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H.856

Introduced by Representatives LaClair of Barre Town, Bancroft of Westford,
Devereux of Mount Holly, Gannon of Wilmington, Gardner of
Richmond, Harrison of Chittenden, Higley of Lowell,
Kitzmiller of Montpelier, Myers of Essex, and Read of Fayston

Referred to Committee on

Date:

Subject: Municipal government; miscellaneous

Statement of purpose of bill as introduced: This bill proposes to make
miscellaneous amendments to municipal law, including in the areas of
municipal elections and appointments, powers and duties of certain municipal
officers, smoking on municipal grounds, town highways, municipal finances,
penalties for municipal violations, and appeals from property appraisals.

An act relating to miscellaneous amendments to municipal law

It is hereby enacted by the General Assembly of the State of Vermont:

~~*** Municipal Elections and Appointments ***~~

Sec. 1. 17 V.S.A. § 2640 is amended to read:

§ 2640. ANNUAL MEETINGS

~~(a)(1) A meeting of the legal voters of each town shall be held annually on~~

1 ~~the first Tuesday of March for the election of officers and the transaction of~~
2 other business, and it may be adjourned to another date.

3 (2) When a municipality fails to hold an annual meeting, a subsequent
4 warning for a ~~subsequent~~ meeting shall be issued immediately, and at that
5 meeting all the officers required by law may be elected and its business
6 transacted.

7 (b) When a town so votes, it may thereafter start its annual meeting on any
8 of the three days immediately preceding the first Tuesday in March at such
9 time as it elects and may transact at that time any business not involving voting
10 by Australian ballot or voting required by law to be by ballot and to be held on
11 the first Tuesday in March. A meeting so started shall be adjourned until the
12 first Tuesday in March.

13 * * *

14 Sec. 2. 17 V.S.A. § 2651a is amended to read:

15 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL

16 (a)(1) A town may vote by Australian ballot at an annual or special town
17 meeting to authorize the ~~selectmen~~ selectboard to appoint a first constable, and
18 if needed a second constable, in which case at least a first constable shall be
19 appointed.

20 (2) A constable so appointed may be removed by the ~~selectmen~~
21 selectboard for just cause after notice and hearing.

22 ~~(3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint~~

1 ~~constables, the selectmen's selectboard's authority to make such appointments~~
2 shall remain in effect until the town rescinds that authority by the majority
3 vote of the legal registered voters present and voting at an annual meeting,
4 duly warned for that purpose.

5 (b) Notwithstanding the provisions of subsection (a) to the contrary, a vote
6 to authorize the ~~selectmen~~ selectboard to appoint constables shall become
7 effective only upon a two-thirds vote of those present and voting, if a written
8 protest against the authorization is filed with the ~~legislative body~~ selectboard at
9 least 15 days before the vote by at least five percent of the voters of the
10 municipality town.

11 Sec. 3. 17 V.S.A. § 2651b is amended to read:

12 § 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF
13 PUBLIC ACCOUNTANT

14 (a)(1) A town may vote by ballot at an annual or special town meeting to
15 eliminate the office of town auditor.

16 (2)(A) If a town votes to eliminate the office of town auditor, the
17 selectboard shall contract with a public accountant, licensed in this State, to
18 perform an annual financial audit of all funds of the town except the funds
19 audited pursuant to 16 V.S.A. § 323.

20 (B) Unless otherwise provided by law, the selectboard shall provide
21 ~~for all other auditor~~ auditor's duties to be performed.

1 ~~(3) A vote to eliminate the office of town auditor shall remain in effect~~
2 until rescinded by majority vote of the legal registered voters present and
3 voting, by ballot, at an annual meeting duly warned for that purpose.

4 (b) The term of office of any auditor in office on the date a town votes to
5 eliminate that office shall expire on the 45th day after such vote or on the date
6 upon which the selectboard enters into a contract with a public accountant
7 under this section, whichever occurs first.

8 (c) The authority to vote to eliminate the office of town auditor as provided
9 in this section shall extend to all towns except those towns that have a charter
10 that specifically provides for the election or appointment of the office of town
11 auditor.

12 Sec. 4. 17 V.S.A. § 2651c is amended to read:

13 § 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
14 ELIMINATION OF OFFICE

15 (a)(1) Notwithstanding any other provisions of law to the contrary and
16 except as provided in subsection (b) of this section, in the event the board of
17 listers of a ~~municipality~~ town falls below a majority and the selectboard is
18 unable to find a person or persons to appoint as a lister or listers under the
19 provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to
20 perform the duties of a lister as set forth in Title 32 V.S.A. chapter 121,
21 ~~subchapter 2~~ until the next annual meeting.

1 ~~(2) The appointed person need not be a resident of the municipality~~
2 ~~town and shall have the same powers and be subject to the same duties and~~
3 ~~penalties as a duly elected lister for the municipality town.~~

4 (b)(1) A town may vote by ballot at an annual or special town meeting to
5 eliminate the office of lister.

6 (2)(A) If a town votes to eliminate the office of lister, the selectboard
7 shall contract with or employ a professionally qualified assessor, who need not
8 be a resident of the town.

9 (B) The assessor shall have the same powers, discharge the same
10 duties, proceed in the discharge thereof in the same manner, and be subject to
11 the same liabilities as are prescribed for listers or the board of listers under the
12 provisions of Title 32.

13 ~~(2)(3)~~ A vote to eliminate the office of lister shall remain in effect until
14 rescinded by majority vote of the ~~legal~~ registered voters present and voting at
15 an annual meeting warned for that purpose.

