

## CHAPTER 29

### ADMINISTRATIVE CODE

## 29.1 Legal Basis & Repeal

This Administrative Code has been submitted by the City Manager and adopted pursuant to Article 4.7 of the 1985 Somersworth City Charter.

Upon adoption of this ordinance, Chapter 29 of the Somersworth City Code of 1965, as amended, is replaced in its entirety and the following existing portions of the Somersworth City Code of 1965 are repealed:

|             |   |
|-------------|---|
| Chapter 2   | City Seal   |
| Chapter 3   | Accounts and Claims   |
| Chapter 6   | City Officials (except 6.2A and 6.15-6.19)                    |
| Chapter 6A  | Purchasing Procedures   |
| Chapter 7   | Streets, Highways, Sewers (except 7.3, 7.4, 7.9, 7.11 & 7.13) |
| Chapter 7A  | Traffic Safety Commission                                     |
| Chapter 10A | City Motor Vehicles   |
| Chapter 29A | Parks and Recreation Advisory Board                           |

### 29.1.1 Separability

If any provision of this 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 and circumstances shall not be affected.

### 29.1.2 Resolution of Conflicts

If any portion of this Administrative Code shall be in conflict with any other portion of the Code or with any other ordinance, the ordinance which provides the higher standard of performance or service to the public shall prevail.

## 29.2 (Reserved for future use)

## 29.3 Administrative Organization

### 29.3.1 Duties of City Manager

The duties and responsibilities of the City Manager are defined in Article IV of the 1985 Somersworth City Charter. Nothing in this Administrative Code shall be construed as modifying or limiting the charter.

The City Manager may issue rules and regulations for the internal operation of the City. Such rules shall be reviewed and approved by the City Council or any Council committee empowered to so review and approve such regulations. No such rule or regulation shall take the place of an ordinance or statute but may constitute conditions for initial or continuing employment with the City.  
(Passed 12/7/1987)

29.3.1.A The City Manager will conduct annually a written evaluation of each department head and said evaluation shall be kept on file for two years after which said file shall be destroyed.  
(Passed 10/16/1989)

#### 29.3.2 Definition of Department

A department is a functional subdivision of city government for which specific goals or tasks may be defined. A department may be further subdivided into divisions and bureaus for the purpose of assigning responsibility or defining organization. For the purposes of this Administration Code, departments shall be either operational or budgetary. An operational department is one in which the head of the department reports to the City Manager. A budgetary department is an entity defined by the annual budget, and consists of functional activities within which the City Manager may transfer unencumbered appropriation balances among programs as provided by Article 6.7.D of the 1985 Somersworth City Charter.

#### 29.3.3 Temporary Reorganization

When, in the opinion of the City Manager, it is expedient to change the organization of the operational departments, the Manager may do so temporarily and shall promptly inform the City Council of such changes. A temporary change of organization may remain in effect no longer than six (6) months by which time the City Manager shall recommend to the City Council that the change be made permanent, as provided by Article 4.7 of the 1985 Somersworth City Charter, or the organization shall revert to the form that preceded the temporary change. It is the intention of this paragraph to make possible changes in the organizational structure of the City to meet unexpected requirements or allow evaluation of possible organization changes without requiring adoption of new ordinances.

#### 29.3.4 Departmental Rules and Regulations

Each department may, with the approval of the City Manager, promulgate rules and regulations for its internal operation. Such rules shall be reviewed and approved by the City Manager prior to adoption or modification. No departmental rule shall provide for any action or policy which is already provided for adequately in City ordinances or state law. No rule or regulation shall have the effect of ordinance or law but may constitute conditions for initial or continuing employment of employees within the department.

#### 29.3.5 Department Head Authority, Duty & Responsibility

The person in charge of a department is a department head for the purposes of this Administrative Code and except as otherwise provided:

- a) Department heads shall be responsible to the City Manager for the safe, effective and efficient operations of their department.
- b) Department heads serve at the pleasure of the City Manager for indefinite terms and are salaried, exempt employees as defined by the Fair Labor Standards Act.  
(Amended 03/07/2016.)

- c) The City Manager shall prescribe in writing the limits of authority to be delegated to department heads, individually or collectively, as provided by Article 4.3.(A) of the 1985 Somersworth City Charter along with any other administrative directions which, in the Manager's opinion, may be required.

(Amended Section 3.5; 03/07/2016.)

### Section 29.3.6 Organization of Departments, Divisions and Bureaus

#### Section 29.3.6.1 Table of Organization

The following table of organization defines city government by operational departments. Nothing in this table of organization shall be construed as prohibiting additional subdivisions of the annual budget to provide more comprehensive financial control or of limiting a department head from organizing or assigning responsibility within that department.

