

No. M-10. An act relating to codification and approval of amendments to the charter of the village of Swanton.

(H.448)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the charter of the village of Swanton as provided in this act. Proposals of amendment were approved by the voters on March 23, 2009.

Sec. 2. 24 App. V.S.A. § 279 is added to read:

CHAPTER 279. VILLAGE OF SWANTON

§ 1. COMPREHENSIVE REVISION

Under the authority granted by the general assembly of the state of Vermont, the voters of the village of Swanton adopt this unified charter as a comprehensive revision and consolidation of No. 252 of the Acts of 1888, and all subsequent acts and amendments.

§ 2. APPLICABILITY OF THE GENERAL LAW

(a) All provisions of the constitution and the general laws of the state of Vermont relating to villages and their officers shall apply to the village of Swanton except as modified in this chapter.

(b) The village of Swanton and its officers shall have the powers and authority conferred upon villages by the constitution and general laws of the state of Vermont, together with the governmental and proprietary functions

devolving generally upon municipalities and municipal officers, and shall also have all implied powers necessary to implement and exercise those powers, authority, and functions.

(c) The powers, authority, and functions conferred upon the village of Swanton by this chapter shall be in addition to the powers, authority, and functions conferred upon the village by general and special laws now in force or hereafter enacted. Nothing in this chapter shall be construed as a limitation upon those powers, authority, and functions.

(d) All annual and special meetings of the village shall be held upon notice in the form of a warning being posted in at least three public places within the village and published in a newspaper of general circulation within the village, the posting and publication shall occur at least ten days in advance of the meeting; provided, however, that any village meeting at which the incurring of indebtedness is to be considered shall be called, noticed, warned, and conducted in the manner provided by general law. The eligibility of voters at all village meetings, and the conduct of meetings, and the conduct shall be controlled by general law. Until the voters choose otherwise, the Australian ballot system of voting shall be used for the election of officers and for consideration of all budget matters and all public questions.

(e) The boundaries of the village of Swanton may be altered at the discretion of the board of trustees and with the concurrence of the general assembly.

§ 3. ANNUAL MEETING

The annual meeting of the village shall occur on the first Tuesday of March in each year.

§ 4. BOARD OF TRUSTEES

(a) The legislative body of the village of Swanton shall be the board of trustees, consisting of three trustees and the village president, each of whom shall be elected by Australian ballot at the annual meeting of the village.

Trustees shall be elected for staggered terms of three years each. The village president shall be elected for a term of one year.

(b) The board of trustees shall have the general supervision of the affairs of the village of Swanton, including the maintenance, operation, administration, and management of public highways, waterworks, sewerage collection and disposal systems, parks and recreation, and municipal electric plant. They shall cause to be performed all duties required of villages not committed by law to any particular officer.

(c) The number of the board of trustees may be changed by the voters at an annual meeting of the village duly warned. The board of trustees shall consist of not fewer than three members and not more than five members.

(d) The board of trustees shall be ex officio the village board of water and sewer commissioners and the village board of electric department commissioners.

(e) The sewer commissioners shall be responsible for developing, implementing, and administering policies and procedures for allocating sewer capacity.

(f) The board of trustees, in addition to all other responsibilities and authority legally vested in it, shall be responsible for establishing and enforcing policies respecting the use, occupancy, and maintenance of all village property.

§ 5. VILLAGE MODERATOR

The village president shall be the moderator of all meetings of the village unless changed in the manner provided by law.

§ 6. VILLAGE CLERK

The village clerk shall be a village resident or nonresident elected for a one-year term at the annual meeting of the village. The village clerk shall have all the authority, duties, and responsibilities that are conferred upon the office of the village clerk by the general laws of the state of Vermont. Upon election, the village clerk shall appoint one or more assistant village clerks with the approval of the board of trustees, for whose official acts the village clerk shall be responsible.

§ 7. VILLAGE TREASURER

(a) The village treasurer shall be a village resident or nonresident appointed by the board of trustees at the first meeting of the board of trustees following each annual meeting of the village. These appointments shall be recorded in the office of the village clerk. After appointment, the village treasurer shall appoint one or more assistant village treasurers with the approval of the board of trustees, for whose official acts the village treasurer shall be responsible.

(b) The village treasurer shall have all the authority, duties, and responsibilities that are conferred upon the office of town treasurer by the general law of the state of Vermont.

(c) With the approval of the board of trustees, and consistent with duly adopted investment policies, the village treasurer shall invest village funds or place them in interest-bearing accounts that are suitable and proper for municipal funds to be safeguarded and kept. These funds may be drawn upon by the village treasurer or assistant village treasurer, upon orders approved by the board of trustees.

(d) The village and the board of trustees may establish special funds from time to time which may be pooled for investment purposes by the village treasurer who shall keep separate accounting for each fund. Interest and other gains and losses accruing to the account shall be credited to each component

special fund based on the reconciled average balance of the individual components, proportionalized as necessary.