16 ~~(3)(c)~~ The term of office of any lister in office on the date a town votes
17 to eliminate that office shall expire on the 45th day after the vote or on the date
18 upon which the selectboard appoints an assessor under this subsection,
19 whichever occurs first.

20 ~~(4)(d)~~ The authority to vote to eliminate the office of lister as provided
21 ~~in this subsection shall extend to all towns except those towns that have a~~

1 ~~charter that specifically provides for the election or appointment of the office~~
2 ~~of taster.~~

3 Sec. 5. 17 V.S.A. § 2651d is amended to read:

4 § 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;
5 REMOVAL

6 (a)(1) A municipality may vote at an annual or special municipal meeting
7 to authorize the legislative body to appoint a collector of delinquent taxes, who
8 may be the municipal treasurer.

9 (2) A collector of delinquent taxes so appointed may be removed by the
10 legislative body for just cause after notice and hearing.

11 (b) When a municipality votes to authorize the legislative body to appoint a
12 collector of delinquent taxes, the legislative body's authority to make such
13 appointment shall remain in effect until the municipality rescinds that authority
14 by the majority vote of the legal registered voters present and voting at an
15 annual or special meeting, duly warned for that purpose.

16 Sec. 6. 17 V.S.A. § 2651e is amended to read:

17 § 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

18 (a)(1) A municipality may vote at an annual or special municipal meeting
19 to authorize the legislative body to appoint the municipal clerk.

20 (2) A municipal clerk so appointed may be removed by the legislative
21 body for just cause after notice and hearing.

1 ~~(b) A vote to authorize the legislative body to appoint the municipal clerk~~
2 shall remain in effect until rescinded by the majority vote of the legal
3 registered voters present and voting at an annual or special meeting, duly
4 warned for that purpose.

5 (c) The term of office of a municipal clerk in office on the date a
6 municipality votes to allow the legislative body to appoint a municipal clerk
7 shall expire 45 calendar days after the vote or on the date upon which the
8 legislative body appoints a municipal clerk under this section, whichever
9 occurs first, unless a petition for reconsideration or rescission is filed in
10 accordance with section 2661 of this title.

11 (d) The authority to authorize the legislative body to appoint the municipal
12 clerk as provided in this section shall extend to all municipalities except those
13 that have a charter that specifically provides for the election or appointment of
14 the office of municipal clerk.

15 Sec. 7. 17 V.S.A. § 2651f is amended to read:

16 § 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

17 (a)(1) A municipality may vote at an annual or special municipal meeting
18 to authorize the legislative body to appoint the municipal treasurer.

19 (2) A treasurer so appointed may be removed by the legislative body for
20 just cause after notice and hearing.

21 ~~(b) A vote to authorize the legislative body to appoint the treasurer shall~~

1 ~~remain in effect until rescinded by the majority vote of the legal registered~~
2 voters present and voting at an annual or special meeting, duly warned for that
3 purpose.

4 (c) The term of office of a treasurer in office on the date a municipality
5 votes to allow the legislative body to appoint a treasurer shall expire 45
6 calendar days after the vote or on the date upon which the legislative body
7 appoints a treasurer under this section, whichever occurs first, unless a petition
8 for reconsideration or rescission is filed in accordance with section 2661 of
9 this title.

10 (d) The authority to authorize the legislative body to appoint the treasurer
11 as provided in this section shall extend to all municipalities except those that
12 have a charter that specifically provides for the election or appointment of the
13 office of municipal treasurer.

14 * * * Local Incompatible Offices * * *

15 Sec. 8. 17 V.S.A. § 2647 is amended to read:

16 § 2647. INCOMPATIBLE OFFICES

17 (a)(1) An auditor shall not be town clerk, town treasurer, selectboard
18 member, first constable, collector of current or delinquent taxes, trustee of
19 public funds, town manager, road commissioner, water commissioner, sewage
20 system commissioner, sewage disposal commissioner, cemetery commissioner,
21 ~~or town district school director, nor shall a spouse of or any person assisting~~

1 ~~any of these officers in the discharge of official duties be eligible to hold office~~
2 as auditor.

3 (2) A selectboard member or school director shall not be first constable,
4 collector of taxes, town treasurer, assistant town treasurer, auditor, or town
5 agent. A selectboard member shall not be lister or assessor.

6 (3) A cemetery commissioner shall not be town treasurer.

7 (4) A town manager shall not hold any elective office in the town or
8 town school district.

9 (5) Election officers at local elections shall be disqualified as provided
10 in section 2456 of this title.

11 (6) A library trustee shall not be constable, collector of taxes, town
12 treasurer, assistant town treasurer, auditor, town agent, lister, or assessor.

13 * * *

14 * * * Executive Sessions * * *

15 Sec. 9. 1 V.S.A. § 313 is amended to read:

16 § 313. EXECUTIVE SESSIONS

17 (a) ~~No~~ A public body ~~may~~ shall not hold an executive session from which
18 the public is excluded, except by the affirmative vote of two-thirds of its
19 members present in the case of any public body of State government or of a
20 majority of its members present in the case of any public body of a
21 ~~municipality or other political subdivision. A motion to go into executive~~

1 ~~session shall indicate the nature of the business of the executive session, and~~
2 no other matter ~~may~~ shall be considered in the executive session. Such vote
3 shall be taken in the course of an open meeting and the result of the vote
4 recorded in the minutes. ~~No~~ A formal or binding action shall not be taken in
5 executive session except for actions relating to the securing of real estate
6 options under subdivision (2) of this subsection. Minutes of an executive
7 session need not be taken, but if they are, the minutes shall, notwithstanding
8 subsection 312(b) of this title, be exempt from public copying and inspection
9 under the Public Records Act. A public body ~~may~~ shall not hold an executive
10 session except to consider one or more of the following:

11 * * *

12 (2) the negotiating or securing of real estate purchase, sale, or lease
13 options;

14 * * *

15 * * * Smoking on Municipal Grounds * * *

16 Sec. 10. 18 V.S.A. § 1742 is amended to read:

17 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

18 (a) The possession of lighted tobacco products or use of tobacco substitutes
19 in any form is prohibited in:

20 * * *

21 ~~(3) designated smoke-free areas of property or grounds owned by or~~

1 leased to the State or a municipality; and

2 * * *

3 * * * Town Highways * * *

4 Sec. 11. 19 V.S.A. § 302 is amended to read:

5 § 302. CLASSIFICATION OF TOWN HIGHWAYS

6 (a) For the purposes of this section and receiving state State aid, all town
7 highways shall be categorized into one or another of the following classes:

8 (1) Class 1 town highways are those town highways ~~which~~ that form the
9 extension of a state State highway route and ~~which~~ that carry a state State
10 highway route number. The Agency shall determine which highways are to be
11 class 1 highways.

12 (2) Class 2 town highways are those town highways selected as the most
13 important highways in each town. As far as practicable, they shall be selected
14 with the purposes of securing trunk lines of improved highways from town to
15 town and to places ~~which~~ that by their nature have more than the normal
16 amount of traffic. The ~~selectmen~~ selectboard, with the approval of the ~~agency~~
17 Agency, shall determine which highways are to be class 2 highways.

18 (3) Class 3 town highways:

19 (A) Class 3 town highways are all traveled town highways other than
20 class 1 or 2 highways. The ~~selectmen~~ selectboard, after conference

21 ~~consultation~~ with a representative of the ~~agency~~ Agency, shall determine which

1 ~~highways are class 3 town highways~~

2 (B) The minimum standards for ~~a class 3 highways~~ highway are that
3 a highway be negotiable under normal conditions during all seasons of the year
4 by a standard manufactured pleasure car. This would include ~~but not be~~
5 ~~limited to~~ sufficient surface and base, adequate drainage, and sufficient width
6 ~~capable to provide allow for~~ winter maintenance, except that based on safety
7 considerations for the traveling public and municipal employees, the
8 selectboard shall, by ~~rule adopted under 24 V.S.A. chapter 59, and after~~
9 ~~following the process for providing notice and hearing in section 709 of this~~
10 title resolution adopted at a duly warned public meeting, have authority to
11 determine whether a class 3 highway, ~~or section of highway,~~ should be plowed
12 and made negotiable during the winter. However, a property owner aggrieved
13 by a decision of the selectboard may appeal to ~~the transportation board~~
14 Transportation Board pursuant to subdivision 5(d)(3) of this title.

15 (C) A highway not meeting these standards may be reclassified as a
16 provisional class 3 highway if, within five years of the determination, it will
17 meet all class 3 highway standards.

18 * * *

19 (b) The ~~agency~~ Agency may require any municipality ~~which that~~ fails to
20 comply with the class 3 provisional commitments to return all ~~state~~ State aid
21 ~~generated by the section or sections of highways involved.~~

1 Sec. 12. 19 V.S.A. § 310 is amended to read:

2 § 310. HIGHWAYS, BRIDGES, AND TRAILS

3 (a) A town shall keep its class 1, 2, and 3 highways and bridges in good
4 and sufficient repair during all seasons of the year, except that based on safety
5 considerations for the traveling public and municipal employees, the
6 selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after
7 following the process for providing notice and hearing in section 709 of this
8 title resolution adopted at a duly warned public meeting, have authority to
9 determine whether a class 2 or 3 highway, or section of highway, should be
10 plowed and made negotiable during the winter. A property owner aggrieved
11 by a decision of the selectboard may appeal to the ~~transportation board~~
12 Transportation Board pursuant to subdivision 5(d)(9) of this title.

13 * * *

14 * * * Animal Pounds * * *

15 Sec. 13. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

16 Subchapter 2. Pounds and Impounding

17 Article 1. General Provisions

18 § 3381. MAINTENANCE OF POUNDS

19 (a)(1) Each organized town shall maintain as many good and sufficient
20 pounds as it may need for the impounding of ~~beasts~~ animals liable to be
21 impounded.

1 ~~(2) The pound may be kept in an adjacent town if the adjacent town~~
2 consents and the poundkeeper may be a resident of an adjacent town.

3 (b) Each town may regulate the operation of its pounds except as to matters
4 regulated by statute law.

5 ~~§ 3382. PENALTY FOR FAILURE TO MAINTAIN POUND~~

6 ~~If a town, for the term of six months at one time, is without such pound, it~~
7 ~~shall be fined \$30.00. [Repealed.]~~

8 * * *

9 Sec. 14. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;

10 20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE "BEAST"
11 WITH "ANIMAL"

12 When preparing the Vermont Statutes Annotated for publication, the Office
13 of Legislative Council shall replace "beast" with "animal" and "beasts" with
14 "animals" throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and
15 impounding), provided the revisions have no other effect on the meaning of
16 the affected statutes.

17 * * * Assistant Town Clerks * * *

18 Sec. 15. 24 V.S.A. § 1171 is amended to read:

19 § 1171. DUTIES OF ASSISTANT CLERK

20 (a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the
21 ~~recording and filing duties of the town clerk, to issue licenses and certified~~

1 ~~copies of records, and, in the absence, death, or disability of the town clerk, is~~
2 further authorized to perform all other duties of ~~such~~ the clerk.

