



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

## ORDINANCE #07-13

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### AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Thirteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Administrative Code, Chapter 4

The following changes are to be made:

Article I. Legal Basis and Departmental Organization

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 4-1. Legal basis.

This Administrative Code is established in accordance with the provisions of the Franklin Charter.

§ 4-2. Administrative departments.

The administrative services of the City shall consist of the following departments and department heads. Departments may be divided into divisions as provided herein or as may be ordered by the City Manager.

A. Administration. Department head: City Manager.

(1) Business Operations Division.

(a) Finance Office.

~~(b) City Clerk/Tax Collector Office.~~

~~(c) Assessing Office.~~

(d) Treasury Office.

(2) Welfare Division.

(3) City Solicitor Division.

(4) Planning and Zoning Division.

(5) City Clerk/Tax Collector Office

(6) Assessing Office

B. Fire. Department head: Fire Chief.

(1) Prevention and Inspection Division.

(a) Fire Safety Office.

(b) Code Enforcement Office.

(c) Building Inspection Office.

(d) Health Office.

(2) Rescue/Emergency Medical Service Division.

(3) Fire Suppression Division.

(4) Fire Alarm Division.

(5) Call Fire Department.

C. Library. Department head: Library Board of Trustees.

D. Municipal Services. Department head: Director.

(1) Highway Projects.

(2) Water and Sewer Projects.

(3) Facilities Maintenance Projects.

(4) Solid Waste Projects.

(5) Equipment Maintenance Projects.

E. Police. Department head: Police Chief.

(1) Patrol Division.

(a) Animal Control Office.

(2) Prosecution Division.

(3) Detective Division.

(a) Youth Services Office.

(4) Communications Division.

F. Parks and Recreation. Department head: Director.

§ 4-3. Departments and divisions generally.

- A. A department shall be a legal subdivision of the City government usually performing a variety of interrelated functions with multiple staff positions.
- B. A departmental division shall have a single primary function performed by limited staff. Divisions may be subdivided into offices or other subunits having specific primary functions performed by limited staff.

§ 4-4. Powers and duties of department heads.

- A. Department heads shall be responsible for the efficient operation of their departments. They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.
- B. Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, this Administrative Code, the provisions of the Merit Plan and Chapter 347, Personnel, for the administration of their various departments, conduct of their employees and the proper performance of the departments' business.
- C. Department heads, with the approval of the City Manager, may establish such departmental divisions and subunits as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principals and practices.
- D. Department heads shall be responsible for maintaining the operation of their departments on a close and friendly basis of cooperation with all other departments.
- E. Each department head shall be responsible for satisfactory maintenance and care of all City property and buildings assigned to the department.
- F. Each department head shall be responsible for preparing and submitting both routine and special reports on the operation of the department to the City Manager and/or to any state or federal agency as required.
- G. At such time as may be requested by the City Manager, department heads shall submit an itemized estimate of the expenditures and revenues for their departments for the next fiscal year, for use in preparation of the proposed budget for said year.

H. Each department head shall be responsible for following the provisions of this Administrative Code in establishing a purchasing control system with respect to purchases and contracts for the department.

I. Each department head shall be responsible for coordination of divisional functions within that department.

**§ 4-5. Appointment of department heads; compensation of department heads and personnel.**

A. All department heads shall be appointed for indefinite terms, as provided by §§ C-25 and C-27 of the City Charter, on the basis of merit and fitness to perform their duties, and may be removed by the City Manager for misconduct or inefficiency as provided for in Chapter **347**, Personnel.

B. The compensation of all department heads and personnel shall be fixed in accordance with the Job Classification and Compensation Plan. *Editor's Note: The Job Classification and Compensation Plan is on file in the City Manager's office.*

**§ 4-6. Subordinate positions; supervision and compensation of employees.**

A. Department heads may establish subordinate positions and make appointments and removals as necessary, within the limitations of the appropriations provided and subject to the provisions of the City Charter, Chapter **347**, Personnel, and the Job Classification and Compensation Plan and approval of the City Manager.

B. All employees shall be under the immediate supervision of their respective department heads, and all employees in the City's service shall be compensated on the basis of the Job Classification and Compensation Plan unless a specific employment contract or applicable collective bargaining agreement has been approved by the City Council.

**Article II. Municipal Departments**

**[Amended 9-14-1998 by Ord. No. 98-4]**

**§ 4-7. Administration.**

**A. City Manager.**

(1) The City Manager shall be the administrative head of the City and shall perform all the duties and have all the responsibilities prescribed by the City Charter and by the City Council by ordinance or resolution.

(2) The City Manager shall supervise all department heads and administrative divisions as established by this code and shall have the power to suspend and discipline and perform or delegate the duties and responsibilities of such department heads.

