

**TOWN OF NEWMARKET, NEW HAMPSHIRE**

**BY THE NEWMARKET TOWN COUNCIL**

**ORDINANCE NO. 4 – 2023/2024**

**Revisions to the Administrative Code**

The Town of Newmarket Ordains:

The purpose of this ordinance is to rescind all prior versions of the Town of Newmarket's Administrative Code under Town Charter Section 4.12 and replace it with the following. This shall take effect upon adoption.

**CHAPTER 1: THE ADMINISTRATIVE CODE**

**41. PURPOSE**

Pursuant to Article 4 Section 12 of the Town Charter adopted 1990, the purpose of this Chapter is to outline the general operations of the Town government.

**42. SEPARABILITY**

If any provision of the Administrative Code is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Administrative Code and its application to other persons or circumstances shall not be affected.

**43. ADMINISTRATIVE ORGANIZATION**

a. Administrative Head of the Town

1. The Town Manager shall be the administrative head of the Town and shall perform all the duties and have all the responsibilities prescribed by the Town Charter. The Town Manager shall be appointed in accordance with the provisions of the Newmarket Town Charter.

2. The Town Manager shall supervise the heads of all departments established by this code, and shall have the power to suspend and discipline, and to perform or delegate the duties and responsibilities of such department heads.

3. The Town Manager may prescribe such rules and regulations consistent with the Town Charter and Town ordinances as he/she may deem necessary for the conduct of the various departments, and he/she may investigate and inquire into the affairs of any department at any time.

b. Definition of Department

1. A department is a functional subdivision of the town government for which specific goals and tasks may be defined. Departments may be operational or budgetary. Operational Departments are departments for which the head of the department reports directly to the Town Manager, or a single purpose elected board. A budgetary department is an entity defined by the annual budget.

2. A "department head" is the designated official responsible for the administration, oversight, and supervision of a specific department. Except as otherwise provided:

a. Department heads shall be responsible for the safe and efficient operation of their department. They shall perform all duties and exercise all powers conferred upon their office by applicable laws, ordinances, or resolutions.

- b. Department heads may prescribe department rules and regulations for the internal operation of their department, the conduct of their employees and the proper performance of the department's business. Said rules and regulations shall not be inconsistent with the Laws of the State of New Hampshire, the Town Code, and the Town Personnel Ordinance. Department heads shall not prescribe department rules and regulations that are already provided for by the Town Code, the Laws of the State of New Hampshire, or the Town's personnel policies.
- c. Department heads may, upon review and approval of the Town Manager and Town Council, establish such Departmental Divisions and sub-units as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices.
- d. Each department head shall cause their department to maintain a close and friendly relationship with all other departments and shall take such action necessary to facilitate cooperation amongst all other departments.
- e. The Town Manager shall request from each department head an itemized estimate of expenditures for the next fiscal year for their department for use in the preparation of the proposed budget for said year.
- f. Each department head shall be responsible for following the provisions of the Purchasing Ordinance for their department.
- g. Each department head shall be responsible for the coordination of divisional functions within that Department.
- c. Reorganization of Departments
  - 1. The Town Manager may propose to the Town Council a change to the organizational structure of the Town to meet unexpected requirements of the Town or to ensure the efficient operation of the government.

**44. TABLE OF ORGANIZATION**

- a. The following table organizes the town government by operational departments. This Table of Organization shall not be construed as prohibiting additional subdivisions of the annual budget to provide more comprehensive financial control. This Table of Organization shall not be construed as limiting a department head from organizing or assigning responsibility within that department.
  - 1. *Executive Department*
    - a. Office of the Town Manager
    - b. Division of Assessing
    - c. Legal
  - 2. *Office of the Town Clerk - Tax Collector*
  - 3. *Department of General Assistance*
  - 4. *Department of Finance and Administration*
    - a. Division of Finance
    - b. Division of Human Resources
    - c. Division of Information Technology
    - d. Division of Media Services
  - 5. *Department of Planning and Community Development*
    - a. Division of Planning
    - b. Division of Zoning and Code Enforcement
  - 6. *Department of Public Works*
    - a. Division of Highway and Public Infrastructure
    - b. Division of Solid Waste
    - c. Division of Buildings and Grounds

