property. Public access shall be limited to low-intensity uses such as observing, recording and appreciating wildlife and its habitat.

**Section. 1903. Hours of Operation**

The Sanctuary will be open to the public from dawn to dusk year-round, but may be closed by order of the Director of Community Services, the Scarborough Police Chief or the Scarborough Fire Chief when special circumstances warrant closure.

**Section. 1904. Management**

Management of the operation of the Sanctuary shall be the responsibility of the Director of Community Services with the advice of the Recreation Advisory Committee.

**Section. 1905. Rubbish Removal**

Sanctuary will not provide rubbish collection and disposal for users of the Sanctuary. All persons using the Sanctuary must carry out what they carry in.

**Section. 1906. Trails**

As funding permits, the Town will develop a system of public use trails in the Sanctuary, such trails to be maintained in their natural state to the greatest extent possible. The Recreation Advisory Committee shall create a plan for trails and buffers and present such plan to the Town Council with a request for funding to implement the trail and buffer plan. Such plan shall include scenic vistas along the trail system and a natural evergreen buffer along the frontage of Route 9. Ongoing maintenance of the trail system, including signage and the regular removal of trash and unnatural debris, shall be the responsibility of the Community Services Director.

**Section. 1907. Vegetation Management**

The Recreation Advisory Committee, in consultation with the Conservation Commission, will develop a vegetation management plan that is consistent with the purpose of protecting wildlife in the Sanctuary and present such plan to the Town Council. Such plan shall be reviewed by the Recreation Advisory Committee in consultation with the Conservation Commission every three years and revised as needed. Any such revised plan shall be presented to the Town Council.

**Section. 1908. Signs**

1908.1 As funding permits, the Town shall install and maintain a main entrance sign, which shall include the words "Scarborough River Wildlife Sanctuary" and contain a statement of the purpose of the Sanctuary.

1908.2 As funding permits, the Town shall install and maintain a sign at the beginning of the trails stating the permitted and prohibited uses of the trail system.

1908.3 The Town may install and maintain directory signs to mark trails and guide visitors.

1908.4 The Town may install and maintain informational signs to assist visitors in enjoying nature.

1908.5 The Scarborough Historical Society may install a sign describing the history of the area.

**Section. 1909. Parking**

As funding permits, the Town shall develop an unpaved parking area for ten cars behind the natural buffer on Route 9.

**Section. 1910. Public Use Restrictions**

The use of the Sanctuary by the public shall be limited to activities, which are compatible with the purposes of the Sanctuary. Any activity, which endangers persons or property, is prohibited. The removal of, molestation of, injury to or damage to anything natural, physical, pre-historical or historical within the Sanctuary. In addition, and without limitation, members of the public using the Sanctuary are prohibited from:

- Bringing motorized vehicles into the Sanctuary except on designated driveways and designated parking areas.
- Lighting bonfires or campfires.
- Consuming alcoholic beverages.
- Removing wildflowers or plants.
- Bringing unleashed pets into the Sanctuary.
- Smoking.
- Utilizing mechanical vehicles, including bicycles.
- Camping or tenting.
- Swimming.
- Fishing, hunting and trapping.
- Being present in the Sanctuary after dusk and before dawn
- Leaving or depositing any rubbish, trash or other waste material on the Sanctuary property.

**Section. 1911. Violations and Enforcement**

Any person who violates the public use restrictions of Section 10 of this Ordinance commits a civil violation punishable by a civil penalty of no less than \$10.00 and no more than \$50.00 for each violation. This Ordinance may be enforced by any officer of the Scarborough Police Department.

**Section. 1912. Conflict With Other Ordinances**

This Ordinance replaces and supersedes any previous action of the Town Council regulating the use and management of the Sanctuary. In the case of conflict between this Ordinance and any other applicable ordinance of the Town of Scarborough, the more restrictive provision shall govern.

## **ARTICLE XX TOWN OF SCARBOROUGH SOLID WASTE AND RECYCLING COMMITTEE, Adopted January 5, 2000**

### **Section. 2001. Solid Waste and Recycling Committee Established.**

The Solid Waste and Recycling Committee consists of seven members and two alternates appointed by the Town Council for staggered three year terms, except that the initial appointments of the alternates shall be one for a term of two years and one for a term of three years. Members of the Committee serving on the date of enactment of this Ordinance will continue to hold their positions until their current terms expire. The alternates may act in place of members who are absent or unable to act because of a conflict of interest.

### **Section. 2002. Purpose of the Committee.**

The purpose of the Solid Waste and Recycling Committee is to further the preservation and protection of the Town's beauty, cleanliness and natural resources through community education and the development of programs for the reduction, recycling and reuse of Scarborough's waste.

### **Section. 2003. Duties and Responsibilities.**

2003.1 The Solid Waste and Recycling Committee shall serve as an advisory committee to the Town Council, making recommendations for Council consideration on methods to promote increased recycling, reuse and reduction of Scarborough's waste.

2003.2 The Solid Waste and Recycling Committee shall develop and implement community education programs on the environmental and economic effects of waste disposal and on the benefits of various reduction, reuse and recycling actions in Scarborough.