- (3) The Manager may prescribe such rules and regulations not inconsistent with the City Charter and City ordinances as he or she may deem necessary for the conduct of the various departments, and he or she may investigate and inquire into the affairs of any department at any time.
- (4) The City Manager shall serve as the personnel administrator and maintain the personnel files of the City employees.

B. Business Operations Division.

- (1) The Finance Administrator shall be the head of the Business Operations Division, which shall be comprised of the Finance Office, ~~the City Clerk/Tax Collector Office,~~ and the Treasury Office and the Assessing Office.
- (2) The Business Operations Division shall establish and enforce policies, procedures and controls to coordinate the work of the various offices of the division to ensure the most accurate, efficient and accountable operation and recording of revenue collections and expenditures of appropriated funds. Said offices shall consist of the following:
  - (a) Finance Office. The Finance Office shall be headed by a Finance Administrator, appointed as specified by the City Charter, who shall perform the following duties. The Finance Administrator shall:
    - [1] Pre-audit all receipts and process all authorized claims against the City before authorizing payment thereof.
    - [2] Post-audit all receipts and disbursements.
    - [3] Maintain the general financial accounts of the City and exercise accounting control over the City Manager and City Council.
    - [4] Prepare financial reports as required by the Manager and City Council.
    - [5] Negotiate, upon the authorization of the City Manager and City Council, all loans of whatever term.
    - [6] Maintain custody of all insurance policies of the City.
    - [7] Supervise and control the operation of all financial data processing functions and their records.
    - [8] Maintain all City employee earnings records, including records of all deductions from earnings for retirement, social security, health insurance, United States Savings Bonds and any other purpose, and maintain all City employee personnel medical records and sick leave records.
    - [9] Perform all clerical and secretarial functions.

[10] Perform all other related functions as required.

~~(b) Assessing Office. The Assessing Office shall consist of an Assessor, appointed as provided for in the City Charter, and such professional and clerical staff as may be recommended by the Assessor and approved by the City Manager and the City Council. The Assessor shall perform the following functions. The Assessor shall:~~

~~{1} Carry out all the duties relative to taking the inventory and the appraisal of property for taxation and in regard to the assessment and abatement of taxes and issuing warrants for the collection of taxes as are now or may hereafter be required by law of assessors of cities.~~

~~{2} Prepare all assessment and tax rolls and tax notices as required by law.~~

~~{3} Check all property transfers and maintain all property records.~~

~~{4} Prepare and maintain all assessment record cards, filing systems and all other records of the office.~~

~~{5} Make regular and frequent checks of the City to assure that all taxable property is being accurately reported.~~

~~{6} Perform all other related functions as required.~~

~~(c) City Clerk/Tax Collector Office. The City Clerk/Tax Collector Office shall be headed by the City Clerk, appointed as specified by the City Charter, and such clerical staff as may be recommended by the City Clerk and approved by the City Manager and the City Council and shall perform the following functions. It shall:~~

~~{1} Serve as Clerk of the City Council and prepare, maintain, publish and index all proceedings of the City Council as required. The City Clerk shall ensure that a qualified secretary or clerk is present at every meeting, workshop or other posted official gathering of the City Council to make written notes and audio recordings and prepare minutes of the proceedings as required by law.~~

~~{2} Arrange for all elections and maintain all election records and have custody of all property used in connection therewith.~~

~~{3} Obtain and maintain all statistics on births, marriages and deaths as required by law.~~

~~{4} Notify the City Manager, at least 30 days prior thereto, of the expiration of terms of all members of boards or commissions.~~

~~{5} File and preserve, as required, all contracts, bonds, oaths of office and other documents.~~

~~{6} Issue all licenses and permits and collect all fees as required by statute and ordinance, unless otherwise provided, and deposit these collections through the Treasurer.~~

~~{7} Be custodian of the Official City Seal.~~

~~{8} Keep the ordinances of the City up to date and maintain a record of all corrections and amendments.~~

~~{9} Perform all duties and exercise all powers incumbent upon or vested in City clerks by the laws of the State of New Hampshire.~~

~~{10} Schedule the use of rooms, Council chambers and auditorium as required, notifying the custodian and City Manager of such scheduling.~~

~~{11} Mail out all tax notices.~~

~~{12} Collect all tax accounts due the City.~~

~~{13} Maintain proper records pertaining to the collection functions.~~

~~{14} Turn over daily to the Treasurer, record and account for all moneys on the date received and provide identical reports to the Finance Administrator.~~

~~{15} Conduct all tax sales of property in accordance with the laws of the State of New Hampshire.~~

~~{16} Perform all other related functions as required.~~

(d) Treasury Office. The Treasury Office shall consist of a Treasurer appointed as specified by § C-27 of the City Charter and bonded as required by § C-40 thereof. The Treasury Office shall perform the following functions. It shall:

[1] Maintain custody of all City funds, including the recording of the deposit and withdrawal thereof, as required by ordinance and general law.