- d. Division of Cemeteries
- e. Division of Engineering
- 7. *Department of Environmental Services*
  - a. Division of Water Services
  - b. Division of Wastewater Services
- 8. *Department of Parks and Recreation*
  - a. Division of Recreation Programs
  - b. Division of Parks and Recreational Facilities
- 9. *Department of Library*
- 10. *Police Department*
  - a. Division of Operations
  - b. Division of Support Services
- 11. *Fire and Rescue Department*
  - a. Division of Fire
  - b. Division of Ambulance
- 12. *Department of Emergency Management*
  - a. Community Emergency Response Team
- b. Common Duties and Responsibilities
  1. Each department is responsible for the execution and fulfillment of all obligations, policies, and programs as set forth in the Laws of the State of New Hampshire, the Town Charter, the Town Code, Ordinances of the Town, the annual budget, or any other duly authorized action of the Town Council, or duly formed independent board or commission, now in effect or as amended.
  2. All departments are charged with:
    - a. Conducting their operations in accordance with the Laws of the State of New Hampshire, the Town Charter, the Town Code, and all ordinances enacted by the Town Council.
    - b. Maintaining and caring for all property and equipment assigned to the department.
    - c. Generating and maintaining appropriate records of the operations of the department so as to allow the Town Council or the Town Manager to review the operations of said department; and
    - d. Purchasing appropriate materials and equipment in accordance with purchasing policies of the Town.
- c. Individual departments, divisions and offices have additional responsibilities as described below.
  1. Executive Department: The Executive Department shall be responsible for the oversight of the Office of the Town Manager and the Divisions of Assessing, Communications, and General Assistance. The Executive Department shall be headed by the Town Manager.
    - a. *Office of the Town Manager*: The Office of the Town Manager shall:
      1. Provide support to the Town Manager and the execution of his duties as outlined in Section 4 of the Town Charter.
      2. Prepare, maintain, and publish all actions of the Town Council; and
      3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said office.
    - b. *Division of Assessing*: The Division of Assessing shall
      1. Maintain a complete roll of the appraised value of property and improvements in the Town of Newmarket
      2. Prepare and maintain all assessment and tax rolls as required by State Law or Town Ordinance

3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
- c. *Legal Division:* The Legal Division shall:
  1. Represent the Town in all matters in which the Town has an interest coming before any court or tribunal, except in such cases as other arrangements may be specifically made by the Town Manager.
  2. Advise the Town Manager, department heads and Town Council in all cases when legal opinion is required or requested, if authorized by the Town Manager.
  3. Draft all deeds, leases, contracts, and other legal instruments as required.
  4. Perform all other related functions as required.
  5. The Town Attorney shall be an attorney of the courts of New Hampshire. It may be a contracted service with a firm capable of representing the Town in New Hampshire.
2. Office of the Town Clerk - Tax Collector: The Office of the Town Clerk is listed for record purposes and is governed by all applicable Laws of the State of New Hampshire. The Office of the Town Clerk - Tax Collector shall:
  - a. Be the repository of all official records of the Town, its boards, and its agencies.
  - b. Collect all fees and issue all licenses as provided by the Laws of the State of New Hampshire.
  - c. Arrange for and supervise all elections and town meetings and maintain complete and accurate records associated with said elections and town meetings.
  - d. Collect all automobile registration fees and issue automobile registrations as set forth in the Laws of the State of New Hampshire.
  - e. Perform all duties required of a Town Clerk as set forth in the Laws of the State of New Hampshire and the Town Charter.
  - f. Perform the duties of the Tax Collector as provided by the Laws of the State of New Hampshire, including, but not limited to, providing notices of taxes due, coordinating with the Town Treasurer for the deposit of all fees, interest, and penalties, providing notice of delinquent taxes; advertising and processing tax sales, and collecting tax liens and receivables; and
  - g. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of the Office of Town Clerk-Tax Collector.
3. Department of Finance and Administration: The Department of Finance and Administration shall be responsible for the oversight of the Divisions of Finance, Human Resources, Information Technology, and Media Services. The department head shall be the Director of Finance and Administration.
  - a. *Division of Finance* the Division of Finance shall:
    1. Include the functions of the Town Treasury in conjunction with the Town Treasurer. The Treasurer will receive and hold the funds of the Town in accordance with the Town of Newmarket Investment Ordinance and disburse said funds in accordance with the Laws of the State of New Hampshire, the Town Charter, the Town Code, and the ordinances, rules, and policies enacted by the Town Council or Town Manager.
    2. Maintain the fiscal accounting and monetary control system of the Town in accordance with generally accepted accounting principles.