#### **Department of Finance and Administration**

- Office of City Clerk
- Office of Tax Collector
- Office of Welfare
- Division of Finance
- Division of Library (coordinated with Library Trustees)
- Office of Assessing

#### **Department of Development Services**

- Division of Economic Development and Planning
- Office of Code Enforcement
- Division of Recreation

(Amended 3/20/2006.)

#### **Department of Public Works and Utilities**

- Division of Water
- Division of Wastewater
- Division of Public Works
- Office of Engineering

(Amended 5/21/2001 & 3/20/2006)

#### **Department of Public Safety**

- Division of Police
- Division of Fire

#### Section 29.3.6.2 Common Duties and Responsibilities

Each department is responsible for the execution of City policies and programs as expressed in ordinances, the annual budget, resolutions of the City Council and, to the extent empowered, the actions of independent boards and commissions in the execution of their assigned

responsibilities. Where a specific duty provided by state law is assigned to a department, division, or office, it is the intention of this Administrative Code that any changes in state statutes shall continue to apply to the appropriate organizational body.

All departments are charged with:

- a) Conducting operations in accordance with the laws of the State of New Hampshire, the 1985 Somersworth City Charter, and the ordinances of the City of Somersworth.
- b) Maintaining and caring for all property and equipment assigned to the department.
- c) Purchasing, inventorying and stocking appropriate materials in accordance with the purchasing provisions of the Administrative Code.
- d) No funds shall be expended to defray the costs of a department head attending a national convention or a national training session without approval of the City Manager. (Amended 03/07/2016.)

Individual departments, divisions, and offices have additional responsibilities as enumerated below:

#### Section 29.3.6.3 Department of Finance and Administration

The Department of Finance and Administration shall be responsible for the Divisions of Finance and Library, the Offices of the City Clerk, Tax Collector, Welfare, Assessing, and the Utility Billing function within the Divisions of Water and Wastewater to include maintenance of the Water and Sewer funds on a utility basis. (Amended 05/11/2009, 06/18/2018)

#### Section 29.3.6.4 Office of City Clerk

The Office of City Clerk shall:

- a) Be the repository of all official records of the City and its boards and agencies.
- b) Be the clerk of the City Council, posting notices of meetings and keeping a record of its actions.
- c) Collect all fees and issue licenses as provided by state statute and ordinance.
- d) Arrange for and supervise all elections, including maintenance of election records.
- e) Perform all duties of a municipal clerk as provided by state statute unless otherwise assigned.
- f) Perform such other related duties as may be assigned.

#### Section 29.3.6.5 Office of Tax Collector

The Office of the Tax Collector shall:

- a) Perform the duties of Tax Collector as provided by state statute including providing notices of taxes due, depositing of collections including fees and penalties as directed by the City Treasurer, providing notice of delinquent taxes and advertising and processing of tax sales and collecting tax liens and receivables.
- b) Collect automobile registration fees as provided by state law.

- c) Perform such other related duties as may be assigned.

#### Section 29.3.6.6 Office of Welfare

The Office of Welfare shall:

- a) Provide welfare assistance to eligible recipients as provided by state law and approved City of Somersworth Welfare Guidelines.
- b) Perform such other related duties as may be assigned.

#### Section 29.3.6.7 Division of Finance

The Division of Finance shall:

- a) Include the functions of the City Treasury with the head of the division being the City Treasurer. The Treasurer will receive and hold the funds of the City and disburse them only as provided by the 1985 Somersworth City Charter and other applicable ordinances and directives.
- b) Maintain the fiscal accounting and control system of the City in accordance with generally accepted accounting principles.
- c) Prepare reports of the financial transactions of the City from time to time as directed by the City Manager.
- d) Invest idle funds of the City to obtain prudent return on such investment.
- e) Perform such other related duties as may be assigned.

#### Section 29.3.6.8 Division of Library

The Division of Library shall:

- a) Provide library services for the City as provided in state law for cities (New Hampshire Revised Statutes Annotated Chapter 202-A or its successor).
- b) Maintain the Somersworth City Library.
- c) Perform such other related duties as may be assigned.

#### Section 29.3.6.9 Office of Assessing

The Office of Assessing shall:

- a) Maintain a complete roll of the appraised value of property and improvements of the City of Somersworth.
- b) Prepare and maintain all assessment and tax rolls as required by state law or City ordinance including the giving of notice and conduct of hearings.
- c) Perform such other related duties as may be assigned.

#### Section 29.3.6.10 Department of Development Services

The Department of Development Services shall be responsible for the Divisions of Economic Development and Planning, Office of Code Enforcement, and the Division of Recreation.