[2] Carry out the duties as specified by the New Hampshire Revised Statutes Annotated, and amendments thereto, relative to City bonds, notes and records thereof.

[3] Sign all checks, drafts, notes and bonds for the City.

[4] Record the deposit of all moneys daily in the depositories designated by the City Council and provide accurate records of the same to the Finance Administrator.

[5] Perform all other related functions as required.

C. City Solicitor Division. The City Solicitor Division shall consist of the City Attorney appointed as specified by the City Charter. The City Solicitor Division shall perform the following functions. It shall:

- (1) Represent the City in all matters in which the City has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the City Manager and/or City Council.
- (2) Advise the City Manager, Mayor, City Council and department heads in all cases when a legal opinion is required or requested, in writing insofar as practicable.
- (3) Draft all deeds, leases, contracts, ordinances and such other legal instruments tendered by the City.
- (4) Examine and approve all deeds, leases and other legal instruments tendered to the City prior to their acceptance.
- (5) Assist and advise in the drafting of all complaints and warrants when requested by the Chief of Police.
- (6) Provide advice and assistance to the Prosecution Division of the Police Department in the field of criminal prosecution.
- (7) Provide advice and assistance to the Fire Department in the prosecution of Fire and Life Safety Code violations.
- (8) Perform all other related functions as required.

D. Planning and Zoning ~~Department Division~~—The Planning and Zoning ~~Department Division~~ shall consist of a Planning and Zoning Administrator, appointed under the City Charter, and such other professional and clerical staff as may be recommended by the Planning and Zoning Administrator and approved by the City Manager and the City Council. The Planning and Zoning Division shall perform the following functions. It shall:

- (1) Act in the capacity of advisor to the Planning Board and the Zoning Board of Adjustment.
- (2) Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of City planning.
- (3) Enforce all rules and regulations relating to zoning or regulations as may be established by the Planning Board or the Zoning Board of Adjustment.
- (4) Issue building permits in compliance with local laws, zoning regulations and building codes.
- (5) Prepare notices of appeals and advise the Zoning Board of Adjustment of the reason that the permit was denied.



- (6) Prepare and maintain records of all permits issued monthly.
- (7) Revise the Zoning Map as changes are made therein by City ordinance.
- (8) Perform all research work which might be assigned by the City Manager, City Council, Planning Board or the Zoning Board of Adjustment.
- (9) Develop and implement the various elements of the general Comprehensive Plan being used as a guide for the development of the City.
- (10) Investigate, study and report on all matters relating to the construction of municipal structures.
- (11) Supervise the Mapping Specialist and ensure the preparation and maintenance of all tax maps.
- (12) Perform all other related functions as required.

E. ~~Welfare Department-Division~~. The Welfare ~~Division-Department~~ shall consist of a Welfare Director, appointed as specified by the City Charter, and such other clerical staff as may be recommended by the Director and approved by the City Manager and the City Council. The Welfare Division shall perform the following functions. It shall:

- (1) Plan, budget, report on and control the City's welfare program.
- (2) Investigate all requests for relief and, in compliance with guidelines established by the City Council and with applicable state laws, authorize such relief aid as may be deemed necessary.
- (3) Exercise all powers and perform all duties conferred or imposed by law on welfare directors.
- (4) Keep full and accurate records of persons fully supported, the persons relieved and partially supported and the travelers and vagrants lodged at the expense of the City, together with the amount paid to them for such support and relief, and make such reports to the State Department of Health and Welfare, Division of Welfare, as required by law.
- (5) Perform all other related functions as required.

F. City clerk/Tax Collector(e) City Clerk/Tax Collector Office. The City Clerk/Tax Collector Office shall be headed by the City Clerk, appointed as specified by the City Charter, and such clerical staff as may be recommended by the City Clerk and approved by the City Manager and the City Council and shall perform the following functions. It shall:

