

GENERAL GOVERNMENT ORDINANCE TOWN OF BENTON, MAINE

Adopted: March 27, 2021 Annual Town Meeting
April 1, 2021 Select Board Adoption

Revised: November 7, 2023 Secret Ballot Election
November 13, 2023 Select Board Adoption

Town of Benton, Maine – General Government Ordinance

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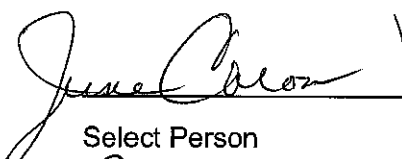
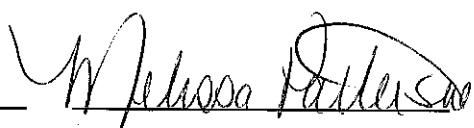
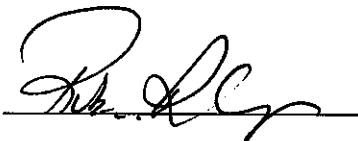
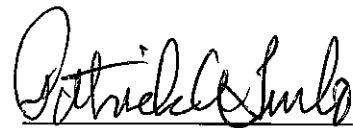

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Town Of Benton Select Board, General Government Ordinance Approval

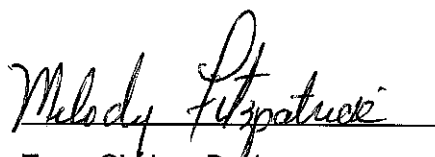
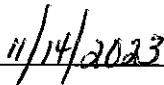
The Town of Benton, Maine, General Government Ordinance was approved by the Town March 27, 2021 at our Annual Town Meeting and was revised on June 8, 2021 and November 7, 2023.

The Town of Benton Select Board adopts the plan November 13, 2023.

Select Board Signatures:

 Select Person	 Select Person	 Select Person
 Select Person	 Select Person	

Municipal Clerk Signature & Certification:

 Town Clerk or Designee	 Date
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Town of Benton, Maine – General Government Ordinance

Section I: Preamble

A. Authority

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the March 27, 2021, Annual Town Meeting.

B. Title

This Ordinance shall be known and cited as the “**General Government, Town of Benton, Maine.**”

C. Purpose

The purpose of this Ordinance is to organize Town ordinances related to administrative, operational, finance and budget related ordinances adopted by the Town. Organization, overall description of the ordinance purpose and numbering to be developed by the Select Board.

D. Administrative Body

The provisions of this ordinance shall be administered by the Select Board.

E. Rules of Construction

Captions and headings within this Ordinance are intended to form a part of the Ordinance and to be utilized in determination the meaning and applicability of the sections they identify.

F. Conflict with other Ordinance(s)

This Ordinance is intended to be used in combination with the other ordinances adopted by the Town of Benton. In circumstances where the provisions of two or more ordinance are similar or conflicting, the town shall enforce the provisions which are more restrictive.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction shall control.

G. Severability

In the event of an authoritative finding that a provision of this Ordinance is invalid, the validity of the remaining provisions shall not be affected.

H. Repeal or Prior Ordinance

The prior General Government Ordinance of the Town of Benton, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

I. Effective Date

This ordinance shall take effect and be in force from the date of its adoption.

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J. Revisions

To preserve the integrity of this document starting in calendar year 2021 revisions to this ordinance will be maintained in an addendum labeled Addendum A – General Government Ordinance Town of Benton Maine Revision History. Each revision will denote:

1. Warrant Article Language
2. Date of Town Hearing
3. Date of Town's Approval and Adoption by the Select Board
4. Detail of the revision including reference to Section, etc. The revision will be reflected as follows, to ensure the revision is understood:
 - a. Language additions are reflected with underline text, e.g. TEXT ADDITION
 - b. Language removal are reflected with strike-thru text, e.g.

Town of Benton, Maine – General Government Ordinance

Section II: Operational Ordinances

Ordinance Numbering Legend: GG=General Government, O=Operational

I. GG-001 - Political Activity

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the March 27, 2021, Annual Town Meeting.

B. Ordinance

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold elective office while employed by the Town. Therefore, any employee elected to any Benton Town Office shall resign from employment prior to taking office.

Town employees shall not circulate petitions or campaign literature for elective Town officials or be in any way involved with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any local, state or national election.

II. GG-002 – Town Board Membership

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the March 27, 2021, Annual Town Meeting.

B. Ordinance

A person serving on a Town board may not hold another office which is “incompatible” with the position. Two offices are “incompatible” if the duties of each are so inconsistent or conflicting that one person holding both would not be able to perform the duties of each with undivided loyalty. Additionally, Town board membership may not contain members which are immediate family, or individuals residing in the member’s household. No Selectperson may simultaneously be an employee of the Town or hold any other position, the compensation of which is paid for by the Town.

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III. GG-O03 – Conflict of Interest

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the March 27, 2021, Annual Town Meeting.