3. Prepare reports on financial transactions in the Town as directed by the Town Manager.
4. Under the guidance of the Town Treasurer and in accordance with the Town of Newmarket Investment ordinance, invest idle funds of the Town to obtain the maximum prudent return on such investment.
- b. Division of Human Resources: The Division of Human Resources shall:
  1. Prepare and administer the compensation of employees and maintain a record of earned time, as said earned time is accrued and used by all employees of the Town.
  2. Administer all employee benefits.
  3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
- c. Division of Information Technology: The Division of Information Technology shall be responsible for the management of information technology infrastructure (networks infrastructure, PC and server hardware) and support, and telecommunications.
- d. Division of Media Services: The Division of Media Services shall be responsible for
  1. the management and operations of the Newmarket Channel 8 cable channel, video coverage of town and school district meetings, videographic and audio support of special projects in town requiring those services;
  2. The management of the town's social media
  3. The management of the YouTube channel; and the town's online video streaming capabilities; and the development, editing and distribution of the Newmarket Newsletter.
4. Department of General Assistance: The Department of General Assistance shall provide welfare assistance to eligible recipients as provided by state law and as approved in the Town's General Assistance Guidelines. The head of the department shall be the Welfare Director
5. Department of Planning and Community Development: The Department of Planning and Community Development shall be responsible for the Offices of Planning (in coordination with the Planning Board); Zoning and Building Appeals (in coordination with the Zoning Board of Adjustment), and Conservation (in coordination with the Conservation Commission.) The head of the department shall be the Director of Planning and Community Development.
  - a. Division of Planning: The Office of Planning shall:
    1. Provide land use and economic growth planning services to all Town departments, subdivisions, public bodies, and other municipal boards.
    2. Recommend changes in land use and other regulations to provide harmonious and economic growth for the Town consistent with the Town's Master Plan.
    3. Work with agencies and entities outside the Town to further the planning and development goals of the Town consistent with the Town's Master Plan.
    4. Provide oversight and the administration of grants awarded to the Town; and
    5. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said office.
  - b. Division of Zoning and Code Enforcement: The Department of Building Safety shall:
    1. be responsible for building inspections, code enforcement, and health inspections. The head of the Department shall be the Building Official.

2. receive applications and issue permits for the construction and renovation of structures all applicable building, electric, fire, housing, plumbing, or such other safety codes as set forth in the Laws of the State of New Hampshire, Town Code, and the rules and regulations of all state and local administrative bodies, as amended.
  3. shall interpret and enforce the Town's Zoning Ordinance, all land use regulations, and all applicable building, electric, fire, housing, plumbing, or such other safety codes set forth in the Laws of the State of New Hampshire, Town Code, and the rules and regulations of all state and local administrative bodies, as amended.
  4. The Department of Building and Safety shall serve as the Town's Health Officer in accordance with RSA Chapter 128.
6. Department of Public Works: The Department of Public Works shall be responsible for the Divisions of Highway and Public Infrastructure, Solid Waste, Buildings and Grounds, Cemeteries, and Engineering. The head of the department shall be the Director of Public Works.
- a. *Division of Highways and Infrastructure:* The Division of Highways and Infrastructure shall be responsible for all the physical structures located within public rights-of-way and municipal facilities in the Town not assigned to another department. The Division of Highway and Infrastructure shall:
    1. Repair, maintain, construct, and operate the public highways, bridges, sidewalks, and rights-of-ways of the Town, except where specific projects may be let to contractors.
    2. Repair, maintain, construct, and operate the municipal storm drain systems for the Town, except where specific projects may be let to contractors.
    3. Maintain and repair all Town mechanical equipment except with regard to those items for which other maintenance agreements or arrangements have been made; and
    4. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
  - b. *Division of Solid Waste:* The Division of Solid Waste shall be responsible for the collection, recycling, and disposal of solid waste for the Town. The Division of Solid waste shall:
    1. Operate and maintain all transfer stations and solid waste landfills in accordance with Laws of the State of New Hampshire, the Town Code, and all duly enacted ordinances of the Town; and
    2. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
  - c. *Division of Buildings and Grounds:* The Division of Buildings and Grounds shall be responsible for the maintenance of all municipally owned buildings and grounds unless assigned to another department.
  - d. *Division of Cemeteries:* The Division of Cemeteries is listed for record purposes only and is governed by the Board of Cemetery Trustees and RSA chapter 289. The Division of Cemeteries shall:
    1. Ensure the proper burial of the deceased in the Town of Newmarket's public cemeteries.
    2. Maintain the public cemeteries in the Town; and
    3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said department.