- [1] Serve as Clerk of the City Council and prepare, maintain, publish and index all proceedings of the City Council as required. The City Clerk shall ensure that a qualified secretary or clerk is present at every meeting, workshop or other posted official gathering of the City Council to make written notes and audio recordings and prepare minutes of the proceedings as required by law.
- [2] Arrange for all elections and maintain all election records and have custody of all property used in connection therewith.
- [3] Obtain and maintain all statistics on births, marriages and deaths as required by law.
- [4] Notify the City Manager, at least 30 days prior thereto, of the expiration of terms of all members of boards or commissions.
- [5] File and preserve, as required, all contracts, bonds, oaths of office and other documents.
- [6] Issue all licenses and permits and collect all fees as required by statute and ordinance, unless otherwise provided, and deposit these collections through the Treasurer.
- [7] Be custodian of the Official City Seal.
- [8] Keep the ordinances of the City up-to-date and maintain a record of all corrections and amendments.
- [9] Perform all duties and exercise all powers incumbent upon or vested in City clerks by the laws of the State of New Hampshire.
- [10] Schedule the use of rooms, Council chambers and auditorium as required, notifying the custodian and City Manager of such scheduling.
- [11] Mail out all tax notices.
- [12] Collect all tax accounts due the City.
- [13] Maintain proper records pertaining to the collection functions.
- [14] Turn over daily to the Treasurer, record and account for all moneys on the date received and provide identical reports to the Finance Administrator.
- [15] Conduct all tax sales of property in accordance with the laws of the State of New Hampshire.
- [16] Perform all other related functions as required.

G. Assessing office The Assessing Office shall consist of an Assessor, appointed as provided for in the City Charter, and such professional and clerical staff as may be recommended by the Assessor and approved by the City Manager and the City Council. The Assessor shall perform the following functions. The Assessor shall:

- [1] Carry out all the duties relative to taking the inventory and the appraisal of property for taxation and in regard to the assessment and abatement of taxes and issuing warrants for the collection of taxes as are now or may hereafter be required by law of assessors of cities.
- [2] Prepare all assessment and tax rolls and tax notices as required by law.
- [3] Check all property transfers and maintain all property records.
- [4] Prepare and maintain all assessment record cards, filing systems and all other records of the office.
- [5] Make regular and frequent checks of the City to assure that all taxable property is being accurately reported.
- [6] Perform all other related functions as required.

§ 4-8. Fire Department.

A. The Fire Department, under the supervision of a Fire Chief, appointed as specified by the City Charter, who shall have all the powers conferred upon fire wardens by the laws of the State of New Hampshire, shall consist of such forces of full-time officers and fire fighters and call officers and fire fighters as may be recommended by the Fire Chief and approved by the City Manager and the City Council.

B. The Fire Department shall perform the following functions. It shall:

- (1) Care for and maintain all property and equipment assigned to the Fire Department.
- (2) Prepare and maintain all Fire Department records as required.
- (3) Issue fire permits as required.
- (4) Plan and carry out a training program of instruction for all regular and call fire fighters.
- (5) Cooperate with surrounding communities through mutual aid programs so that additional fire-fighting facilities may be made available when needed.

C. Divisions.

- (1) Fire Suppression Division. The Fire Suppression Division shall extinguish fires and protect life and property against fires and perform related functions as required.
- (2) Rescue/Emergency Medical Service Division. The Rescue/Emergency Medical Service Division shall provide rescue, ambulance and first responder medical services and related functions as required.
- (3) Fire Alarm Division. The Fire Alarm Division shall care for and maintain the signal alarm system and related functions as required.
- (4) Fire Prevention and Inspection Division. The Fire Prevention and Inspection Division shall perform the following functions. It shall:
  - (a) Enforce all laws regarding the inspection for and removal of fire hazards and the prevention of fires, enforce life safety codes through systematic inspection and response to complaints and conduct appropriate training as needed.
  - (b) As Code Enforcement Officer and Building Inspector, enforce building codes through systematic inspection and response to complaints and conduct appropriate training as needed.
  - (c) As City Health Officer, investigate all complaints relating to nuisances that may be brought to the Health Officer's attention. The Health Officer ~~shall serve as a member of the Board of Health, shall serve all notices and orders issued by the Board and~~ shall enforce all rules and regulations affecting the health and comfort of the public and shall investigate and render assistance in reference to private water supply and septic tanks, investigate all communicable diseases, investigate all sanitary hazards and enforce sanitary laws, issue all burial permits, prepare and maintain all necessary records required by laws of the State of New Hampshire or the City ordinances and perform all other related functions as required.
- (5) Call Department. The Call Department trains with the career fire fighters and responds to calls to augment each of the other divisions at the request of the Fire Chief.

#### § 4-9. Library Department.

The Library Department shall consist of the Library Director and professional and clerical staff. The Library Director and staff shall be nominated and approved by the Library Board of Trustees and shall perform the following functions. They shall:

- A. Select and procure books, magazines, periodicals and other materials for use by residents.
- B. Catalog, classify and circulate for home use all such material.
- C. Provide a reference service for answering requests for specific information.
- D. Promote the availability of the library material to stimulate a wider general interest in its use.

- E. Promote special reading services for children and young people to aid in the development of desirable reading habits.
- F. Maintain and care for all property assigned to the library.
- G. Prepare and maintain all records pertaining to the Library Department.
- H. Perform all other related functions as required.