(Amended 5/21/2001, 3/20/2006, 06/18/2018.)

#### Section 29.3.6.11 Division of Economic Development and Planning

#### Section 29.3.6.12 Office of Code Enforcement

The Office of Code Enforcement shall:

- a) Receive applications and issue permits for the construction and renovation of structures under the City's building code.
- b) With the assistance of the City Planner, interpret the zoning ordinance and other land use regulations and enforce the building code, zoning ordinance and related land use regulations.
- c) Maintain appropriate records and files.
- d) Perform such other related duties as may be assigned.

#### Section 29.3.6.12A Division of Recreation

The Division of Recreation shall:

- a) Provide recreational programs for the residents of the City and others, as authorized.
- b) Perform such other related duties as may be assigned.

(Amended 10/28/2019)

#### Section 29.3.6.13 Department of Public Works and Utilities

The Department of Public Works and Utilities shall be responsible for the Divisions of Water and Wastewater, excluding the Utility Billing Function within the divisions of Water and Wastewater assigned to the Department of Finance and Administration, and the Divisions of Public Works and Engineering.

(Amended 05/21/2001, 03/20/2006, 05/11/2009.)

#### Section 29.3.6.14 Division of Water

The Division of Water is listed for record purposes and is governed by Article 14 of the 1985 Somersworth City Charter.

In the event the Charter is amended to place the Water Works under the control of the Mayor, Council and City Manager, the Division of Water shall:

- a) Provide potable drinking water to properties within the City and, subject to regulation provided by state law for utilities, to property outside the city when specifically authorized by the Mayor and City Council.
- b) Provide water for fire protection.
- c) Operate the water supply system (wells and treatment plants) and water distribution plant.
- d) Operate the Water Fund on a utility basis.
- e) Perform such other related duties as may be assigned.

#### Section 29.3.6.15 Division of Wastewater

The Division of Wastewater shall:

- a) Be responsible for the operation and maintenance of the Somersworth Wastewater Treatment Facility.
- b) In coordination with the Water Treatment Plant Laboratory, provide laboratory services to other departments.
- c) Operate the Sewer Fund on a utility basis.
- d) Perform such other related duties as may be assigned.

#### Section 29.3.6.16 Division of Public Works

The Division of Public Works shall be responsible for all the physical structures and facilities of the City not assigned to another organizational body. The Division of Public Works will coordinate operations in Forest Glade Cemetery with the board of Cemetery Trustees. In addition, the Division of Public Works shall:

- a) Repair, maintain, construct and operate the public streets, bridges, sidewalks and rights-of-way of the City.
- b) Repair, maintain, construct and operate the storm and sanitary sewer systems of the City.
- c) Maintain City buildings and land except as may be assigned to another department, and to maintain all City parks and recreational facilities and grounds not otherwise assigned. (Amended 10/28/2019)
- d) Provide specific maintenance assistance in the Forest Glade Cemetery as mutually agreed upon with the Cemetery Trustees.
- e) Maintain and repair all City mechanical equipment except items for which other maintenance arrangements have been made.
- f) Direct and maintain the equipment maintenance records for all motor vehicles and equipment.
- g) Provide lubricants, fuel and other vehicle consumables for authorized vehicles on a reimbursement basis.
- h) Perform such other related duties as may be assigned.

#### Section 29.3.6.17 Division of Engineering

The Division of Engineering shall:

- a) Provide civil engineering services to all other departments to the limits of the approved budget work program.
- b) Be responsible for the design, procurement, acceptance and startup of all public works construction or major rehabilitation projects of the City. (It is the intention of this Administrative Code that once complete, such projects would come under the operational control of the cognizant operating department.)



- c) Direct the permanent retention of all plans, specifications, drawings, designs and engineering studies procured for the City.
- d) Perform such other related duties as may be assigned.

(Section 29.3.6.12 through 29.3.6.18 renumbered as Section 29.3.6.11 through 29.3.6.17 05/21/2001.)

#### Section 29.3.6.18 Department of Public Safety

The Department of Public Safety shall be responsible for the Divisions of Police and Fire.

#### Section 29.3.6.19 Division of Police

The Division of Police shall:

- a) Enforce the criminal laws of the state and the penal ordinances of the City of Somersworth.
- b) Safeguard the persons and property of the residents and visitors of the City of Somersworth through activities designed to deter criminal actions and to apprehend persons who have committed crimes of whatever nature within its jurisdiction.
- c) Promote community awareness of the causes of crime and its prevention.
- d) Shall consist of the following sub-divisions whose duties shall be further defined in the Division's regulations:
  - i. Division of Patrol
  - ii. Division of Investigation
  - iii. Division of Support Services
- e) Perform such other related duties as may be assigned.

