CHARTER

TOWN OF DENMARK

INCORPORATED 1807
AMENDED JUNE 5, 2009
AMENDED NOVEMBER 2, 2010
ANNUAL MEETING

On or after the passage of this Act, the next annual meeting shall be held on the second Saturday of March, 2006. Thereafter, the Denmark Annual Town Meeting shall be held on the first Saturday of June, beginning in the year 2006. Questions to be voted on by secret ballot shall be voted upon the preceding secular day.

ELECTIONS:
Elections shall be as provided by State Law. The following offices shall be elected by secret ballot:
   1. Selectmen, Assessors and Overseers of the Poor
   2. Planning Board
   3. M.S. A.D. #72, Directors and Alternate¹

PETITIONS:
The voters may petition the Selectmen for particular articles under Title 30-A, §2522 and Title 30-A, §2528(5). The manner, validity, and effect of such petitions is as determined by State Law.

BALLOTS FOR ORDINANCES:
An ordinance to be voted on by secret ballot shall be presented for voting consistent with State Law. Title 30-A, §3002(3) specifies the wording of the article for enacting ordinances. It reads: “Shall an ordinance entitled ____________________________ be enacted”.

VOTING MACHINES:
The Board of Selectmen may provide for the use of mechanical or other devices for voting or counting of the votes not inconsistent with the law.

SPECIAL TOWN MEETINGS:
Special town meetings shall be called in accordance with the Maine Revised Statutes Annotated.

INITIATIVE AND REFERENDUM

DEFINITION:
Initiative guarantees the right by which citizens can propose a vote by petition and suggest its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote. (Title 30-A §§2522 or 2528(5) and Title 20-A, which is incorporated by reference in many sections of Title 30-A).

PROCEDURE:
The details of procedure by which both of these rights are available are described in Title 30-A, §§2522 or 2528(5) and Title 20-A, which is incorporated by reference in many sections of Title 30-A.

Nothing in this chapter shall be construed to diminish the rights granted by law.

¹ Amended November 2, 2010 at Referendum Election. #3 “Fire Chief” removed after position changed from elected to appoint. Effective June 5, 2011.
ELECTED OFFICERS

SELECTMEN, ASSESSORS, OVERSEERS OF THE POOR:
The Board of Selectmen shall be composed of three members, each of whom shall be elected by the registered voters of the town and will serve three (3) year staggered terms. At each regular municipal election, Board members shall be elected to fill those positions that have become vacant. Only qualified voters of the town shall be eligible to hold the office of Selectmen (Title 30-A, §2526).

The total annual compensation for the Board of Selectmen, as a whole, shall be determined by the annual meeting. The warrant article shall carry the recommendation of the Budget Committee. Members serving unexpired terms shall be paid for time served.

At its first meeting following the annual town meeting, the Board of Selectmen shall elect from among its members a chair to serve for the ensuing year and shall appoint a secretary. The Board shall be authorized, by a unanimous vote of the Board on a motion duly made and seconded, to allocate among its members various administrative duties and responsibilities and also to allocate among its members accordingly the compensation approved for the Board.

The Board shall appoint all necessary vacancies on the Board of Appeals, a secretary for both the Board of Appeals and the Planning Board, Emergency Preparedness Director, Code Enforcement Officer, Plumbing Inspector, Animal Control Officer, Health Officer, Administrative Assistant, Deputy Administrative Assistant, Public Works Director, and Director of Eastern Slope Airport Authority. All appointed officials may be removed for just cause, after a notice and a hearing.

The Selectmen shall hold meetings twice monthly, the scheduling to be at the discretion of the Board, provided that the schedule of said meetings shall be publicly posted in accordance with state law. The Selectmen may call special meetings as they are required and give such public notice required by law. All meetings of the Board shall be opened to the public. The Board of Selectmen may recess for the purpose of discussing in closed or executive session any matter which is an allowable topic for executive session under the laws of Maine. (Title 1, MRSA §405 (6). At the Board’s meeting they shall sign the warrant.

The Board of Selectmen are the Overseers of the Poor unless and until they have designated another person or persons as the municipal officials charged with that function. The Overseers are responsible for administering the Town’s General Assistance Program, which is a municipal welfare program mandated by State Law. (Title 22 MRSA §4301 et seq).

The Board of Selectmen shall serve as the Board of Assessors and all duties to be performed according to State Law. (Title 36 MRSA §703). The Board may contract with a professional property value appraiser for the purpose of revaluation and annual assessing.

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2 Amended June 5, 2009 at Annual Town Meeting Election.
The Board of Selectmen shall be responsible for developing and adopting a comprehensive written Personnel Policy Manual, which shall include, at minimum, detailed job descriptions for Town employment positions, detailed explanation of the coverage of and eligibility for various employment benefits, a system of employment record-keeping including employee performance evaluations, and grounds and procedures for progressive employee discipline, as and when required. The Board shall ensure the manual is reviewed and revised from time to time to maintain compliance with applicable laws and the employment need of the Town. Revisions shall require the vote of the majority of the Board of Selectmen. Said policy, as revised from time to time, shall be of continuing applicability and does not require readoption from year to year.