§ 4-10. Municipal Services Department.

- A. The Municipal Services Department, under the supervision of the Director, appointed as specified by the City Charter, shall organize as project teams to accomplish assigned tasks and projects. Standing teams with assigned project managers shall be Highways (including bridges), Water and Sewer, Facilities Maintenance, Solid Waste and Equipment Maintenance. The Department shall consist of supervisory, technical, clerical and labor staff as recommended by the department head and concurred with by the City Manager and the City Council.
- B. The Highway ~~Division~~ Projects Team, under the supervision of the Director and the Project Manager, shall perform the following functions. It shall:
  - (1) Construct, maintain and repair all roads, streets, bridges and sidewalks, except where specific projects may be let to contractors.
  - (2) Remove snow and distribute salt and sand on all highways, streets, bridges, sidewalks and other public ways.
  - (3) Plant, maintain and remove trees and brush on or affecting City property, either by City forces or contractual services.
  - (4) Prepare, maintain and revise the streetlighting map of the City's lighting system.
  - (5) Investigate, study, report and recommend extensions of or changes in the streetlighting system.
  - (6) Install, maintain and repair all street name signs and traffic control and warning signs in the City.
  - (7) Paint, when necessary, all parking, crosswalk, street division and direction lines on the City's streets, except where specific projects may be let to contractors.
  - (8) Prepare and maintain all necessary records pertaining to the project team.
  - (9) Perform all other related functions as required.

C. The Facilities Maintenance Division (buildings & grounds)~~Project Team~~ shall perform the following functions. It shall:

- (1) Develop, maintain and care for all municipal and recreational buildings and municipal parks, playgrounds, athletic fields and other recreational areas.
- (2) Maintain and care for all property assigned to the Parks and Recreation Department, following priorities established by the Parks and Recreation Director.
- (3) Perform all other related functions as required.

D. The Water and Sewer Division ~~Projects Team~~, under the supervision of the Director and the project manager, shall perform the following functions. It shall:

- (1) Develop, maintain and operate the water supply system of the City, including reservoirs, pumping stations, standpipes, mains, hydrants and services.
- (2) Provide necessary and timely information to the Finance Office for the preparation and distribution of bills and charges to users of the water and sewer systems.
- (3) Prepare and maintain all necessary records pertaining to water and sewer projects.
- (4) Care for and maintain all property assigned to water and sewer projects.
- (5) Investigate, study, report and recommend extensions of the water distribution and wastewater collection systems in the City.
- (6) Operate and maintain all sewage disposal facilities.
- (7) Perform all other related functions as required.

E. The Solid Waste Division ~~Projects Team~~, under the supervision of the Director and the project manager, shall perform the following functions. It shall:

- (1) Collect and dispose of all refuse as required.
- (2) Prepare and maintain all necessary records pertaining to refuse collection and disposal.
- (3) Operate and maintain the Municipal Solid Waste Transfer Station.
- (4) Perform all other related functions as required.

F. The Equipment Maintenance Division ~~Project Team~~, under the supervision of the Director and the project manager, shall perform the following functions. It shall:

- (1) Repair and maintain all motorized and other municipal equipment.

- (2) Purchase, stock and charge to the using department all necessary parts and materials.
- (3) Maintain and care for all property and equipment assigned to the project team.
- (4) Prepare and maintain all necessary records pertaining to the project team.
- (5) Perform all other related functions as required.

**§ 4-11. Police Department.**

The Police Department, under the supervision of the Chief of Police, appointed as specified by the City Charter, shall consist of such forces of full-time officers and patrol officers and special officers as may be recommended by the Chief and approved by the City Manager and the City Council. The Police Department shall perform the following functions:

**A. Patrol and Detective Divisions. The Patrol and Detective Divisions shall:**

- (1) Enforce the laws and ordinances of the State of New Hampshire and the City of Franklin.
- (2) Investigate crimes and maintain peace and order.
- (3) Protect lives and property from malicious damage and injury.
- (4) Maintain and care for all property assigned to the Police Department.
- (5) Prosecute all violations of the law within the Department's jurisdiction.
- (6) Prepare and maintain all necessary records pertaining to the Police Department.
- (7) Perform all other related functions as required.

**B. Prosecution Division. The Prosecution Division shall:**

- (1) Prosecute cases as assigned by the Chief of Police.
- (2) Perform other related duties as assigned.

**C. The Animal Control Office shall operate under the supervision of the Patrol Lieutenant. All sworn police officers shall also be animal control officers. The Animal Control Office shall perform the following functions. It shall:**

- (1) Attend to all complaints or other matters pertaining to animals and enforce the licensing laws and other statutes, ordinances and regulations pertaining to animals.
- ~~(2) Operate the City animal shelter in compliance with all laws and regulations covering animals.~~

(3) Inform the Chief of Police of activities as appropriate and prepare and maintain reports of action taken with respect to specific complaints.

