

TOWN OF JAY

Administrative Ordinance

Enacted: January 21, 2003

First Amendment: June 12, 2007

Second Amendment: August 26, 2013

Third Amendment: June 23, 2014

Fourth Amendment: June 26, 2017

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

CHAPTER 1

INTRODUCTION

Section

- 1.1 SHORT TITLE
- 1.2 PURPOSE
- 1.3 AUTHORITY
- 1.4 SEVERABILITY
- 1.5 CONSTRUCTION
- 1.6 EFFECTIVE DATE

1.7 DEFINITIONS

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the “Town of Jay Administrative Ordinance.”

1.2 PURPOSE

This Ordinance provides for a more comprehensive plan of the structure, organization and administration of the government in the Town of Jay.

1.3 AUTHORITY

This Ordinance is enacted pursuant to the Home Rule powers bestowed on the Town of Jay pursuant to Article VIII, Part Second of the Constitution of the State of Maine and the Laws of the State of Maine, including without limitation Title 30-A, Section 3001 and Title 30-A, Section 2631 et seq.

1.4 SEVERABILITY

If any provision or section of this Ordinance, or the application thereof to any person or circumstance, is held void or invalid, such invalidity shall not affect the validity of any other provisions or applications or any part thereof, which can be given effect without the invalid provision or application, and to this end each provision of this Ordinance is declared to be severable and independent. It is the intent of the Town of Jay that each and every section, subsection, paragraph, sentence and clause of this Ordinance be given effect to the extent possible.

1.5 CONSTRUCTION

All provisions of this Ordinance shall be liberally construed in order that the intent of this Ordinance be fully effectuated.

1.6 EFFECTIVE DATE

This Ordinance shall become effective upon its enactment at a special town meeting of the Town of Jay.

1.7 DEFINITIONS

In addition to those terms defined herein and unless the text of this Ordinance expressly indicates otherwise, the following terms and phrases have the following meanings in this Ordinance.

A. Select Board. "Select Board" shall mean the Select Board for the Town of Jay.

B. Donations. "Donations" shall mean and include donations, gifts, grants, bequests and devises.

C. Municipal Officers. "Municipal Officers" shall mean the Select Board

D. Municipal Official. "Municipal Official" shall mean all elected, appointed and other municipal employees of the Town of Jay, excluding the Select Board.

E. Intentionally Deleted

F. Town. "Town" shall mean the Town of Jay, Franklin County, Maine.

G. Town Meeting. "Town Meeting" shall mean a meeting of the legislative body of the Town.

H. Voter or Voters. "Voter" or "Voters" shall mean any person or persons registered to vote in the Town of Jay.

CHAPTER 2

GENERAL ADMINISTRATIVE-ORGANIZATION

Section

- 2.1 FORM OF GOVERNMENT
- 2.2 ORGANIZATION OF GOVERNMENT
- 2.3 FISCAL YEAR
- 2.4 TAX PAYMENT DATES
- 2.5 MUNICIPAL BUILDING; DESIGNATION

2.1 FORM OF GOVERNMENT

The legislative body of the Town of Jay shall be a duly called meeting of the Voters. The legislative body shall be responsible for the determination of the amount of money to be raised by taxation from the Jay citizens and to appropriate the money collected from taxation and from other sources. To administer the municipal affairs, Jay has established the “Town Manager Plan Form of Government.” The Select Board shall have all powers and authority granted to and shall perform all duties and responsibilities imposed upon the municipal officers of a town under the general laws of the State of Maine and the United States

2.2 ORGANIZATION OF GOVERNMENT

A. Municipal Officers. The Municipal Officers of the Town of Jay shall be the Select Board.

B. Elected Municipal Officials. The elected Municipal Officials of the Town shall be the members of the Jay Power District.

C. Appointed Municipal Officials. The appointed Municipal Officials of the Town shall be the Town Manager, Tax Collector, Treasurer, Town Clerk, Purchasing Agent, Registrar of Voters, Code Enforcement Officer, Plumbing Inspector, Public Health Officer, Police Chief, Constable, Fire Chief, Public Safety Director, Police Commissioner, Road Commissioner, Agent to the Overseer of the Poor, Agent to the Assessors, Addressing Officer, Project Manager, Animal Control Officer, Members of the Planning Board, Members of the Board of Appeals, Members of the Board of Assessment Review, Public Information Access Officer and all deputies and assistants thereto.

D. Boards and Organizations. The Select Board may appoint Select Board Members or Voters to Boards of Directors or to organizations to represent the Town as

the Select Board desires. As of the date of the enactment of this Ordinance the Select Board members have appointed persons to the following Boards and Organizations and the Select Board Members shall continue to make such appointments until it determines not to appoint: Spruce Mountain Board of Directors, Channel 7 Board of Directors, Joint Sewer Committee with Livermore Falls, CES Advisory Board.