- e. Division of Engineering: The Division of Engineering, under the supervision of the Town Engineer, shall:
1. Provide civil engineering support and oversight services to other Town departments to the limits of the approved budget work program.
  2. Be responsible for the design, procurement, acceptance and startup of all public works construction or major rehabilitation projects of the Town. (It is the intention of this Administrative Code that once complete, such projects would come under the operational control of the cognizant operating department.)
  3. Direct the permanent retention of all plans, specifications, drawings, designs, and engineering studies procured for the Town.
  4. Perform such other related duties as may be assigned.
7. Department of Environmental Services: The Department of Environmental Services shall be responsible for the Division of Water and Division of Wastewater. The head of the Department shall be the Director of Environmental Services.
- a. *Division of Water:* The Division of Water shall:
1. Provide potable drinking water within the Town.
  2. Provide water for fire prevention and suppression.
  3. Operate the water supply system and water distribution plants, including but not limited to all wells and treatment plants.
  4. Operate the Water Fund on a utility basis; and
  5. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
- b. *Division of Wastewater:* The Division of Wastewater shall:
1. Operate and maintain the Newmarket Wastewater Treatment Facility.
  2. In coordination with Wastewater Treatment Plant Laboratory, provide laboratory services to all other Town departments.
  3. Operate the Sewer Fund on a utility basis; and
  4. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
8. Department of Recreation: The Department of Recreation shall be responsible for the Divisions of Recreation Programs, Parks, and Recreational Facilities. The head of this department shall be the Recreation Director.
- a. *Division of Recreation Programs:* The Division of Recreational Programs shall:
1. Provide recreational programs that promote health, wellness, and inclusivity for the residents of the Town and others, as authorized by the Town Manager or the Town Council.
  2. Align the Recreation Division's mission and objectives with community needs.
  3. Recruit, train, and develop FTE administrative roles within the Recreation Division, including all seasonal and PT employment.
  4. Monitor and establish budgetary guidelines for the Recreation General and Revolving Fund Accounts.
  5. Contribute to the Recreation Enterprise Fund through program revenue to subsidize capital projects and reduce reliance on recreation capital reserves.
  6. Establish strategies for marketing and promoting recreational programs and events.
  7. Engage with community in planning and executing recreational activities and community events.