3 (b) ~~If the~~ there is a vacancy in the office of town clerk dies, the authority of
4 the assistant town clerk to perform the duties of the town clerk shall continue
5 until a successor is appointed by the selectboard under section 963 of this title.

6 * * * Municipal Managers * * *

7 Sec. 16. 24 V.S.A. § 1236 is amended to read:

8 § 1236. POWERS AND DUTIES IN PARTICULAR

9 The manager shall have authority and it shall be his or her duty:

10 * * *

11 (4) To have charge and supervision of all public town buildings, repairs
12 thereon, and repairs of buildings of the town school district upon requisition of
13 the school directors; and all building done by the town or town school district,
14 unless otherwise ~~specially voted~~ provided for by the selectboard, shall be done
15 under his or her charge and supervision.

16 * * *

17 (8) To supervise and expend all special appropriations of the town, as if
18 the same were a separate department of the town, unless otherwise ~~voted~~
19 provided for by the town selectboard.

20 * * *

21 ~~Municipal Finances~~

1 Sec. 17. 24 V.S.A., chapter 51 is amended to read:

2 CHAPTER 51. FINANCES; ACCOUNTS AND AUDITS

3 Subchapter 1. Taxes

4 * * *

5 § 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

6 (a) The board of civil authority, with the listers and the town treasurer,
7 shall constitute a board for the abatement of town, town school district, and
8 current use taxes and water and sewer charges.

9 (b) The act of a majority of a quorum at a meeting shall be treated as the
10 act of the board. This quorum requirement need not be met if the town
11 treasurer, a majority of the listers, and a majority of the selectboard are present
12 at the meeting.

13 * * *

14 § 1535. ABATEMENT

15 (a) The board may abate in whole or part taxes and water and sewer
16 charges, interest, ~~or~~ and collection fees, other than those arising out of a
17 corrected classification of homestead or nonresidential property, accruing to
18 the town in the following cases:

19 (1) taxes or charges of persons who have died insolvent;

20 (2) taxes or charges of persons who have removed from the State;

21 (3) taxes or charges of persons who are unable to pay their taxes or

1 ~~charges, interest, and collection fees;~~

2 (4) taxes in which there is manifest error or a mistake of the listers;

3 (5) taxes or charges upon real or personal property lost or destroyed
4 during the tax year;

5 (6) the exemption amount available under 32 V.S.A. § 3802(11) to
6 persons otherwise eligible for exemption who file a claim on or after May 1
7 but before October 1 due to the claimant's sickness or disability or other good
8 cause as determined by the board of abatement; but that exemption amount
9 shall be reduced by 20 percent of the total exemption for each month or
10 portion of a month the claim is late filed;

11 (7), (8) [Repealed.]

12 (9) taxes or charges upon a mobile home moved from the town during
13 the tax year as a result of a change in use of the mobile home park land or
14 parts thereof, or closure of the mobile home park in which the mobile home
15 was sited, pursuant to 10 V.S.A. § 6237.

16 (b) The board's abatement of an amount of tax or charge shall
17 automatically abate any uncollected interest and fees relating to that amount.

18 (c) The board shall, in any case in which it abates taxes or charges, interest,
19 or collection fees accruing to the town, or denies an application for abatement,
20 state in detail in writing the reasons for its decision.

21 ~~(d)(1) The board may order that any abatement as to an amount or amounts~~

1 ~~already paid be in the form of a refund or in the form of a credit against the tax~~
2 ~~or charge for the next ensuing tax year, or charge billing cycle and for~~
3 ~~succeeding tax years or billing cycles if required to use up the amount of the~~
4 ~~credit.~~

5 (2) Whenever a municipality votes to collect interest on overdue taxes
6 pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the
7 municipality to any person for whom an abatement has been ordered.

8 (3) Interest on taxes or charges paid and subsequently abated shall
9 accrue from the date payment was due or made, whichever is later. However,
10 abatements issued pursuant to subdivision (a)(5) of this section need not
11 include the payment of interest.

12 (4) When a refund has been ordered, the board shall draw an order on
13 the town treasurer for such payment of the refund.

14 * * *

15 Subchapter 3. Orders Drawn by ~~Selectboard~~ Municipal Bodies

16 * * *

17 § 1622. TOWN ORDERS; RECORD

18 (a)(1) The chair of the selectboard shall keep or cause to be kept a single
19 record of all orders drawn by the board showing the number, date, to whom
20 payable, for what purpose, and the amount of each ~~such~~ order.

21 ~~(2) All other officers authorized by law to draw orders upon the town~~

1 ~~treasurer shall keep a like record.~~

2 (b) Such records shall be submitted to the town auditors annually on or
3 before February 1.

4 (c) If the records of orders named in this section are made by an assistant
5 clerk, the assistant clerk shall not be the town treasurer, or the wife or husband
6 spouse of such the town treasurer, or any person acting in the capacity of clerk
7 for the town treasurer.

8 § 1623. SIGNING ORDERS

9 (a) The selectboard may do either of the following:

10 (1) Authorize one or more members of the board to examine and allow
11 claims against the town for town expenses and draw orders for such claims to
12 the party entitled to payment.

13 (A) Orders shall state definitely the purpose for which ~~they are~~ each
14 is drawn and shall serve as full authority to the treasurer to make the payments.