#### Section 29.3.6.20 Division of Fire

The Division of Fire shall:

- a) Protect the lives and property of residents and visitors through the suppression of all unwanted fires or, where suppression is not possible, prevent the spread of fire to adjacent buildings and land.
- b) Promote the prevention of unwanted fire by enforcement of state and local fire prevention codes and fire prevention education.
- c) Perform such other related duties as may be assigned.

#### Section 29.3.6.21 School Department

The School Department is listed for record purposes and is governed by Article 8 of the 1985 Somersworth City Charter and state law governing the operation of schools.

#### Section 29.3.6.22 City Attorney

The City Attorney shall:

- a) Provide legal services and advice to the City.
- b) Attend City Council meetings as may be required.
- c) Perform such other related duties as may be assigned.

(Amended 05/01/2006.)

#### Section 29.3.6.23 Budgetary Departments

The budgetary departments shall consist of the following departments and divisions:

General Government Department

Mayor and City Council

City Manager

City Clerk

Finance

Tax Collector

Assessor

Planning & Economic Development

Public Safety Department

Police

Fire

Probation

Civil Defense

Code Enforcement

Public Works Department

Engineering

Public Works

Wastewater Treatment

Highway

Equipment Maintenance

Building & Grounds

Cemetery

Health and Welfare Department

Welfare

Health

Cultural Department

Recreation

Library

Debt Service

Adoption of an annual operating budget and provided by the 1985 Somersworth City Charter with a budgetary organization other than above will be considered to be the correct budgetary organization.

(Section 29.3.6.1 through 29.3.6.4 Amended 02/28/1994.)  
(Sections 29.3.6.19 through 29.3.6.24 renumbered to Sections 29.3.6.18 through 29.3.6.23 on 03.20.2006.)

#### 29.3.7 Other City Officials

The following officials are appointed by and report to the City Manager but whose offices do not have the status of department head:

Heath Officer  
City Treasurer

The duties and responsibilities shall be as provided in the appropriate chapters of the New Hampshire Revised Statutes Annotated and as assigned by the City Manager.

#### 29.4 Independent Boards and Commissions

Unless otherwise provided by New Hampshire State Law, appointments to city boards and commissions shall be made in accordance with Article 3.5.B of the 1985 Somersworth City Charter and the rules and regulations of the City Council. Unless specified otherwise, terms are to be overlapping, it being intended that the terms of the individual members are to be such that regular terms shall expire evenly over the normal appointment cycle of the body. Persons appointed to fill unexpired vacancies are normally appointed until the regular term for that position would have expired.

Where membership on a board or commission is to be filled by a person with a special qualification, such as residency, age, or elected status, any future failure to meet the qualification test shall be considered a resignation from the body. The City Council shall be the sole judge of the qualifications for membership on any body and may use any process it considers appropriate to determine whether such qualifications are met.

No member of any independent board or commission shall receive a salary or payment for that person's services unless specifically directed by ordinance or New Hampshire State Law or provided in the annual operating budget.

Members of boards and commissions may, after public hearing, be removed by the Mayor and City Council for inefficiency, neglect of duty, malfeasance in office or other good cause. The Mayor and City Council shall provide procedures in the City Council Rules and Regulations for such removal.

##### 29.4.1 Planning Board

The previous establishment of a Planning Board known as the City of Somersworth Planning Board is affirmed. The Planning Board shall be appointed and shall conduct its business in accordance with New Hampshire Revised Statutes Annotated Chapter 673, or its successor.

#### 29.4.2 Zoning Board of Adjustment

The previous establishment of a Zoning Board of Adjustment known as the City of Somersworth Zoning Board of Adjustment is affirmed. The Zoning Board of Adjustment shall be appointed and shall conduct its business in accordance with New Hampshire Revised Statutes Annotated Chapter 673, or its successor.

#### 29.4.3 Board of Assessors Duties & Responsibilities

The Board of Assessors duties, responsibilities and functions as provided in NH RSA Ch. 48:13 and its successors is hereby delegated to the City Manager or his/her designee.

(Amended 09/16/2019)

#### 29.4.4 Cemetery Trustees

There shall be a Board of five persons known as the Trustees of Forest Glade Cemetery. The Board shall have charge of the Cemetery subject to budgetary limitations imposed by the City Council.

The Trustees shall request such assistance of City departments as may be necessary and desirable to provide for maintenance of the Cemetery and its records and the City Manager may provide for charging such assistance to the Trustees' budget accounts.

(Amended 02/21/1989.)