8. Foster and define practices for collaborations with local organizations, schools, and businesses, to enhance the reach and impact of recreational initiatives.
  9. Comply with all safety protocols and emergency response plans as directed; and
  10. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
- b. *Division of Parks and Recreational Facilities:* The Division of Parks and Recreational Facilities shall:
1. Oversee and supervise scheduling and reservation use of parks and recreation facilities, unless otherwise assigned to another Town Department or subdivision thereof.
  2. Draft and submit yearly Capital Improvement Plan (CIP) for recreational facility and equipment updates in accordance with the Town's Recreation Master plan; and
  3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
9. Department of Library: The Department of Library is listed for record purposes only and is governed by the Board of Library Trustees and RSA chapter 202-a. The Department of Library shall:
- a. Provide library services for the Town pursuant to RSA chapter 202-A.
  - b. Maintain the Newmarket Library; and
  - c. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said department.
10. Police Department: The Police Department shall be responsible for the Division of Operations and the Division of Support Services. The Police Department shall:
- a. Enforce all applicable provisions of the Laws of the State of New Hampshire, including, but not limited to, the State Criminal Code and Motor Vehicle Code.
  - b. Enforce all applicable provisions of the Town Code, including, but not limited to, the penal ordinances of the Town of Newmarket.
  - c. Safeguard the persons and property of the residents and visitors of the Town through activities designed to deter criminal actions and to apprehend persons who have committed crimes of whatever nature within the jurisdictional limits of the Town.
  - d. Promote community awareness of safety and the causes of crime and its prevention; and
  - e. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said department.
  - f. *Division of administration.* The division of administration shall:
    1. Be responsible for handling the day-to-day operations of the department.
    2. Setting department policy and procedures.
    3. Overseeing personnel and training.
    4. Managing the department fleet, upgrading, and maintaining equipment, and budgeting issues.
    5. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
  - g. *Division of operations.* The division of operations shall:
    1. Be responsible for patrols and uniformed services.
    2. Crime prevention.
    3. Parking Enforcement



4. K-9 services.
  5. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said department.
  - h. *Division of support services.* The division of support services shall be responsible for the following:
    1. Investigations.
    2. Prosecution.
    3. Dispatch police, fire, EMS, public works, water department.
    4. Evidence.
    5. School resource officer.
    6. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said department.
11. Fire Department: The Fire Department shall be responsible for the Divisions of Fire, Ambulance and Emergency Management. The head of this department shall be the Fire Chief.
- a. *Division of Fire:* The Division of Fire shall:
    1. Protect the lives and property of residents and visitors through the suppression of all unwanted or unsafe fires, or where suppression is not possible, prevent the spread of fire to adjacent buildings and land.
    2. Promote the prevention of unwanted fires by enforcement of state and local fire prevention codes and fire prevention education.
    3. Through the office of the Town Forest Fire Warden, appoint Deputy Forest Fire Wardens, provide permits for planned fires that meet all statutory and regulatory requirements for the issuance thereof, and suppress all fires that are not so permitted; and
    4. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
  - b. *Division of Rescue:* The Division of Rescue shall:
    1. Provide emergency medical services by responding to calls for assistance for medical aid.
    2. Maintain a mutual aid network; and
    3. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.
12. Department of Emergency Management: The head of the Emergency Management Department is the Emergency Management Director. The Department of Emergency Management shall:
- a. In accordance with the Town of Newmarket Emergency Management Plan, ensure the complete and efficient utilization of the Town's emergency response resources.
  - b. Develop and maintain an effective communication system to work with all Town Departments and state and federal communication networks in accordance with RSA chapter 21-P.
  - c. Maintain the Town's Emergency Management Plan in accordance with the rules and regulations of the New Hampshire Bureau of Emergency Management; and
  - d. Perform all other duties as necessary and proper for the fulfillment of the statutory, regulatory, and local requirements of said division.

**1. Takes Effect**

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18

SPONSORED BY CHAIR CONLEY BY REQUEST

*First Reading:* February 21, 2024

*Second Reading/Public Hearing:* March 6, 2024

*Final Action by Council:* March 6, 2024

<b>VOTING RECORD</b>			
Date of Vote: March 6, 2024	YES	NO	ABSTAIN
Councilor Justin Glazebrook			
Councilor Joseph LaMattina			
Councilor Sönke Dornblut			
Councilor Colin White, Sr.			
Councilor Scott Blackstone			
Vice-chair Brian Ward			
Chair Katanna Conley			
Total Votes:			
Ordinance: Does   Does Not pass.			

Approved: \_\_\_\_\_  
Katanna Conley, Chair Town Council

A True Copy Attest: \_\_\_\_\_  
Terri Littlefield, Town Clerk