15 (B) The selectboard shall be provided with a record of orders drawn
16 under this subdivision (1) whenever orders are signed by less than a majority
17 of the board; ~~or.~~

18 (2) Submit to the town treasurer a certified copy of those portions of the
19 selectboard minutes, properly signed by the clerk and chair or by a majority of
20 the board, showing to whom and for what purpose each payment is to be made
21 ~~by the treasurer. The certified copy of the minutes shall serve as full authority~~

1 ~~to the treasurer to make the approved payments~~

2 ~~(b) This section shall apply to all municipal public bodies authorized by~~
3 ~~law to draw orders on the town treasurer.~~

4 * * *

5 Subchapter. 5. Auditors and Audits

6 * * *

7 § 1684. TRUST ASSETS; INDEBTEDNESS

8 The auditors shall make a detailed statement showing:

9 (1) ~~The the condition of all trust funds in which the town is interested~~
10 ~~with and a list of the assets of such funds, including the account of receipts and~~
11 ~~disbursements for the preceding year;~~

12 (2) ~~What what bonds of the town or town school district are outstanding~~
13 ~~with and the rate of interest and the amount thereof; and~~

14 (3) ~~What interest-bearing what interest-bearing notes or orders of the~~
15 ~~town or town school district are outstanding with and the serial number, date,~~
16 ~~amount, payee, and rate of interest of each, and the total amount thereof.~~

17 * * * Penalties for Municipal Violations * * *

18 Sec. 18. 24 V.S.A. § 1974 is amended to read:

19 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

20 (a)(1) The violation of a criminal ordinance or rule adopted by a
21 ~~municipality under this chapter shall be a misdemeanor.~~

1 ~~environmental enforcement officer employed by the Agency of Natural~~

2 Resources, a grand juror, ~~or~~ a designee of the legislative body of the
3 municipality, or by any duly authorized law enforcement officer.

4 (2) If the throwing, placing, or depositing was done from a snowmobile,
5 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable
6 presumption that the throwing, placing, or depositing was done by the operator
7 of ~~such~~ the snowmobile, vessel, or motor vehicle.

8 (3) Nothing in this section shall be construed as affecting the operation
9 of an automobile graveyard or salvage yard as defined in section 2241 of this
10 title, nor shall anything in this section be construed as prohibiting the
11 installation and use of appropriate receptacles for solid waste provided by the
12 State or towns.

13 * * *

14 Sec. 20. 24 V.S.A. § 2297a is amended to read:

15 § 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,
16 CITY, OR INCORPORATED VILLAGE

17 (a) Solid waste order. A legislative body may issue and enforce a solid
18 waste order in accordance with this section. A solid waste order may include a
19 directive that the respondent take actions necessary to achieve compliance with
20 the ordinance, to abate hazards created as a result of noncompliance, or to
21 ~~restore the environment to the condition existing before the violation and may~~

1 ~~include a civil penalty of not more than \$500.00 \$800.00 for each violation~~
2 and in the case of a continuing violation, not more than \$100.00 for each
3 succeeding day. In determining the amount of civil penalty to be ordered, the
4 legislative body shall consider the following:

- 5 (1) the degree of actual or potential impact on public health, safety,
6 welfare, and the environment resulting from the violation;
7 (2) whether the respondent has cured the violation;
8 (3) the presence of mitigating circumstances;
9 (4) whether the respondent knew or had reason to know the violation
10 existed;
11 (5) the respondent's record of compliance;
12 (6) the economic benefit gained from the violation;
13 (7) the deterrent effect of the penalty;
14 (8) the costs of enforcement;
15 (9) the length of time the violation has existed.

16 * * *

17 (e) Contents of proposed order. A proposed order shall include:

18 * * *

19 (5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for
20 each violation and in the case of a continuing violation, not more than \$100.00
21 ~~for each succeeding day.~~

~~*** Road Commissioner Compensation ***~~

Sec. 21. 32 V.S.A. § 1225 is amended to read:

§ 1225. TOWN ROAD COMMISSIONER

The compensation of a town road commissioner shall be fixed by the selectboard, ~~shall not be less than \$2.00 per day for time actually spent,~~ and shall be paid out of the Transportation Fund.

~~*** Property Appraisal Appeals ***~~

Sec. 22. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

(a) Within 14 days after the date of notice thereof, a person aggrieved by the final decision of the listers under the provisions of section 4221 of this title, may appeal in writing therefrom to the board of civil authority, by lodging his or her appeal with the town clerk, who shall record the same in the book containing the abstract of individual lists. The grounds upon which ~~such~~ the appeal is based shall therein be briefly set forth.

(b)(1) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at ~~such~~ a time, not later than 14 days after the last date allowed for notice of appeal, and at ~~such~~ a place within the town as that he or she shall designate.

(2) Notice of ~~such~~ the time and place shall be given by posting a ~~warning therefor in three or more public places in such~~ the town, and by

1 ~~mailing a copy of such the warning, postage prepaid, to each member of the~~
2 board, the agent of the town to prosecute and defend suits, the chair of the
3 board of listers, and to all persons so appealing.

4 (c)(1) ~~The Board~~ board shall meet at the time and place so designated, and
5 on that day and from day to day thereafter shall hear and determine ~~such~~ the
6 appeals until all questions and objections are heard and decided.

7 (2)(A) Each property, the appraisal of which is being appealed, shall be
8 inspected by a committee of not less than three members of the board ~~who~~. At
9 least one lister shall be allowed to attend the inspection. The committee shall
10 report to the board within 30 days from the hearing on the appeal and before
11 the final decision pertaining to the property is given.