(4) Perform all other related functions as required.

D. The Communications Division is under the immediate supervision of the Communications Supervisor. The Division provides emergency services dispatching and recordkeeping. The Division receives requests from the public for emergency services, determines the appropriate level of response and dispatches the proper first response.

#### § 4-12. Parks and Recreation Department.

The Parks and Recreation Department, under the supervision of the Parks and Recreation Director, appointed as specified by the City Charter, shall consist of such other staff as may be recommended by the Director and approved by the City Manager and the City Council. The Department shall perform the following functions. It shall:

- A. Develop a general recreational program for the City.
- B. Operate all the recreational activities in City parks, playgrounds, swimming pools, beaches, tennis courts, ski areas and all other recreational facilities, including buildings.
- C. Prepare and maintain all records pertaining to the Recreational Division.
- D. Cooperate with private groups as well as with public officials in the development and promotion of recreational activities in the City.
- E. Establish priorities for parks and recreational facilities repairs and maintenance in coordination with the Facilities Maintenance Project Team of the Municipal Services Department and with all other departments of the City.
- F. Perform all other related functions as required.

#### Article III. Purchasing Procedure

##### § 4-13. Legal basis.

This article governing purchasing procedures to be used by the City of Franklin is incorporated into the Administrative Code in accordance with § C-29 of the City Charter.

##### § 4-14. Purchasing Agent.

**[Amended 9-14-1998 by Ord. No. 98-4]**

- A. The Purchasing Agent, as prescribed by § C-29 of the City Charter, shall be, or shall be appointed by, the Manager.



B. The Purchasing Agent shall perform the following duties. He or she shall:

- (1) Establish purchasing protocols for all departments incorporating guidance provided in section 4-15~~Receive all requests for supplies, materials and equipment from the various departments.~~
- (2) Assist departments with bidding processes~~Receive and tabulate bids.~~
- (3) Develop, distribute and expedite the use of whatever forms may be required ~~for~~to ~~centralize~~ purchasing.
- (4) Keep all department heads advised of matters relating to purchasing and in particular coordinate the ~~purchaserequisitioning~~ of standard items in order to take advantage of quantity prices.
- (5) Keep all necessary records pertaining to purchasing, including quotations, bids, etc.
- (6) Perform all other related functions pertaining to purchasing.

§ 4-15. Procedure established.

[Amended 8-6-1990 by Ord. No. 90-6; 9-14-1998 by Ord. No. 98-4]

A. Quotations~~Requisitions.~~

- (1) ~~All equipment shall be requisitioned by department heads by memo to the Purchasing Agent.~~ 3 verbal quotes are required for new items in excess of \$2,000 up to \$5,000.
- (2) 3 written quotes are required for new items in excess of \$5,000 up to \$10,000.
- (~~2~~3) Certain standard items used by more than one department shall be determined by the Purchasing Agent and purchased at stated times throughout the year in order to take advantage of quantity prices.
- (4) fair and equitable treatment is given to all quotes following the same guidelines as established in bidding procedures under section 4-15 B
- (5) Applicable quotations shall accompany all invoices for payment.

B. Competitive bidding.

- (1) All purchases of new items in excess of \$~~105,000~~, except as otherwise herein provided, shall be by competitive bids wherever practical unless a specific alternate method is approved by the City Manager.
- (2) Fair and equitable treatment is given to all bidders. Answers to all questions from bidders are forwarded to all bidders as well as any changes to bid specifications.

~~(32)~~ In purchases involving professional services where the ethics of the profession prohibit bidding, the requirement of bidding shall be waived.

~~(43)~~ The City Manager must seek pre-award authorization from the City Council when the procurement is expected to exceed \$5,000 and is to be awarded without competition or only one bid or offer is received in response to a solicitation, except if there is public urgency or emergency.

~~(54)~~ The Purchasing Agent may require whatever security he or she deems necessary with any sealed bid.

(6) Public officials shall have broad discretion in awarding bids to the lowest responsible bidder in the City's best interest based on the following criteria: quality of commodity, service reputation, suitability, compatibility and other factors relevant and appropriate in connection with the given project or service.

(7) When other than the lowest bidder is selected, such decision shall not be arbitrary or capricious

~~(85)~~ All bids, after they are received and tabulated, shall be made a matter of record and shall be open for public inspection.

C. Preference for small and local area firms. ~~The Purchasing Agent will take a~~ All necessary steps will be taken to assure that small firms and local area firms are used when possible.