B. Ordinance

1. Deliberation and vote prohibited. No elected official shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his or her collective body in which he or she or a member of his or her immediate family has a financial or special interest, other than an interest held by the public generally.
2. Disclosure of conflict. Any elected official who believes that he or she or a member of his or her immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the elected official is present. Additionally, any person who believes that any elected official, or a member of such elected official's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such interest, and the Clerk or his or her designee shall make a record of such disclosure.
3. Determination of conflict. Once the issue of conflict has been raised relative to any elected official and disclosure has been made as provided above, such individual's fellow board members or commission members shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each elected official or commission member present shall be entitled to vote on all conflict of interest questions, except those questions pertaining to that individual elected official's alleged conflict of interest.
 - a. All votes of conflict of interest questions shall be recorded. A majority vote shall determine the question.
 - b. Upon determination that a conflict of interest in fact exists, the elected official shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
 - c. In the event that a majority of the board or commission concerned shall require disclosure of further information not immediately available or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.
4. Avoidance of appearance of conflict. To avoid the appearance of a violation of this section, once any individual elected official is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item

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concerned have been determined as provided in Subsection C above, said individual shall immediately remove himself or herself from the meeting room. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. If the item has not been finally resolved when the conflict of interest is first determined, said individual shall not be present for any subsequent action on the agenda item. Nothing herein shall require an elected official to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.

5. Personal interest. Nothing herein shall be construed to prohibit any elected official from representing his or her own personal interest by appearing before his or her collective body on any such agenda item.
6. Abstention; exercising the right to abstain.
 - a. Any elected official who believes that he or she or a member of his or her immediate family has a special or financial interest, other than an interest held by the public generally, in any agenda item before his or her collective body may, after disclosure of the nature and extent of such interest, publicly state his or her intent to abstain from participation in the deliberation or vote, or otherwise taking part in the decision-making process on the agenda item. However, the collective board may by motion and vote determine that there is no conflict and that the elected official shall not be permitted to abstain from participating and voting on the agenda item.

Town of Benton, Maine – General Government Ordinance

Section III: Finance & Budget Ordinances

Ordinance Numbering Legend: GG=General Government, FB=Finance & Budget

I. GG-FB01 – First Quarter Budget Spend Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to spend an amount not to exceed the quarterly (25%) budget amount in each budget category of the previous years' annual budget during the first quarter of the current budget year.

II. GG-FB02 – Overdraft Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to take any overdrafts incurred in the ensuing year, up to 5% of last year's budget by account, from surplus.

III. GG-FB03 – Real Estate Disposal Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to sell and dispose of any real estate acquired by the town through non-payment of taxes thereon, subject to the advertising of same for three consecutive days in a local paper, on terms such as they deem advisable and to execute quitclaim deeds for such property; except, the Select Board may allow the immediate previous owners or heirs (one generation) to recover such property on the payment of all taxes and assessments including personal property taxes and sewer assessments past due plus interest and costs.

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IV. GG-FB04 – Tax Payment Prior to Tax Commitment Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to receive payment of taxes prior to the Tax Commitment.

V. GG-FB05 – Tax Payment Prior to Tax Commitment Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

1. The Town authorizes the Select Board on behalf of the Town, to raise and appropriate to pay for tax abatement and any interest due thereon.

VI. GG-FB06 – Interest Payment for Abatements Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Tax Collector on behalf of the Town, to pay interest on abatements for overpayment of taxes at the rate of 4.00% per annum, or lowest legal rate, after April 1 of the current year.

VII. GG-FB07 – Interest Charge Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to charge interest on taxes remaining unpaid after a certain date; also to set the date and rate of interest, not to exceed state maximum set in Title 36 M.R.S.A. Section 505.4.

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VIII. GG-FB08 – Payment Application Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to apply all taxes or fees paid to the oldest outstanding real estate taxes, personal property taxes, or sewer fees owed by that taxpayer.

IX. GG-FB09 – Payment Mileage Expenses Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to authorize the payment of mileage expenses at the current federal rate. The approved staff to receive reimbursement for this expense are: Town Clerk, Office Personnel, Select Board, Treasurer, Planning Board, Road Commissioner, LPI/CEO, Assessor.

X. GG-FB10 – Payment for Highway and Bridge Contractors Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to pay for labor performed on the highways and bridges by contractors, trucks, and equipment at the State of Maine laborer's wage per hour.

XI. GG-FB11 – Donation for Support of the Poor Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

Town of Benton, Maine – General Government Ordinance

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to accept any and all donations for the support of the poor.

XII. GG-FB12 – Acceptance of Grant and Donations Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to accept any and all grant funds and donations which do not require Town funding commitment beyond TIF and Capital Funds.

XIII. GG-FB13 – Multi-Year Contract Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to enter into multi-year contracts including but not limited to, support the disposal of solid waste and recyclables, winter road maintenance, highway maintenance, road maintenance, public sewer maintenance, and technology.