### **Section. 2004. Powers.**

In performing its duties and fulfilling its responsibilities, the Solid Waste and Recycling Committee may, without limitation:

2004.1 Research and document community problems and needs relating to waste disposal.

2004.2 Research and document options for recycling, reusing and reducing Scarborough's waste.

2004.3 Research and document feasibility of regional waste reduction, recycling and reuse efforts.

2004.4 Develop and provide community education about Hazardous Waste Day.

2004.5 Create an informational website for community use.

2004.6 Provide printed educational materials about household waste and the benefits of recycling, reuse and reduction.

2004.7 Provide or recommend curriculum resources and information for the public schools, home schoolers and the Scarborough Library.

2004.8 Coordinate with community groups such as Scouts, Kiwanis, Chamber of Commerce, etc. to plan and participate in reduction, recycling and reuse activities.

2004.9 Develop special community incentive activities for reduction, reuse and recycling, such as a booth at Summer Fest, an evening program at the library, a community contest or a Friday Forum program.

**Section. 2005. Meetings of the Committee.**

The Solid Waste and Recycling Committee shall meet at least ten times per calendar year. The Committee may establish a schedule of more frequent meetings and may conduct meetings in addition to regularly scheduled meetings as needed from time to time. All meetings of the Committee shall be conducted as public proceedings under the Maine Freedom of Access Law.

**ARTICLE XXI TOWN OF SCARBOROUGH ADA ADVISORY COMMITTEE Adopted February 16, 2001**

**Section 2101. ADA Advisory Committee Established.**

There is hereby established the ADA Advisory Committee, consisting of five members appointed by the Town Council. Members shall be appointed for three-year terms, except for the initial appointments, which shall be two members for terms of one year, two members for terms of two years and one member for [a] term of three years. Members whose terms expire shall continue to serve until their successors are appointed and qualified. The Council shall endeavor to appoint Committee members who have apparent or hidden disabilities or are members of a family including a person or persons with apparent or hidden disabilities.

**Section 2102. Liaison.**

The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town's ADA Compliance Officer shall serve as staff liaison to the Committee. Neither shall be a voting member.

**Section 2103. Committee Procedures.**

2103.1 Three members of the Committee constitute a quorum.

2103.2 The Committee shall select one of its members to serve as chair.

2103.3 The Committee shall set its own schedule for meetings, provided the Committee meets with staff at least quarterly.

2103.4 The Committee shall maintain a record of its activities.

**Section 2104. Committee Purpose and Functions.**

The purpose of the Committee is to assist the Town in meeting its obligations under the provisions of Title II of the Americans with Disabilities Act and its implementing regulations. The functions of the Committee shall be as follows:

2104.1 Staff Training. Committee members may attend and participate in staff and departmental training, including staff awareness programs policies regarding enforcement of Title III issues, and may recommend to staff and Council that periodic or specialized training take place.

2104.2 Self-Evaluation. The Committee shall serve as a resource to the ADA Compliance Office in effectuating the Town's self-evaluation procedures pursuant to federal regulation.

2104.3 Program of Public Awareness In order to promote ADA awareness for the general public, the Committee may:

2104.3.1 Work with Staff and others to make presentations to service groups;

2104.3.2 Subject to Town Council funding, prepare public service ads and press releases;

2104.3.3 Serve as a resource to the private sector for awareness training relating to Title III;

2104.3.4 Assist in development of public/private partnerships that will promote universal design for accessibility.

2104.3 Adoption of Grievance Procedures. The Committee shall serve as a resource to the ADA Compliance Officer in the adoption of grievance procedures pursuant to federal regulation

**ARTICLE XXII TOWN OF SCARBOROUGH A PARKS AND CONSERVATION LAND BOARD AS AN ADVISORY BODY TO THE TOWN COUNCIL, Adopted August 15, 2001, Amended March 20, 2002, Amended November 6, 2002**

**Section. 2201. Establishment.**

There is hereby established a Parks and Conservation Land Board (the Board) as a standing committee and an advisory body to the Town Council. (Amended 11/06/02)

**Section. 2202. Organization.**

The Board shall consist of seven (7) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, and two (2) members serving a three (3) year term. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board. (Amended 3/20/02)

**Section. 2203. Duties.**

The duties of the Board shall be as follows: [Amended 11/06/02][Amended 12/01/2010]

2203.1 To develop a written Acquisition Evaluation Process (AEP) consistent with the Parks and Land Conservation Bond Taskforce Report. The AEP will be used to evaluate potential acquisitions in a consistent manner. The Board will maintain a goal and assign priority to acquisitions where private funding can be used to match public funding.

2203.2 To recommend and advise the Town Council on land acquisitions identified by the Acquisition Evaluation Process.

2203.3. To recommend and advise the Town Council regarding the propose sale of any Town-owned land, using the Acquisition Evaluation Process.  
[Amended 12/01/2010]

2203.4 To recommend any conditions, restrictions or protective measures appropriate for Council consideration on land identified for acquisition.