D. Field purchases. Field purchases may be made by City employees so authorized under the following conditions:

(1) Field purchases must follow protocols established by Purchasing Agent in section 4-14 B  
~~(1) may be made only on field purchase order forms provided and approved by the Purchasing Agent.~~

(2) ~~The Purchasing Agent's copy of the field~~ Receipts for purchases order shall always be turned in to the Finance ~~ODirector~~ officer within 24 hours of the time the purchase is made.

E. Exception to competitive bidding.

(1) In any case where it is clearly to the City's advantage to contract without competitive bidding, the Manager may so authorize.

(2) All requests for bids shall specifically reserve the right to reject any and all bids, and whenever purchases may be made on the open market at lower cost than the bids submitted, the public official ~~Purchasing Agent~~ shall reject all bids and purchase on the open market.

§ 4-16. Establishment; appointment and removal of members.

A. There shall be established in the City of Franklin the following boards, commissions and committees:

~~(1) Board of Health.~~

(2) Library Board of Trustees.

(3) Personnel Advisory Board.

(4) Planning Board.

(5) Zoning Board of Adjustment.

(6) Conservation Commission.

(7) Highway Safety Commission.

(8) Trustees of Trust Funds.

(9) Finance Committee.

(10) Police Committee.

(11) Fire Committee.

(12) Municipal Services Committee.

(13) Recreation Committee.

~~(14) Housing Authority.~~

(15) Legislative Committee.

(16) Board of Code Appeals.

**[Added 9-14-1998 by Ord. No. 98-4]**

(17) Capital Improvement Plan Committee (CIP).

**[Added 6-1-1998 by Ord. No. 98-3]**

B. All boards, commissions and committees shall serve in an advisory capacity only unless otherwise empowered by state statutes, City Charter or City ordinances.

C. All appointments to boards, commissions and committees shall serve for the term appointed and until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term and until a successor has been appointed and qualified. Conditions for removal of any board, commission or committee member shall be as defined by statute, ordinance or the Administrative Code.

**§ 4-17. Board of Health.**

~~A. The Board of Health shall consist of the Health Officer and two associate members who shall hold office until their successors shall have been appointed and qualified. Such members shall be removable, however, at any time, for cause, but only after a fair and impartial hearing. In the month of January, annually, the Manager shall appoint one member of said Board for the full term of three years, to fill the vacancy occurring annually. Vacancies in said Board shall be filled by the Manager at its first regular meeting after such vacancy shall occur, but only for the unexpired term.~~

~~B. The Board of Health shall perform the following functions:~~

~~(1) The Board of Health shall make such rules and regulations for the prevention and removal of nuisances and for the control and restriction of infectious and contagious diseases and such other regulations relating to the public health as, in its judgment, the health and safety of the people may require, which shall take effect when approved by the City Council and published in one local newspaper. The members of the Board, except the Health Officer, shall serve without pay.~~

~~(2) The Board of Health shall meet at such times and places as it may deem necessary for the consideration of matters relating to the public health. It shall investigate, inquire into and advise in all cases referred to it for such purpose by the Health Officer and shall direct him or her in all cases. In case the Health Officer is unable to act as the executive officer, the Board may appoint a suitable person to act temporarily in his or her stead, and said person shall, while so acting, possess all the authority and receive the same compensation which the Health Officer would otherwise receive under the provisions of the Compensation Plan.~~

~~[Amended 9-14-1998 by Ord. No. 98-4]~~

~~(3) The Board of Health shall provide itself with such blanks and record books, at the expense of the City, as are necessary and shall promptly at the close of the fiscal year report, in writing, to the Manager, giving a classification of all complaints made to it, together with such suggestions pertaining to the health of the City, so much of the vital statistics as are necessary, the cause of death, so far as possible, and such other sanitary information as may be called for by the Manager.~~

~~(4) The Board of Health shall prescribe a blank form upon which a complete record of the inspections made by the Health Officer shall be entered. A record shall also be kept by the Health Officer of all complaints made to him or her or to the Board, of all orders issued, notices served and nuisances abated. Said record shall, at the end of the fiscal year, be placed in the hands of the City Clerk.~~

**§ 4-178. Library Board of Trustees.**

- A. The Council committees (Finance, Police, Fire, Municipal Services, Recreation and Legislative) shall consist of three members of the City Council appointed annually by the Mayor at the first City Council meeting to be held in the month of January. The Mayor shall stipulate the Chairperson of each committee. The Manager, when he or she deems it necessary, may appoint subcommittees of non-Council members to assist the various Council committees.
- B. Each committee shall function as a separate standing committee, working in an advisory capacity to the Manager. Each committee shall study, advise and recommend to the Manager on all matters of policy pertaining to its committee appointment. Each committee shall report to the City Council as a whole, either through itself or the Manager, relative to any studies, with its recommendations as requested by the City Council.