PLANNING BOARD:
1. There shall be a Planning Board consisting of seven (7) voting members with staggered three (3) year terms. The Planning Board members will be elected. The voting members shall elect their chairman. The Planning Board shall review the comprehensive plan biennially to assure that the comprehensive plan meets current needs and requirements of the community, evaluate and prepare amendments for zoning ordinances, and review subdivisions under Title 30-A MSA section 3001. The Chairman shall submit a written report of activities to the Selectmen to be included in the annual town report. Any vacancy will be filled at annual town meeting.

FIRE CHIEF:
1. Fire prevention and fire-fighting for the Town shall be provided by the Denmark Municipal Fire Department. The Chief shall be appointed by the Board of Selectmen for a term of three (3) years, subject to removal for just cause, after notice and hearing. The Fire Chief shall appoint his officers. The Fire Chief shall determine the annual budget and present it for review by the Board of Selectmen and Budget Committee. The warrant article for town meeting shall carry the Budget Committee’s recommendation.

DIRECTORS, M.S.A.D. #72:
1. S.A.D. Directors shall be S.A.D. Directors of M.S.A.D. #72, whose term, number, powers and duties shall be presented under the terms of organization of Pequawket Valley, M.S.A.D. #72.

BUDGET COMMITTEE:
1. The Budget Committee shall consist of six (6) members, elected by staggered terms of three (3) years, at the annual town meeting.

COMMITTEE TO ASSIST SELECTMEN:
1. The Committee to assist the Selectmen is disposing of tax-acquired properties shall consist of three (3) members to be elected at the annual town meeting.

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3 Amended November 2, 2010 at Referendum Election. Amendment effective June 5, 2011.
RECALL

A. Any elected official or M.S.A.D. Director, representing the Town of Denmark, may be recalled and removed therefrom by the qualified voters of the Town of Denmark as herein provided.

B. Any ten percent of the voters of the municipality in the last gubernatorial election may make and file with the Town Clerk a petition containing the name or names of the person or persons whose removal is sought, and a general statement of the reasons why such removal is desired. The Town Clerk shall thereupon prepare petition blanks for such removal with a copy of said petition and general statement printed thereon or attached thereto, which shall contain the signature of said Town Clerk, and his official seal, and which shall be dated, addressed to the Board of Selectmen, and contain the name or names of the person or persons whose removal is sought. The Town Clerk shall file said petition blanks and shall during office hours for the next 20 business days thereafter, keep the same open for signatures by qualified voters of the town and no such petition blanks shall be signed or presented for signatures at any place other than the Town Clerk’s office, and not until the person whose signature is being solicited is informed that the petition calls for the removal of a town official from public office shall such petition blank be signed. The recall petition to be effective must be signed by the registered voters of the town to the number of at least 20% and to every signature shall be added the place of residence of the signer giving the street and number or other description sufficient to identify the place.

C. At the expiration of said 20 business days, the Town Clerk shall declare the petition closed and shall within 5 business days ascertain whether or not the petition is signed by the requisite number of voters and shall attach thereto his/her certificate showing the result of such examination.

D. If the petition shall be certified by the Town Clerk to be sufficient, he/she shall submit the same with his/her certificate to the Board of Selectmen at its next regular meeting and shall notify the officer/s or official/s whose removal is sought of such action. The Board of Selectmen shall within 5 business days of the receipt of the Town Clerk’s certificate order an election to be held not less than 30 nor more than 40 calendar days thereafter, provided that, if a regular municipal election is to occur within 60 calendar days after the receipt of said certificate, the Board of Selectmen may, in its discretion, provide for the holding of the recall election on the date of such other municipal election. The recall election shall be called and held.
APPOINTED OFFICIALS

TOWN MANAGER:
The Town Manager is appointed by the Board of Selectmen and may be removed for cause, after notice and hearing, by the Board. The Board of Selectmen is authorized to enter into a written employment contract with a Town Manager for an initial term not to exceed two years, and may renew the same for successive terms not to exceed three years each, upon such terms and conditions as the Board, in its judgment, determines to be in the best interest of the Town.

The Town Manager shall be the chief executive and administrative officer of the town, subject to the obligation to report to the Board of Selectmen. The Town Manager shall be responsible for hiring, disciplining, and terminating the employment of all Town employees, subject to the terms of any Town Personnel Policy adopted by the Board of Selectmen. The Town Manager shall serve as the Department Head of all Town departments, and shall serve as the Town’s purchasing agent. The Town Manager shall collect, maintain, report and collate all data and information necessary for the preparation of Town budgets and shall keep the Board of Selectmen fully informed of such matters. The Town Manager shall attend all regular and special town meetings and all meetings of the Board of Selectmen, unless excused by the Board. The Town Manager shall perform all other functions lawfully delegated by the Board of Selectmen from time to time, or as required by contract.