**Section. 2204. Procedure.**

The committee shall meet at least quarterly and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

**Section. 2205. Authority.**

The Board shall assist and advise the Town Council in the acquisition of properties or rights to properties considered for the following: (a) to provide or maintain public access; (b) to allow passive or active recreation; (c) to conserve water quality, natural areas; (d) to provide easements for walking or biking trails; (e) to preserve significant scenic, cultural or historic sites; (f) to preserve sites which are considered part of the character of the community; and (9) to add to existing conservation and public areas.

**Section. 2206. Council Acceptance.**

The written recommendations of the Board shall be included in the Council Order authorizing any land or rights acquisition. (Amended 11/06/02)

**Section. 2207. Land Acquisition Reserve Fund.**

2207.1 Establishment. There is hereby established a Town of Scarborough Land Acquisition Reserve Fund as recommended by the Parks and Conservation Land Advisory Board. That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented, a permanent reserve fund of the Town of Scarborough, Maine, to be known as the Parks and Conservation Land Acquisition Reserve Fund, hereinafter called the Fund is hereby established.

2207.2 Expenditures from the Fund shall be used to acquire real estate, or interests in real estate, as defined in Article XXII (Parks and Conservation Land Board), in order to:

- a. Preserve land in its natural state; or,
- b. Protect a natural resource, or a historic site; or,
- c. Provide for recreational use.

2207.3 Deposits approved by the vote of the Town Council and appropriated to the Fund may include but are not limited to:

- a. Any grant received on behalf of the Fund and interest from deposits and investments of the Fund;
- b. Unspent appropriations from town committees, such as the Conservation Commission and Shellfish Conservation Commission;
- c. Voluntary contributions of money or other liquid assets;
- d. Interest from deposits and investments of other town funds;
- e. Proceeds from the disposal of real or personal property interests such as from the sale of tax-acquired property;
- f. Bonds or notes issued not exceeding amounts established by Town Charter; and
- g. Other municipal funds such as impact fees and density offset contributions.

**DEFINITIONS:**

**A. Natural Resources.**

Natural resource areas are lands that have been identified in Town, State or Federal planning processes for their unique natural resource importance, and those that have not yet been identified but may meet natural resource criteria. These areas include, but not limited to, the Scarborough Marsh, the coast and beach areas, estuaries and major rivers (Nonesuch, Scarborough, Libby and Dunstan), wetlands and brooks, wildlife areas, and unique agricultural and forest lands (with emphasis on large tracts of undeveloped land).

**B. Linkages, Buffers and Additions to Conservation or Other Public Lands.**

These lands include parcels that connect or abut existing conservation or public lands or private lands for public use. Buffer lands are those which afford an extra level of protection to these parcels from surrounding encroachments.

**C. Public Access.**

Public access lands are parcels conducive to public use and enjoyment. These areas may include small properties that provide the sole legal source of public ingress and egress to larger conservation or public lands, or private lands, which allow public use. These public access areas may also include lands or rights or privileges for the public to use Scarborough's coast, ponds, rivers, streams and brooks.

**D. Active and Passive Recreation.**

Active recreation areas are lands, such as ball fields, that have been significantly altered (and that require ongoing maintenance) for the use and enjoyment of the public. Passive recreation areas are lands that are generally unimproved but may be managed for forestry, wildlife or

agricultural purposes or enjoyed in their natural state for a variety of activities i.e. hiking, exploring, hunting and fishing, scenic purposes, and other uses.

**E. Community Character and Historical Significance.**

Lands of community character are areas that are of unique and exceptional importance to the Town of Scarborough's landscape, culture and history. Historical areas included, but not limited to, lands, structures, sites and monuments that have been or may be identified by the Scarborough Historical Society for their historical importance.

**ARTICLE XXIII. THE TOWN OF SCARBOROUGH ENERGY COMMITTEE, Adopted April 7, 2010**

**Established.**

There shall be an Energy Committee with the objective to identify actions that the community as a whole [municipal/school, residential, commercial and industrial] can undertake to reduce costly energy consumption in the Town.

**Purpose.**

The purpose of this Committee is to serve as an energy and environmental sustainability committee for Scarborough, and to research energy programs, projects, and policies through conservation and alternative energy use.

**Organization and/or Membership.**

Members shall be appointed for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.

The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town Manager, his/her designee, shall serve as staff liaison to the Committee. Neither shall be a voting member.

**Duties.**

The Committee shall have the following duties:

- Prepare, recommend and implement a Comprehensive Energy Plan for the Town to be adopted by the Town Council;
- Serve as a forum to review and recommend opportunities to increase the efficient use of energy through conservation and alternative energy initiatives;
- Recommend ordinances and policies to the Town related to energy issues;
- Analyze municipal energy use patterns and benchmark usage to identify opportunities;

- Pursue grant opportunities for energy efficiency and alternative energy sources;
- Recommend ways to reduce the Town's environmental footprint by minimizing its energy use while reducing greenhouse gas emissions;
- Promote the local economy and protecting its environment;
- Explore the benefits and funding models for an Energy Office for the Town;
- Provide Public education and awareness through community outreach.
- Provide an Annual Report to the Council.

**Procedures.**

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule which will be open to the public.