§ 8. VILLAGE AUDIT

The village shall engage a qualified auditor or firm of auditors to perform the annual audit of the village. The audit report, or a summary of the report, shall be printed in the annual village report, or otherwise distributed or made available to the residents and taxpayers of the village.

§ 9. VILLAGE MANAGER

(a) The village hereby adopts the town manager form of government set forth in 24 V.S.A. chapter 37, which form of government shall continue unless amended by the voters in the manner provided by law.

(b) The board of trustees shall appoint a village manager who shall have all the authority, duties, and responsibilities conferred upon a town manager by the general law of the state of Vermont. All village departments shall report directly to the village manager.

§ 10. OTHER VILLAGE OFFICERS

(a) Except as provided in this chapter, the village of Swanton shall have other officers as provided in the general law.

(b) All elections shall be conducted in accordance with the general laws of the state, except where a different procedure is established by this chapter.

§ 11. INCOMPATIBLE OFFICES

In addition to incompatible offices designated by statute, no member of the board of trustees shall serve as police chief or fire chief.

§ 12. WATER DEPARTMENT AUTHORIZATION

The village is authorized to own, operate, control, and manage a public water supply system within and without its corporate limits, and shall exercise all powers, prerogatives, and authority conferred generally upon municipalities with respect to waterworks.

§ 13. SEWER DEPARTMENT AUTHORIZATION

The village is authorized to own, operate, control, and manage a public sewage system within and without its corporate limits and shall exercise all powers, prerogatives, and authority conferred generally upon municipalities with respect to sewage systems.

§ 14. ELECTRIC DEPARTMENT AUTHORIZATION

(a) The village is authorized to acquire, purchase, own, construct, maintain, and operate a municipal electric plant, a communications plant, an energy supply system, generation, transmission, and distribution facilities, or any or all similar things, within and without its corporate limits, and shall exercise all powers, prerogatives, and authority conferred generally upon municipalities with respect to municipal electric plants, communications plants, and energy supply systems.

(b) The village may furnish and sell for public or private use electric energy, heat, communications services, or any combination of those services, to parties residing within or without the corporate limits of the village upon terms and subject to regulations as may be fixed by the village trustees or agreed upon between the contracting parties.

(c) The charges and rates for electric energy or communications services shall be a lien on real estate, wherever located, furnished with the service in the same manner and to the same effect as taxes are a lien upon real property under 32 V.S.A. § 5061. The owner of the property, furnished with electric energy or communications service, wherever located, shall be liable for the charges and rates. The village clerk shall file in the land records in the town in which the property is located a notice of delinquency for all unpaid charges, to be indexed under the name of the property owner, regardless of whether an agreement has been made for the repayment of the charges. The lien provided for in this section shall be released only upon receipt of payment in full for all outstanding charges, interest, fees, penalties, and costs of collection, all as are set forth under 32 V.S.A. chapter 133 pertaining to the collection of overdue property taxes.

§ 15. FIRE DEPARTMENT AUTHORIZATION

The village is authorized to own, operate, control, and manage a fire and emergency services response department and to appropriate and expend funds

for the department, and to contract for the receipt or delivery of fire and emergency services with one or more municipalities or volunteer or municipal fire departments.

§ 16. POLICE DEPARTMENT AUTHORIZATION

The village is authorized to own, operate, control, and manage a police department under the direction of a chief of police appointed by the board of trustees. The chief of police and all police officers shall have those powers and authority that are conferred generally by the general law.

§ 17. RULES OF CONSTRUCTION

(a) Where the general law and this law conflict, this chapter shall apply.

(b) Any statutory reference in this chapter shall include all amendments, supplements, and replacements to this chapter.

§ 18. SEVERABILITY

If any provisions of this chapter shall for any reason be held invalid, that invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this chapter are severable.

§ 19. FISCAL YEAR

The fiscal year of the village shall be from January 1 through the following December 31.

§ 20. PROPERTY

By action of the board of trustees, the village may acquire property within or without its corporate limits for any village purpose, in fee simple or any lesser interest or estate, by purchase, gift, condemnation, devise, or lease. The village may sell, lease, mortgage, hold, manage, and control property as its interest may require.

§ 21. ORDINANCES

(a) All rules, ordinances, regulations, and bylaws of the village of Swanton in effect on the day before this chapter becomes effective shall become rules, ordinances, regulations, and bylaws of the village of Swanton until lawfully amended or repealed.

(b) Village ordinances shall be adopted, amended, and repealed in the manner provided by general law.

§ 22. OFFICERS AND EMPLOYEES OF THE VILLAGE

All elected and appointed officers of the village on the effective date of this chapter shall continue in office until their terms of office shall end in accordance with law and until their successors are duly elected or appointed and qualified. Likewise, members of the board of trustees in office upon the effective date of this chapter shall fulfill their terms.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 18, 2009