#### 29.4.5 Conservation Commission

The Administrative Code affirms the creation of the Somersworth Conservation Commission according to New Hampshire Revised Statutes Annotated Chapter 36-A and/or its successors. The Conservation Commission shall consist of seven members.

The duties and responsibilities of the Conservation Commission shall be to promote and develop the natural resources of the City and to protect its watershed resources. The Commission shall have such other duties and responsibilities as provided in state law for conservation commissions.

#### 29.4.6 Historic Preservation Commission

This Administrative Code affirms the creation of a nine (9) member Historic District Commission by previous action of the City Council under New Hampshire Revised Statutes Annotated Chapter 673:4 and its successors. The duties of the Commission are as provided by statute and are intended to promote and preserve the historic and architectural values of the Historic District(s).

#### 29.4.7 Somersworth Housing Authority

This Administration Code affirms the creation of the Somersworth Housing Authority by previous action of the City Council under the provisions of New Hampshire Revised Statutes Annotated Chapter 203 and its successors. The Somersworth Housing Authority shall be governed by the board specified in the statutes and shall have and shall exercise the powers and functions enumerated in the statutes.

#### 29.4.8 Library Trustees

There shall be a board of five trustees of the Somersworth Public Library appointed for five year overlapping terms who shall be residents of the City. The trustees shall exercise the powers of library boards of trustees for cities as contained in state law (New Hampshire Revised Statutes Annotated Chapter 202-A and its successors).

#### 29.4.9 Traffic Safety Committee

There is hereby established a Traffic Safety Committee consisting of ten members, said membership constituted as follows:

- Chief of Police (or designee)
- Chief of Fire (or designee)
- Superintendent of Schools (or designee)
- Director of Public Works (or designee)
- City Engineer
- Director of Planning & Community Development (or designee)
- Two members at large
- City Council member

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council Standing Committees.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor.

The Traffic Safety Committee is authorized to:

- (1) carry on a continuing study of the problems of highway safety and traffic law enforcement;
- (2) conduct conferences and hearings on various phases of highway safety;
- (3) appoint sub-committees to carry out designated responsibilities related to traffic safety;

- (4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;
- (5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;
- (6) submit a report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

(Amended 01/30/2023)

#### 29.4.10 Supervisors of the Checklist

The Supervisors of the Checklist shall be appointed in accordance with Article 2.3 of the 1985 Somersworth City Charter and shall perform their duties as prescribed by State law (New Hampshire Revised Statutes Annotated Chapter 654 and its successors).

#### 29.4.11 Trustees of Trust Funds

The Trustees of Trust Funds shall consist of three persons appointed for three-year overlapping terms as provided by New Hampshire Revised Statutes Annotated Chapter 31 and its successors and shall have the duties and responsibilities as provided by state law (RSA 31:19 et seq. and its successors).

#### 29.4.12 Industrial Development Authority

This administrative Code affirms adoption of the provisions of New Hampshire Revised Statutes Annotated Chapter 162-G and its successors and the creation of the Somersworth Industrial Development Authority as provided by New Hampshire Revised Statutes Annotated Chapter 162-G: 15-a and its successor.

The Somersworth Industrial Development Authority:

- 1) Shall consist of nine members plus the Mayor as ex-officio member, and no more than two members may be members of the City Council, and no more than two members may be members of the Planning Board.
- 2) Shall elect its Chairman from its membership, and fill such other offices as it may deem necessary for its work. The term of the Chairman and other officers shall be for one year with eligibility for re-election. The Authority shall meet regularly, and shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Said Authority shall submit annually to the Mayor and City Council a report of the preceding year's activities.
- 3) May appoint such members as it may be deemed necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the City. The Authority may also contract with City Planner, Engineer, architects and other consultants for such service as it may require. The expenditures of the Authority shall be within the amounts donated to, earned, or appropriated by

the Council. Said Authority shall submit annually to the mayor and council a proposed work program and funding request for staffing consultants, advertising, travel, etc., necessary to carry out its program for inclusion in the City's annual operating budget.