E. Committees. The Select Board may establish and abolish from time to time such committees that it desires. Such committees shall advise the Select Board in accordance with the resolution of the Select Board that establishes the committee. As of the date of enactment of this Ordinance the following committees have been established by the Select Board and shall remain until abolished by the Select Board: Addressing Committee, Ad Hoc Budget Format Committee, Budget Committee, Community Development Committee, Comprehensive Plan Committee, Comprehensive Plan Implementation Committee, Economic Development Committee, Memorial Day Committee, Municipal Committee, Recreation Committee, Recreation Land Committee, Recycling Committee, Road Committee, Sewer Committee, Solid Waste Committee.

F. Jay Community Development Corporation. Each Select Board Member, upon qualifying for the Select Board's office, shall be a Director of the Jay Community Development Corporation.

2.3 FISCAL YEAR

The Fiscal Year of the Town of Jay shall be July 1 to June 30.

2.5 TAX PAYMENT DATES

The Town of Jay shall pay, to a taxpayer who pays an amount in excess of that finally assessed, the amount of the overpayment plus interest from the date of overpayment at an interest rate of 4% lower than the interest rate established by the Town for delinquent taxes as provided in 36 M.R.S.A., Section 506-A and as the statute may be amended from time to time.

2.5 MUNICIPAL BUILDING; DESIGNATION

The public building located at 340 Main Street, Jay, Franklin County, Maine, 04239, shall be designated and known as the Jay Municipal Building.

CHAPTER 3

SELECT BOARD

Section

- 3.1 COMPOSITION; TERMS
- 3.2 QUALIFICATIONS
- 3.3 OATH
- 3.4 VACANCIES
- 3.5 CHAIRMAN
- 3.6 COMPENSATION
- 3.7 MEETING
- 3.8 QUORUM
- 3.9 AGENDA
- 3.10 CONFLICT OF INTEREST
- 3.11 POWERS AND DUTIES

3.1 COMPOSITION; TERMS

The Select Board shall consist of five (5) members, each elected by a majority of the Voters of the Town of Jay at the Annual Town Meeting or at a Special Town Meeting called to fill a vacancy on the Select Board. Each member shall serve a period of three years and until the member's successor is elected and qualified.

3.2 QUALIFICATIONS

Select Board Members shall be residents of the Town of Jay and registered Voters therein. Select Board Members shall be at least eighteen (18) years of age, residents of the State of Maine and citizens of the United States and shall not be Municipal Officials.

3.3 OATH

The members of the Select Board, before assuming their duties of office, shall be sworn by the moderator at a town meeting, the Town Clerk or a notary public to the faithful performance of their duties and such oath shall be subscribed to and filed in the office of the Town Clerk

3.4 VACANCIES

The nonacceptance, resignation, death, permanent disability or incompetency of any Select Person the failure of any Select Person to qualify for office within ten (10)

days after written demand, the failure of the voters to elect a person to office shall cause a vacancy on the Select Board.

3.5 CHAIRMAN; OFFICERS

The Select Board shall, by majority vote, elect a Chair Person and Vice Chair Person. If the Select board Members are unable to elect a Chair Person or Vice-Chair Person among themselves, then the Town Clerk shall select the Chair Person or Vice-Chair Person by lot pursuant to Title 30-A, § 2526. The Town Clerk shall ex-officio serve as the Secretary to the Select Board. The Chair Person or Vice Chair Person in the Chair Person's absence shall represent the Town at public functions and ceremonies. The Chair Person shall preside at all meetings of the Select Board, shall prepare the agenda as provided in section 3.9, shall call special meetings when necessary and shall fill all the customary functions of the office. The Chair Person may vote on all matters coming before such meeting, unless otherwise provided herein.

3.6 COMPENSATION

The rate of compensation for members of the Select Board shall be determined in the annual operating and capital budget approved by the Town.

3.7 MEETINGS

A. Regular Meetings. Regular Meetings of the Select Board shall be held on a regularly scheduled routine; provided, however, the Select Board may, in their sole discretion, cancel or postpone any regular meeting. The date, time and place of such regular meetings shall be determined by the Select Board at the first meeting of a newly elected Select Board.

B. Special Meetings. Special Meetings shall be called by the Chair Person, three (3) Members of the Select Board, or the Town Manager. Notice of a Special Meeting shall be given to all Select Board Members in a manner determined by the Select Board at the first meeting of a newly elected Select Board, and if time permits shall be posted in a conspicuous public place and/or published in a newspaper of general local circulation.

3.8 QUORUM

No business shall be conducted by the Select Board without a Quorum. A Quorum shall consist of three (3) Members. The Board shall act by majority vote, calculated on the basis of the number of Members present and voting provided, however, if there are only three (3) members present, any action shall require a unanimous vote. If

less than a Quorum is present, the meeting may be adjourned for a period not exceeding two (2) weeks at any one time.