12 (B) If, after notice, the appellant refuses to allow an inspection of the
13 property or attendance of at least one lister as required under this subsection,
14 including the interior and exterior of any structure on the property, the appeal
15 shall be deemed withdrawn.

16 (3) The board shall, within 15 days from the time of the report, certify
17 in writing its notice of decision, with reasons, in the premises, and shall file
18 ~~such~~ the notice with the town clerk, who shall thereupon record the same in the
19 book wherein the appeal was recorded and forthwith notify the appellant in
20 writing of the action of ~~such~~ the board, by certified mail.

21 ~~(4)(A) If the board does not substantially comply with the requirements~~

1 ~~of this subsection and if the appeal is not withdrawn by filing written notice of~~
2 withdrawal with the board or deemed withdrawn as provided in this
3 subsection, the grand list of the appellant for the year for which appeal is being
4 made shall remain at the amount set before the appealed change was made by
5 the listers; except, if there has been a complete reappraisal, the grand list of the
6 appellant for the year for which appeal is being made shall be set at a value
7 ~~which~~ that will produce a tax liability equal to the tax liability for the
8 preceding year.

9 (B) The town clerk shall immediately record the same in the book
10 wherein the appeal was recorded and forthwith notify the appellant in writing
11 of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined
12 pursuant to this subsection shall become a part of the grand list of such person.

13 (d) Listers and agents to prosecute and defend suits wherein a town is
14 interested shall not be eligible to serve as members of the board while
15 convened to hear and determine ~~such~~ those appeals nor shall an appellant, or
16 his or her servant, agent, or attorney be eligible to serve as a member of the
17 ~~Board~~ board while convened to hear and determine any appeals. However,
18 listers and agents to prosecute and defend suits wherein a town is interested
19 shall be given the opportunity to defend the appraisals in question.

20 * * * Effective Date * * *

21 ~~Sec. 23. EFFECTIVE DATE~~

1 ~~This act shall take effect on July 1, 2018.~~

** * * Municipal Elections and Appointments * * **

Sec. 1. 17 V.S.A. § 2651a is amended to read:

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL

(a)(1) A town may vote by Australian ballot at an annual meeting to authorize the ~~selectmen~~ selectboard to appoint a first constable, and if needed a second constable, in which case at least a first constable shall be appointed.

(2) A constable so appointed may be removed by the ~~selectmen~~ selectboard for just cause after notice and hearing.

(3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint constables, the ~~selectmen's~~ selectboard's authority to make such appointments shall remain in effect until the town rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual meeting, duly warned for that purpose.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a vote to authorize the ~~selectmen~~ selectboard to appoint constables shall become effective only upon a two-thirds vote of those present and voting, if a written protest against the authorization is filed with the ~~legislative body~~ selectboard at least 15 days before the vote by at least five percent of the voters of the ~~municipality~~ town.

(c) The authority to authorize the selectboard to appoint the constable as

provided in this section shall extend to all towns except those that have a charter that specifically provides for the election or appointment of the office of constable.

Sec. 2. 17 V.S.A. § 2651b is amended to read:

§ 2651b. *ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF PUBLIC ACCOUNTANT*

(a)(1) *A town may vote by ballot at an annual meeting to eliminate the office of town auditor.*

(2)(A) *If a town votes to eliminate the office of town auditor, the selectboard shall contract with a public accountant, licensed in this State, to perform an annual financial audit of all funds of the town except the funds audited pursuant to 16 V.S.A. § 323.*

(B) *Unless otherwise provided by law, the selectboard shall provide for all other ~~auditor~~ auditor's duties to be performed.*

(3) *A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting, by ballot, at an annual meeting duly warned for that purpose.*

(b) *The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date upon which the selectboard enters into a contract with a public accountant under this section, whichever occurs first.*

(c) The authority to vote to eliminate the office of town auditor as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

Sec. 3. 17 V.S.A. § 2651c is amended to read:

§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;

ELIMINATION OF OFFICE

(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a ~~municipality~~ town falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in Title 32 V.S.A. chapter 121, ~~subchapter 2~~ until the next annual meeting.

(2) The appointed person need not be a resident of the ~~municipality~~ town and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the ~~municipality~~ town.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

(2)(A) If a town votes to eliminate the office of lister, the selectboard shall contract with or employ a professionally qualified assessor, who need not

be a resident of the town.

(B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

(2)(3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting at an annual meeting warned for that purpose.

(3)(c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first.

(4)(d) The authority to vote to eliminate the office of lister as provided in this ~~subsection~~ section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

Sec. 4. 17 V.S.A. § 2651d is amended to read:

§ 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;

REMOVAL

(a)(1) A municipality may vote at an annual or special municipal meeting to authorize the legislative body to appoint a collector of delinquent taxes, who

may be the municipal treasurer.

(2) A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

Sec. 5. 17 V.S.A. § 2651e is amended to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk.

(2) A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the

legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 6. 17 V.S.A. § 2651f is amended to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer.

(2) A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a

petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

** * * Local Incompatible Offices * * **

Sec. 7. 17 V.S.A. § 2647 is amended to read:

§ 2647. INCOMPATIBLE OFFICES

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

(2) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, assistant town treasurer, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner or library trustee shall not be town treasurer, assistant town treasurer, or auditor.

(4) A town manager shall not hold any elective office in ~~the~~ that town or town school district.

(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.

** * **

** * * Smoking on Municipal Grounds * * **

Sec. 8. 18 V.S.A. § 1742 is amended to read:

§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

(a) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State or a municipality; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or

her property smoke-free.