- 4) Shall have all of the powers granted such authorities by New Hampshire Revised Statutes Annotated Chapter 162-G or and its successors in addition to the following powers:
  - a) To acquire by gift from a voluntary corporation or association forming under the provisions of New Hampshire Revised Statutes Annotated Chapter 292:1 one or more industrial facilities located within or partially within the City of Somersworth.
  - b) To lease to any person, firm, partnership or corporation, either public or private, any or all of its industrial facilities for such rentals or upon such terms and conditions and for such period or periods as the City Council of the City of Somersworth may determine advisable, provided, however, that said lease or leases shall require that the payment of all costs of operation, maintenance and upkeep of such industrial facilities will be paid by the lessee, sublessee or occupant thereof, and that under no circumstances shall the City of Somersworth be obligated directly or indirectly for the payment of such costs.
  - c) To sell and convey all or any part of any industrial facility owned by it, at public or private sale, with or without advertisement, and do all facts necessary to the accomplishments of such sale or conveyance.
  - d) To cooperate with or convey to the State of New Hampshire any or all of such industrial facilities as provided for in the Revised Statutes Annotated.
  - e) To acquire title to an industrial facility by gift, with approval of the Governor and Council as set forth in New Hampshire Revised Statutes Annotated Chapter 162-G:5 and its successors.
- 5) Said Authority shall not have the power to operate an industrial facility owned by it as a business, or in any manner except as the lessor thereof.
- 6) The Authority shall have the power to negotiate with the City for tax exemption, provided that in lieu of such taxes and special assessments, the Authority shall require any lessee or occupant of the industrial facility to make annual payments to the City for its just share of the public expense, including but not limited to education, highway, maintenance, fire and police protection, and other similar public expenses and governmental services, and with the approval of the State Tax Commission.

## 29.5 Financial Procedures

### 29.5.1 Accounting Practices

All financial records and reports of the City shall comply with generally accepted accounting principles (GAAP) as defined by the Government Finance Officers Association (GFOA) and the American Institute of Certified Public Accountants (AICPA).

### 29.5.2 Borrowing Procedures

No debt shall be incurred by the City without the explicit approval of the City Council. Multi-year lease and lease/purchase agreements which are not subject to cancellation in the event funds are not appropriated for subsequent year payments shall be considered the same as debt. The City will follow the provisions of New Hampshire Revised Statutes Annotated Chapter 33 (The Municipal Finance Act) and its successors whenever incurring such debt.

For the purposes of Article 6.9-(B) of the 1985 Somersworth City Charter, this Administrative Code shall be the ordinance approving the making of payments beyond the end of the current fiscal year providing the City Council has taken any other action to approve such payments.

## 29.6 City Seal

### 29.6.1 Keeper of Seal

The City Clerk shall be ex-officio keeper of the city seal and shall permit the Mayor or any officer to affix the same to any document to which the city seal is required to be affixed.

### 29.6.2 Use of Seal

All deeds and other legal instruments made, or special contracts entered into by the city requiring a seal, shall be sealed with the city seal and be signed and acknowledged in behalf of the city by the Mayor or City Manager.

### 29.6.3 Description of Seal

The design shall consist of a disc the size of a silver half dollar, with a smaller circle within which shall give a space of 1/8 inch between the circles, whereon shall be engraved: Incorporated a Parish 1729. A Town 1754. A City 1893. Spanning the circle horizontally shall be a bar 1/8 inch wide, with the name of the City engraved thereon in bold letters. In the space above the bar, on the left shall be engraved an old meeting house, and on the right a view of the falls of the Salmon Falls River, also a locomotive and cars. Below the bar shall be engraved a view of the mill.

The divide thereof being as follows: The old meeting house and falls suggest the source from which the town and village derive their names, while the mill gives an idea of the principal industry and the train suggests transportation facilities.

### Section 29.6.4 Unauthorized Use of the Seal

No other use of the City Seal is permitted without prior written permission from the City Council's Government Operations Committee.



The City reserves the right to take appropriate legal action to remedy any unauthorized use of the City Seal, including but not limited to, seeking injunctive relief, costs and attorney's fees in the Superior Court. (Added 08/13/2018)

## 29.7 City Motor Vehicles

### 29.7.1 Identifying Marks

All motor vehicles and over the road equipment owned by the City of Somersworth shall be plainly marked on the exterior of each side. Such markings to consist of substantially the following words: "SOMERSWORTH" or "CITY OF SOMERSWORTH". Installed near said words shall be the name of the Department to which said vehicle/equipment has been assigned.

### 29.7.2 Size of Lettering

All exterior lettering on motor vehicles/equipment as herein described shall be at least two (2) inches high for the word "SOMERSWORTH" or "CITY OF SOMERSWORTH" (exclusive of the City Seal lettering) and shall be of contrasting color. All numbering shall be at least one (1) inch high. A City Seal decal of approximate size may also be applied, preferably centered in the front door.

### 29.7.3 Exemptions

The City Manager may exempt a particular vehicle/equipment or class of vehicles/equipment from the provisions of 29.7.2 if it is determined that the vehicle is otherwise adequately identified or the cost of compliance is excessive.

### 29.7.4 Official Use of Vehicles and Equipment

No department head shall cause or allow any motor vehicle or equipment assigned to their department to be operated by anyone not a bona fide full or part-time employee of the City of Somersworth, who shall also be a licensed driver qualified to operate the type of vehicle or equipment. No Department Head shall allow any motor vehicle/equipment to be operated except on City business.