ADMINISTRATIVE ASSISTANT:
1. Appointed by the Selectmen
   a. Must perform all duties required by law for Treasurer, Tax Collector, Town Clerk, Registrar of Voters and Secretary to the Selectmen
   b. In charge of the Municipal Office
   c. Attend weekly Board of Selectmen meetings
   d. Motor Vehicle registrations

DEPUTY ADMINISTRATIVE ASSISTANT:
1. Appointed by the Administrative Assistant
   a. Must be able to fulfill all the duties of the Administrative Assistant during her absence or at her request.

PUBLIC WORKS DIRECTOR:
1. Appointed by the Selectmen
   a. Supervises and works along with all full and part-time employees of the Public Works Department and is responsible to the Board of Selectmen for the duties of the Road Commissioner under law.
   b. He is responsible for the maintenance and clearing of all roads and all active Town facilities. (Fire Station, Municipal Building, Garage, Transfer Station, Cemeteries, Beach, Ballfield and Playground, and Dam).
   c. Performs administrative duties as required to maintain proper record-keeping and Personnel Performance Evaluations and any other duties required by the Selectmen.

4 Amended June 5, 2009 at Annual Town Meeting Election.
BOARD OF APPEALS:
1. There shall be a Board of Appeals consisting of seven (7) voting members with staggered three (3) year terms. The Board of Appeals will be appointed by the Selectmen. Voting members will elect their Chairman. The Board of Appeals shall have the power and authority set forth in Title 30-A, §2691 and 4353 and, in addition, any other powers of authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the town. The Chairman shall submit a written report of activities to the municipal officers to be included in the annual town report.

HEALTH OFFICER:
The Health Officer shall be appointed by the Selectmen, for a term of three years. The general duties of the health officer are to assist the Department of Human Services (DHS) in the reporting, prevention and suppression of diseases and all conditions dangerous to health. The health officer is subject to the supervision and direction of the DHS. 22 MRSA sec. 451 et seq set forth the general rights and duties of this office.

PLUMBING INSPECTOR:
1. Appointed by Selectmen
2. Plumbing Inspector must inspect all plumbing which requires permits within the Town of Denmark, to ensure compliance with State rules and municipal ordinances, as set forth in Title 30-A MRSA section 4221 (3).
   a. Condemn and reject all work done or being done or material used or being used which does not comply with State rules and municipal ordinances, and order changes necessary to obtain compliance.
   b. Issue certificates of approval.
   c. Keep accurate account of all fees collected and transfer the fees to municipal treasurer.
   d. Keep a complete record of all essential transactions.
   e. Investigate complaints of alleged violations relating to plumbing or subsurface waste water disposal and take appropriate actions as specified by the Department of Human Services in the State of Maine Enforcement Manual, Procedures for Correcting Violations to the Subsurface Waste Water Disposal and Plumbing Rules.
   f. Issue permits before a seasonal dwelling can be converted to a year round dwelling in the shoreland zone.
   g. Perform other duties as provided by municipal ordinance.
   h. All LPI’s must be certified by the Department of Human Services in order to hold office.

CODE ENFORCEMENT OFFICER:
1. The Code Enforcement Officer shall be appointed by the Selectmen. The Code Enforcement Officer shall enforce all municipal ordinances and State Land Use Laws administered primarily at the local or municipal level, including those set forth in Title 30-A, MRSA §4452.5.
ANIMAL CONTROL OFFICER:
1. The Animal Control Officer is appointed by the Selectmen annually and shall enforce Title 7, sections 3911, 3912, 3921, 3924, 3943, 3948, 3950, and 3950-A and such other duties to control animals as the municipality may require.

DIRECTOR OF EASTERN SLOPE AIRPORT AUTHORITY:
1. The Director of Eastern Slope Airport Authority shall be appointed by the Selectmen for a term of two (2) years. He or she shall represent the Town of Denmark on the Eastern Slope Airport Authority Board of Directors.

COMPENSATION:
Where not otherwise provided herein, or by State Law, the compensation and fees of officials of the Town shall be fixed by the Board of Selectmen.

BONDS:
All officials required by State Law to post Bonds, shall do so in accordance with State Law. The Selectmen may require a bond from a surety company approved by them, from such other officials as the Selectmen deem advisable. The premium on all bonds is to be paid by the Town.

AMENDMENTS:
This Charter may be amended under Title 30-A, §2104 and 2105.

EFFECTIVE DATE:
This Charter shall become effective January 1, 1993, except it is effective upon adoption for the purpose of conducting any necessary elections.

REPEALER:
All acts or parts of acts inconsistent herewith insofar as they relate to the Town of Denmark, are hereby repealed.

LIBERAL CONSTRUCTION:
The powers of the Town under this Charter shall be construed liberally, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power of these articles.

SEPARABILITY

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