* * *

* * * *Animal Pounds* * * *

Sec. 9. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

Subchapter 2. Pounds and Impounding

Article 1. General Provisions

§ 3381. MAINTENANCE OF POUNDS

(a)(1) Each organized town shall maintain as many good and sufficient pounds as it may need for the impounding of ~~beasts~~ animals liable to be impounded.

(2) The pound may be kept in an adjacent town if the adjacent town consents and the poundkeeper may be a resident of an adjacent town.

(b) Each town may regulate the operation of its pounds except as to matters regulated by statute law.

§ 3382. ~~PENALTY FOR FAILURE TO MAINTAIN POUND~~

~~If a town, for the term of six months at one time, is without such pound, it shall be fined \$30.00. [Repealed.]~~

* * *

Sec. 10. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;

*20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE “BEAST”
WITH “ANIMAL”*

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall replace “beast” with “animal” and “beasts” with “animals” throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and impounding), provided the revisions have no other effect on the meaning of the affected statutes.

** * * Assistant Town Clerks * * **

Sec. 11. 24 V.S.A. § 1171 is amended to read:

§ 1171. DUTIES OF ASSISTANT CLERK

(a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the recording and filing duties of the town clerk, to issue licenses and certified copies of records, and, in the absence, death, or disability of the town clerk, is further authorized to perform all other duties of ~~such~~ the clerk.

(b) ~~If the~~ there is a vacancy in the office of town clerk dies, the authority of the assistant town clerk to perform the duties of the town clerk shall continue until a successor is appointed by the selectboard under section 963 of this title.

** * * Municipal Managers * * **

Sec. 12. 24 V.S.A. § 1236 is amended to read:

§ 1236. POWERS AND DUTIES IN PARTICULAR

The manager shall have authority and it shall be his or her duty:

** * **

(4) To have charge and supervision of all public town buildings; and

~~repairs thereon, and repairs of buildings of the town school district upon requisition of the school directors; and all building done undertaken by the town or town school district, unless otherwise specially voted provided for by the selectboard, shall be done under his or her charge and supervision.~~

* * *

~~(8) To supervise and expend all special appropriations of the town, as if the same were a separate department of the town, unless otherwise ~~voted~~ provided for by the town selectboard.~~

* * *

* * * *Municipal Finances* * * *

Sec. 13. 24 V.S.A. chapter 51 is amended to read:

CHAPTER 51. FINANCES; ACCOUNTS AND AUDITS

Subchapter 1. Taxes

* * *

§ 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

(a) The board of civil authority, with the listers and the town treasurer, shall constitute a board for the abatement of town, ~~town school district,~~ and current-use property taxes and water and sewer charges.

(b) The act of a majority of a quorum at a meeting shall be treated as the act of the board. This quorum requirement need not be met if the town treasurer, a majority of the listers, and a majority of the selectboard are

present at the meeting.

* * *

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, ~~or~~ and collection fees, other than those arising out of a corrected classification of homestead or nonresidential property, accruing to the town in the following cases:

(1) taxes or charges of persons who have died insolvent;

(2) taxes or charges of persons who have removed from the State;

(3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;

(4) taxes in which there is manifest error or a mistake of the listers;

(5) taxes or charges upon real or personal property lost or destroyed during the tax year;

(6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7), (8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof, or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town, or denies an application for abatement, state in detail in writing the reasons for its decision.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year, or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for ~~such~~ payment of the refund.

* * *

Subchapter 3. Orders Drawn by ~~Selectboard~~ Municipal Bodies

* * *

§ 1622. TOWN ORDERS; RECORD

(a)(1) The chair of the selectboard shall keep or cause to be kept a single record of all orders drawn by the board showing the number, date, to whom payable, for what purpose, and the amount of each ~~such~~ order.

(2) All other officers authorized by law to draw orders upon the town treasurer shall keep or cause to be kept a like record.

(b) Such records shall be submitted to the town auditors annually on or before February 1.

(c) If the records of orders named in this section are made by an assistant clerk, the assistant clerk shall not be the town treasurer, or the ~~wife or husband~~ spouse of ~~such~~ the town treasurer, or any person acting in the capacity of clerk for the town treasurer.

§ 1623. SIGNING ORDERS

(a) The selectboard may do either of the following:

(1) Authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to

the party entitled to payment.

(A) Orders shall state definitely the purpose for which ~~they are~~ each is drawn and shall serve as full authority to the treasurer to make the payments.

(B) The selectboard shall be provided with a record of orders drawn under this subdivision (1) whenever orders are signed by less than a majority of the board; ~~or.~~

(2) Submit to the town treasurer a certified copy of those portions of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom and for what purpose each payment is to be made by the treasurer. The certified copy of the minutes shall serve as full authority to the treasurer to make the approved payments.

(b) This section shall apply to all municipal public bodies authorized by law to draw orders on the municipal treasurer.

* * *

Subchapter. 5. Auditors and Audits

* * *

§ 1684. TRUST ASSETS; INDEBTEDNESS

The auditors shall make a detailed statement showing:

(1) ~~The~~ the condition of all trust funds in which the town is interested ~~with~~ and a list of the assets of such funds, including the account of receipts and

disbursements for the preceding year;

(2) ~~What~~ what bonds of the town ~~or town school district~~ are outstanding with and the rate of interest and the amount thereof; and

(3) ~~What interest-bearing~~ what interest-bearing notes or orders of the town ~~or town school district~~ are outstanding with and the serial number, date, amount, payee, and rate of interest of each, and the total amount thereof.