XIV. GG-FB14 – Road Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A. sec 2953.

XV. GG-FB15 – Acceptance of Trust Funds Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

Town of Benton, Maine – General Government Ordinance

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to accept any Trust Funds presented for the perpetual care of the cemetery lots within the Town.

XVI. GG-FB16 – Maine Statutes, Chapter 12, Section 6131 Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to authorize the Selectman under Maine Statutes, Chapter 12, Section 6131 and amendments thereto, to promulgate such regulations compatible with the General Laws of the State, to govern the time when and the manner in which river herring shall be taken therein.

XVII. GG-FB17 – Sell Surplus River Herring Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

To see if the Town will vote to authorize the Select Board on behalf of the Town, to authorize the Selectmen to sell surplus river herring for one or more years or take any action relative to the same.

XVIII. GG-FB18 – Alewife Festival Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 8, 2021.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to endorse the Alewife Festival, authorize the Treasurer to receive donations for this purpose and appropriate such donations for use of the Alewife Festival Committee, upon proper disbursement warrants by the Select Board.

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XIX. GG-FB19 – Town of Benton Quarterly Tax Payments

Authority

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the June 14, 2022.

B. Ordinance

The Town authorizes the Select Board on behalf of the Town, to set four collection dates of when taxes shall be due in equal installments, due on August 31, November 30, February 28, and May 31, and that interest be charged on unpaid balances beginning after each quarterly installment payment is due, effective fiscal year 2025 (July 1, 2024), Tax Commitment.

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Section IV: Administrative Ordinances

Ordinance Numbering Legend: GG=General Government, A=Administrative

XX. GG-A01 -

A. Adopted

The regulations contained in this General Government Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the _____, _____.

B. Ordinance

Town of Benton, Maine – General Government Ordinance

Addendum A – General Government Ordinance Town of Benton Maine Revision History

Date	Authorized By	Section	Change Description
March 27, 2021	Annual Town Meeting		Original Adoption Date
April 1, 2021	Select Board		Original Adoption Date
June 8, 2021	Special Town Meeting	Section III	Adoption of GG-FB01 – GG-FB-18 as Warrant Article 2. For Article 2 these items will be printed in an ordinance section of the Annual Town Report for easy reference by the Town. These articles rarely change so managing them inside the ordinance is more efficient and ensures the Select Board has what they need to manage the Town affairs. Should a language change be required in the future the ordinance change would be presented to the Town for consideration and adoption. Ballot Article 2 in the Special Town Meeting June 8, 2021 Warrant.
March 27, 2021	Special Town Meeting	Section III, Sub-Section VII	Adoption of GG-FB20 as Warrant Article 22. The Town authorizes the Select Board on behalf of the Town, to increase the property tax levy established for the Town by State law in the event the approved municipal budget results in a property tax commitment that is higher than the State's limit.
June 14, 2022	Special Town Meeting	Section III, Sub-Section VII, GG-FB19	Adoption of GG-FB19 as Warrant Article 3. The Town authorizes the Select Board on behalf of the Town, to set four collection dates of when taxes shall be due in equal installments, due on September 30, December 31, March 30, and June 30, and that interest be charged on unpaid balances beginning 30 days after final annual due date, change effective 2022
June 14, 2022	Special Town Meeting	Section III, Sub-Section VII, GG-FB06	Revision Adoption of GG-FB06 as Warrant Article 4. The Town authorizes the Tax Collector on behalf of the Town, to pay interest on abatements for overpayment of taxes at the rate of 4.00% per annum, or lowest legal rate, after April 1 of the current year.
November 7, 2023	Secret Ballot Election	Section III, Sub-Section VII, GG-FB19	Revision Adopted of GG-FB19 as Warrant Article 1. The Town authorizes the Select Board on behalf of the Town, to set four collection dates of when taxes shall be due in equal installments, due on August 31, November 30, February 28, and May 31, and that interest be charged on unpaid balances beginning after each quarterly installment payment is due, effective fiscal year 2025 (July 1, 2024), Tax Commitment. <u>Pervious language:</u> <i>The Town authorizes the Select Board on behalf of the Town, to set four collection dates of when taxes shall be due in equal installments, due on September 30, December 31, March 30, and June 30, and that interest be charged on unpaid balances beginning 30 days after final annual due date, change effective 2022.</i>
November 7, 2023	Secret Ballot Election	Section III, Sub-Section VII, GG-FB07	Revision Adopted of GG-FB19 as Warrant Article 2. The Town authorizes the Select Board on behalf of the Town, to charge interest on taxes remaining unpaid after a certain date; also to set the date and rate of interest, not to exceed state maximum set in Title 36 M.R.S.A. Section 505.4.

Town of Benton, Maine – General Government Ordinance

			<u>Previous language:</u> <i>The Town authorizes the Select Board on behalf of the Town, to charge interest on taxes remaining unpaid after a certain date; also to set the date and rate of interest, not to exceed state maximum of 4.75%.</i>