### 29.7.5 Markings not to be Covered

No person shall cover, cause to be covered, deface, or cause to be defaced or remove the markings on any motor vehicle/equipment owned by the City of Somersworth. Upon sale or other release of any City vehicle, the City seals must be removed by the Department before the vehicle is released.

#### 29.7.6 Maintenance of Seat Belts

Seat belts in any City owned vehicle/equipment required to be equipped with seat belt assemblies will be maintained in a serviceable condition and will be readily available for driver and passenger use.

Non-use or malfunction of city motor vehicle/equipment seat belt assemblies which result in a reportable personal injury shall be explained as to why seat belts were not used by the injured person or in cases of malfunction what caused the malfunction and what remedial actions were taken to prevent recurrence.

#### 29.7.7 Physical Examination of Operators

All part-time and full-time employees of the City whose duties involve the operation of City-owned motor vehicles shall receive a physical examination, including an eye examination, by a licensed physician to determine their physical ability to safely operate such vehicles prior to initial employment and every three years thereafter. The results of each such examination (which shall include the physician's opinion as to fitness to operate) shall be reported to the City Manager. Any department head may require such an examination at more frequent intervals if there are grounds for believing that an employee's physical ability to safely operate a City-owned motor vehicle has become impaired.

Further, all employees who have not been so examined or whose condition is reported as unfit to operate shall not be permitted to drive a City-owned motor vehicle.

(Amended 06/06/1988.)

#### 29.7.8 Requirement to Wear Seat Belts

All employees of the City of Somersworth are required to wear seat belts while operating or riding in any City-owned vehicle. This ordinance shall not apply in the case of vehicles for which the manufacturer has not installed seat belts. Any employee found in violation of this ordinance shall be given a written letter of reprimand in the first instance, and shall be subject to the disciplinary provisions of the Personnel Plan.

### 29.8 Purchasing Procedure

#### 29.8.1 Purpose

The purpose of this purchasing procedure is:

- a) To procure materials, supplies, equipment and services best suited to the job which operating units are to perform.
- b) To procure the correct quantities of items required.
- c) To insure goods and services are in the hands of operating units when and where needed.
- d) To obtain goods, services and equipment at the lowest total price.
- e) To obtain critical materials when required to meet emergencies.

- f) To dispose of unneeded inventory.

## 29.8.2 Definitions

### 29.8.2.1 Competitive Procurement

Any process for acquiring goods or services in which more than one individual is solicited to propose price and delivery terms in such a manner as to encourage competition between prospective suppliers.

### 29.8.2.2 Sealed Bid

A form of competitive procurement in which sealed proposals are solicited which are opened and read at a specific time and place and in which the purchaser has no knowledge of the specific price and delivery proposal in the bid until the opening.

### 29.8.2.3 Negotiated Procurement

A process for acquiring goods and services in which the purchaser and seller negotiate any and all parts of the price and delivery terms. Negotiations may be a part of the procurement process along with bidding.

### 29.8.2.4 Specification

A description of the goods and services to be procured. For the purposes of this Administrative Code, a specification shall be as general as possible and shall describe the performance of the good or service as much as possible. Where a specification contains a reference to a specific product or firm, it shall be interpreted as being functionally equivalent to that firm or product unless explicitly stated otherwise.

### 29.8.2.5 Solicitation

Solicitation is the process by which vendors are requested to propose terms and conditions for an item or service which is proposed to be purchased.

### 29.8.2.6 Informal Procurement

Informal procurement is the process in which verbal quotations, proposals or bids are solicited for relatively small purchases. A written record shall be kept of such procurements consisting as a minimum of the names, dates and prices received as well as any other information required to document the competitive aspects of the purchase.

#### 29.8.2.7 Formal Procurement

Formal procurement is characterized by written requests for prices and terms with written responses. The most formal procurement includes advertisement in appropriate publications, requirements for submission for sealed bids and public bid openings.

#### 29.8.2.8 Best Knowledge Procurement

Purchases of small quantities of inexpensive materials or services may be made based on the department's knowledge of the best sources for such purchases when other forms of competitive procurement are not cost effective.

### 29.8.3 General Procedure

#### 29.8.3.1 Specifications Required

Specifications will be prepared for all purchases whenever possible and in all cases where any single item in the purchase is estimated to have a cost in excess of \$10,000 or a total purchase in excess of \$20,000. Specifications shall be in writing for formally advertised bids.