§ 4-256.1. Capital Improvement Plan Committee (CIP).

**[Added 6-1-1998 by Ord. No. 98-3]**

- A. Purpose. The purpose of this Committee is to establish making improvements to the City of Franklin in a timely fashion for the benefit of the health, safety and welfare of the community.
- B. The CIP Committee shall be comprised of a total of nine members as follows:

**[Amended 5-7-2007 by Ord. No. 08-07]**

(1) Three City ~~Councillors~~Councilors.

~~(2) (Reserved)~~

(3) Three School Board members.

(4) One member of the Planning Board.

(5) Two Franklin residents.

- C. These members will be chosen as follows:

**[Amended 5-7-2007 by Ord. No. 08-07]**

(1) The City ~~Councillors~~Councilors will be assigned by the Mayor, one of whom will serve as Chairman. The Chairman will be appointed by the Mayor from the Council members.

(2) The members from the School Board will be appointed by the School Board Chairperson.

~~(3) (Reserved)~~

(4) The member of the Planning Board will be appointed by the Planning Board Chairman.

**[Amended 9-14-1998 by Ord. No. 98-4]**

The composition, terms of office, vacancies, functions and duties of the Library Board of Trustees shall be as provided by RSA 202-A.

**§ 4-189. Personnel Advisory Board.**

The composition, functions and duties of the Personnel Advisory Board shall be as provided by § C-45 of the Charter of the City of Franklin.

**§ 4-1920. Planning Board.**

The composition, terms of office, vacancies, functions and duties of the Planning Board shall be as provided by City ordinance and by the New Hampshire Revised Statutes Annotated, as amended. *Editor's Note: See Ch. 77, Planning Board.*

**§ 4-201. Zoning Board of Adjustment.**

The composition, functions and duties of the Zoning Board of Adjustment shall be as provided by the New Hampshire Revised Statutes Annotated, as amended, and by ordinance. *Editor's Note: See Ch. 305, Zoning.*

**§ 4-212. Conservation Commission.**

The composition, terms of office, functions and duties of the Conservation Commission shall be as provided by ordinance of the City of Franklin, passed on August 5, 1986, and by the New Hampshire Revised Statutes Annotated and amendments. *Editor's Note: See Ch. 11, Conservation Commission.*

**§ 4-223. Highway Safety Commission.**

The composition, terms of office, functions and duties of the Highway Safety Commission shall be as provided by ordinance of the City of Franklin, passed on September 4, 1968, and the National Highway Safety Act of 1966. *Editor's Note: See Ch. 34, Highway Safety Commission.*

**§ 4-234. Trustees of Trust Funds.**

The composition, terms of office, functions and duties of the Trustees of Trust Funds shall be as provided by the Charter of the City of Franklin, § C-59, and RSA 31:20, 31:22, 31:24 and 31:25, and their amendments and annotations.

**§ 4-245. Board of Code Appeals.**

**[Added 9-14-1998 by Ord. No. 98-4]**

The composition, terms of office, functions and duties of the Board of Code Appeals shall be as provided by Chapter 166, Fire Prevention, Article II, Fire and Safety Codes, adopted on October 6, 1997.

**§ 4-256. Council committees.**

(5) The residents of the community will be recommended by the CIP Committee Chairman and approved by the City Council. Appointments will be for five-year terms, starting with staggered terms of three years, four years and five years.

D. The Chairman may elect to remove any person missing two consecutive meetings.

**[Amended 4-21-1999]**

E. This Committee will present a draft copy of the Capital Improvement Plan to the Franklin City Council annually with its recommendations.

**[Amended 5-7-2007 by Ord. No. 08-07]**

Article V. Adoption and Amendment

§ 4-267. Title; when effective; amendments.

A. This chapter is to be known as the "Administrative Code of the City of Franklin."

B. After adoption by the City Council, at a regular or special Council meeting, this chapter shall become effective.

C. This chapter may be amended from time to time by the City Council at a regular or special Council meeting.

Changes are effective January 1, 2013.

**Roll Call:**

**Councilor Boyd** \_\_\_\_\_

**Councilor Feener** \_\_\_\_\_

**Councilor Clarenbach** \_\_\_\_\_

**Councilor Sharon** \_\_\_\_\_

**Councilor Cournoyer** \_\_\_\_\_

**Councilor Starkweather** \_\_\_\_\_

**Councilor Desrochers** \_\_\_\_\_

**Councilor Trudel** \_\_\_\_\_

**Councilor Dzujna** \_\_\_\_\_

**A True Copy Attested:** \_\_\_\_\_  
**City Clerk**

**Passed:** \_\_\_\_\_  
**Date**

**Approved:** \_\_\_\_\_  
**Mayor**