3.9 AGENDA

The Chair Person shall determine the Agenda in such a manner as to facilitate the execution of the duties of the Select Board.

3.10 CONFLICT OF INTEREST

Members of the Select Board shall attempt to avoid the appearance of a conflict of interest by disclosure or abstention of voting.

No member of the Select Board may vote or influence the vote of any other member of the Select Board on any matter before the Select Board if that member has a direct or an indirect pecuniary interest in the matter. A member is deemed to have a direct or an indirect pecuniary interest if the member is an officer, director, partner, associate or stockholder of a private corporation, business or entity to which the matter relates or with which the Town contracts if the member directly or indirectly owns at least ten percent (10%) of the stock in the private corporation or a ten percent (10%) interest in the business or entity.

3.11 POWERS AND DUTIES

The Select Board shall have all administrative and executive powers and shall perform all duties as provided herein and as provided in the Constitution and laws of the State of Maine and shall perform all duties as are necessary and proper to administer the fiscal and municipal affairs of the Town of Jay including, but not limited to, the authority to contract for services and for professional services including, without limitation, attorneys, auditors, property appraisers, architects and engineers.

CHAPTER 4 INTENTIONALLY DELETED - SCHOOL COMMITTEE

CHAPTER 5

ADDITIONAL POWERS AND DUTIES OF THE SELECT BOARD

Sections

- 5.1 PERSONAL PROPERTY
- 5.2 REAL PROPERTY
- 5.3 ACCEPTANCE OF DONATIONS TO THE TOWN
- 5.4 DONATIONS FROM THE TOWN

5.1 PERSONAL PROPERTY

The Select Board is authorized to sell, by private sale or bid, or otherwise dispose of Town owned personal property that they deem to be surplus, obsolete or unusable under such terms and conditions as it deems advisable. The Select Board may execute and deliver a release bill of sale to accomplish the transfer of such property.

5.2 REAL PROPERTY

The Select Board is authorized to advertise and to sell real property with any fixtures thereon, acquired by the Town of Jay by virtue of unpaid tax and sewer charges under such terms and conditions as it deems advisable. The Select Board is authorized to execute and deliver municipal release deeds to accomplish the transfer of such tax acquired property and to execute and deliver such municipal release deeds to transfer property to the owners or their successors in interest after a tax lien has matured.

5.3 ACCEPTANCE OF DONATIONS AND OTHER FUNDS TO THE TOWN

The Select Board is authorized to accept and expend, on behalf of the Town, without further action by Town Meeting, such Donations and funds from federal, state or other governmental units and local agencies or programs or private sources which become available during the year upon such terms and conditions as the Select Persons determine are necessary and proper and in the best interest of the Town, and to accept, on behalf of the Town, any and all unconditional gifts of any type of property. The Select Board may enter into and execute such agreements and contracts and to take all actions as may be necessary, appropriate and convenient to accomplish this acceptance. For any Donation or other funds that require additional funds, such additional funds must be appropriated at a Town Meeting.

5.4 DONATIONS FROM THE TOWN

The Select Board is authorized to give such Donations to appropriate persons or entities upon such terms and conditions which the Select Board determines are proper and

in the best interest of the Town. Donations shall be made within the appropriations made for Donations and shall be made only to those recipients who have submitted appropriate requests to the Select Board prior to the Select Board's determination of the total amount of Donations to put in its appropriation request.

Any person or entity who is requesting a Donation from the Town must submit, in writing, to the Select Board a request. The request shall include the amount requested and a narrative of the recipient's program and such other information as the Select Board may request. Under unusual circumstances, written donation requests may be made of the Select Board and considered at a regularly scheduled Select Board meeting.

CHAPTER 6

GENERAL

Sections

- 6.1 JAY SNOWMOBILE RECREATION FUND
- 6.2 TAX PREPAYMENT

6.1 JAY SNOWMOBILE RECREATION FUND

The Jay Snowmobile Recreation Fund is hereby established (“Snowmobile Fund”). The Snowmobile Fund shall be used exclusively for the construction, development, maintenance and improvement of snowmobile trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted for the improvement and safety of snowmobiling for the public within the Town of Jay.

The Select Board is authorized to make expenditures from the Snowmobile Fund for the purposes of the Snowmobile Fund.

The Andy Valley Snowmobile Club being a non-profit corporation is designated the agent for the administration of the Snowmobile Fund, under the supervision of the Select Board.

6.2 TAX PREPAYMENT

The Treasurer of the Town of Jay is authorized to accept prepayment of taxes not yet committed pursuant to 36 M.R.S.A., Section 506.