#### 29.8.3.2 Advertisement

Solicitations shall be given the widest advertisement appropriate for the proposed purchase. Due consideration shall be given to the nature of the item or service and the media which probable vendors might be expected to read or be exposed to. Advertisement over bidding or buying networks is encouraged. Advertisements shall contain a succinct summary of the item or service, the location of detailed specifications, if any, and the requirements for bid submittal.

#### 29.8.3.3 Bid Opening and Tabulation

Bids shall be opened at the time and place designated in the solicitation and the bids shall become public record. Whenever advantageous to the city, summaries of bids shall be prepared and circulated to the bidders. All bids shall be public record unless specified otherwise prior to the bid opening.

#### 29.8.3.4 Award

All purchases for which bids have been taken shall be formally awarded by the appropriate individual or governing body. In all cases the City shall reserve the right to award contracts to vendors whose combination of price, product and performance history are determined to be in the best interests of the City. The City may reject all bids at any time for any reason.

#### 29.8.3.5 Bid and Performance Bonds

When specified in the solicitation, the successful vendor shall produce an acceptable bid bond at the time of bid opening. If a performance bond or surety is required, it shall be presented prior to execution of any contract.

## 29.8.4 Requirements for Competitive Procurement

### 29.8.4.1 Cost Thresholds

Competitive procurement is required for all purchases whenever practical. The table below contains the minimum requirements for complying with the various complexities of the procurement process:

| <u>Amount Involved</u> | <u>Min. Competition</u> | <u>Approval by</u>        |
|------------------------|-------------------------|---------------------------|
| To \$250               | Best knowledge          | Department                |
| \$250 to \$1,000       | Informal                | Department                |
| \$1,001 to \$2,500     | Informal                | City Manager/Finance Dir. |
| \$2,501 to \$25,000    | Formal                  | City Manager              |
| \$25,001 to \$55,000   | Formal                  | Finance Committee         |
| Over \$55,000          | Formal                  | City Council              |

(Updated 9/17/2018)

### 29.8.4.2 Emergency Buying

An emergency purchase is a purchase which is essential to prevent delays in work which might affect the safety, health or convenience of the community. Permission for emergency purchasing shall be obtained from the City Manager or his/her designee, if possible, and a written report of such action filed with the City Manager within five (5) days of such action.

### 29.8.4.3 Absence of Second Bid

No purchase will be made where there is no competition unless a determination can be made that the terms of purchase are fair, reasonable and in the best interests of the City. Approval for such purchase must be obtained from the next higher level of approval found in the table in Section 29.8.4.1.

### 29.8.4.4 Professional Services

Professional services, including engineering, architectural, auditing, and other services commonly considered professional, may be secured through negotiation. Professional service agreements should be on a fixed price basis for a clearly defined scope of work whenever possible.

### 29.8.4.5 Petty Cash Purchases

Items not carried in stock by a central stock point may be purchased through petty cash to the limit of the petty cash authorization which shall not exceed \$500 without explicit approval of the City Council. The contents of the petty cash drawer shall consist of the total amount of petty cash authorized or receipts. Petty cash shall be replenished by check upon submission of receipts and supporting documentation on form(s) to be prescribed by the Finance Department.

#### 29.8.4.6 Cooperative Purchasing

Where prices on goods or services have been determined by competitive procurement by an agency of the State of New Hampshire or any other entity through which the City purchases cooperatively, that price shall be considered sufficiently competitive for the purchase of authorized items is obtained as outlined above. This specifically includes equipment and supplies available through bidding of the New Hampshire Department of Transportation and similar agencies for trucks, cars and related equipment.

#### 29.8.5 Disposal of City Property

Where an item is surplus to the needs of a department, it shall be made available to other departments in the City for their use. Transfer of equipment between departments shall be recorded in the general Fixed Assets Group of Accounts (if applicable).

##### Property Valued at Less than \$5,000 other than Real Estate

Upon request of the proper department head, the City Manager may authorize the sale of any surplus municipal supplies, materials and equipment valued at less than \$5,000 and no longer required by any City Department. The method of disposal may include sealed bid, auction, trade-in, or any other method deemed appropriate to include worldwide auction sites such as EBay and/or other available mediums.

##### Property Valued at \$5,000 or More and Real Estate

No municipal supplies, materials and equipment valued at \$5,000 or more and no real estate whatsoever shall be offered for sale unless and until the City Council so orders. Any such sale authorized by the City Council may be conducted by competitive bidding, public auction, or any other means authorized by the City Council. The City may reject any and all bids or auction offers.

(Amended 07/10/2023.)

##### 29.8.5.1 Disposal of City's Natural Resources

No transferal of the City's natural resources whether through barter, trade, or through sale, shall take place without authorization of the City Council.

(Passed 03/29/1988.)