** * * Penalties for Municipal Violations * * **

Sec. 14. 24 V.S.A. § 1974 is amended to read:

§ 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

(a)(1) The violation of a criminal ordinance or rule adopted by a municipality under this chapter shall be a misdemeanor.

(2) The criminal ordinance or rule may provide for a fine or imprisonment, but no fine ~~may~~ shall exceed ~~\$500.00~~ \$800.00, nor may any term of imprisonment exceed one year.

(3) Each day the violation continues shall constitute a separate offense.

** * **

Sec. 15. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, or

cause, or permit to be thrown, dumped, or deposited any solid waste as defined in
10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on
lands or waters of the State outside a solid waste management facility certified
by the Agency of Natural Resources.

* * *

(b) Prosecution of violations. A person who violates a provision of this
section commits a civil violation and shall be subject to a civil penalty of not
more than ~~\$500.00~~ \$800.00.

(1) This violation shall be enforceable in the Judicial Bureau pursuant
to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a
municipal attorney, a solid waste management district attorney, an
environmental enforcement officer employed by the Agency of Natural
Resources, a grand juror, ~~or~~ a designee of the legislative body of the
municipality, or ~~by~~ any duly authorized law enforcement officer.

(2) If the throwing, placing, or depositing was done from a snowmobile,
vessel, or motor vehicle, except a motor bus, there shall be a rebuttable
presumption that the throwing, placing, or depositing was done by the
operator of ~~such~~ the snowmobile, vessel, or motor vehicle.

(3) Nothing in this section shall be construed as affecting the operation
of an automobile graveyard or salvage yard as defined in section 2241 of this

title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

** * **

Sec. 16. 24 V.S.A. § 2297a is amended to read:

*§ 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,
CITY, OR INCORPORATED VILLAGE*

(a) Solid waste order. A legislative body may issue and enforce a solid waste order in accordance with this section. A solid waste order may include a directive that the respondent take actions necessary to achieve compliance with the ordinance, to abate hazards created as a result of noncompliance, or to restore the environment to the condition existing before the violation and may include a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day. In determining the amount of civil penalty to be ordered, the legislative body shall consider the following:

- (1) the degree of actual or potential impact on public health, safety, welfare, and the environment resulting from the violation;*
- (2) whether the respondent has cured the violation;*
- (3) the presence of mitigating circumstances;*
- (4) whether the respondent knew or had reason to know the violation*

existed;

- (5) the respondent's record of compliance;*
- (6) the economic benefit gained from the violation;*
- (7) the deterrent effect of the penalty;*
- (8) the costs of enforcement;*
- (9) the length of time the violation has existed.*

** * **

(e) Contents of proposed order: A proposed order shall include:

** * **

(5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day.

** * * Road Commissioner Compensation * * **

Sec. 17. 32 V.S.A. § 1225 is amended to read:

§ 1225. TOWN ROAD COMMISSIONER

The compensation of a town road commissioner shall be fixed by the selectboard, shall not be less than ~~\$2.00 per day for time actually spent, and shall be paid out of the Transportation Fund.~~

** * * Property Appraisal Appeals * * **

Sec. 18. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

(a) Within 14 days after the date of notice thereof, a person aggrieved by the final decision of the listers under the provisions of section 4221 of this title, may appeal in writing therefrom to the board of civil authority, by lodging his or her appeal with the town clerk, who shall record the same in the book containing the abstract of individual lists. The grounds upon which ~~such~~ the appeal is based shall therein be briefly set forth.

(b)(1) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at ~~such~~ a time, not later than 14 days after the last date allowed for notice of appeal, and at ~~such~~ a place within the town ~~as~~ that he or she shall designate.

(2) Notice of ~~such~~ the time and place shall be given by posting a warning therefor in three or more public places in ~~such~~ the town, and by mailing a copy of ~~such~~ the warning, postage prepaid, to each member of the board, the agent of the town to prosecute and defend suits, the chair of the board of listers, and ~~to~~ all persons so appealing.

(c)(1) The ~~Board~~ board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine ~~such~~ the appeals until all questions and objections are heard and decided.

(2)(A) Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board ~~who~~. At least one lister shall be allowed to attend the inspection. The committee shall

report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given.

(B) If, after notice, the appellant refuses to allow an inspection of the property or attendance of at least one lister as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn.

(3) The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk, who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of ~~such~~ the board, by certified mail.

(4)(A) If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value ~~which~~ that will produce a tax liability equal to the tax liability for the preceding year.

(B) The town clerk shall immediately record the same in the book

wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of such person.

(d) Listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while convened to hear and determine ~~such~~ those appeals nor shall an appellant, or his or her servant, agent, or attorney be eligible to serve as a member of the ~~Board~~ board while convened to hear and determine any appeals. However, listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.

** * * State Holidays * * **

Sec. 19. 1 V.S.A. § 371 is amended to read:

§ 371. LEGAL HOLIDAYS

(a) The following shall be legal holidays:

New Year's Day, January 1;

Martin Luther King, Jr.'s Birthday, the third Monday in January;

~~Lincoln's Birthday, February 12;~~

~~Washington's Birthday~~ Presidents' Day, the third Monday in February;

Town Meeting Day, the first Tuesday in March;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Bennington Battle Day, August 16;

Labor Day, the first Monday in September;

Columbus Day, the second Monday in October;

Veterans' Day, November 11;

Thanksgiving Day, the fourth Thursday in November;

Christmas Day, December 25.

* * *

* * * *Effective Date* * * *

Sec. 20. EFFECTIVE DATE

This act shall take effect on July 1, 2018.