

**No. M-23. An act relating to approval of amendments to the charter of the city of St. Albans.**

(H.780)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the city of St. Albans as provided in this act. Original proposals of amendment were approved by the voters on March 2, 2010.

Sec. 2. 24 V.S.A. App. chapter 11, § 1 is amended to read:

§ 1. ~~CHARTER, EFFECT ON PRIOR LAWS~~ GENERAL LAW

APPLICATION

~~Sections 1 to 38, inclusive, of No. 150 of the Acts of 1896 are hereby repealed, but the provisions contained in such sections 1 to 38, inclusive and act amendatory thereto insofar as they appear in this act shall be construed to be a continuation of such laws and not as new enactments. Nothing herein contained shall be construed to be a continuation of such laws and not as new enactments. Nothing herein contained shall affect any of the rights, duties or obligations now or heretofore existing between the City of St. Albans and the Town of St. Albans.~~

Except when changed, enlarged, or modified by the provisions of this charter, or by any legal regulation or ordinance of the City of St. Albans, all provisions of the statutes of this state relating to municipalities shall apply to

the City of St. Albans. Prior acts or enactments of the City of St. Albans shall not be affected by this charter, except as otherwise provided herein. Except when changed, enlarged, or modified by the provisions of this charter, all provisions of the statutes of this state relating to schools or school districts shall apply to the City of St. Albans school district.

Sec. 3. 24 V.S.A. App. chapter 11, § 2 is amended to read:

§ 2. BOUNDARIES

The boundaries of the City of St. Albans shall continue as heretofore established by said act as amended by No. 280 of the Acts of 1915, which boundaries are therein described as follows:

\* \* \*

(2) Thence northerly, in a line parallel to High Street, to a point on the southerly boundary of property owned or formerly owned by Adhemard and Amanda Bertrand, Thence easterly in the southerly line of the aforesaid Bertrand property to a point seven hundred ten feet from the easterly line of High Street.

\* \* \*

(8) Thence southerly, along the center line of said track, five hundred thirty-five and one-sixteenth feet to a stake in line with the south line of the meadow lately owned or formerly owned by Mrs. Betsy D. Hoyt, deceased.

(9) Thence westerly, in the aforesaid Hoyt south line and its continuation, to such a point as would be intersected by producing northerly the westerly line of the land ~~deeded by H. E. Lewis and A. S. Richardson to~~ owned or formerly owned by Louis DeGoesbriand, which land is commonly called Calvary cemetery.

\* \* \*

(14) Thence southerly in a straight line to a stake in the south line of Lake Street, being at the northeast corner of land owned or formerly owned by Mrs. Mary L. ~~Stickney's land~~ Stickney.

(15) Thence southerly, in said Stickney's east line and the continuation thereof, to a stake set at the point in said line last mentioned which would be intersected by continuing westerly the north line of land owned or formerly owned by Mrs. Mary McGrath.

\* \* \*

(17) Thence southerly at right angles to the last course eight hundred ninety-six and one-third feet to a stake in the line between land lately owned by Michael McMahon, deceased, and land owned or formerly owned by B. F. Rugg.

(18) Thence easterly in the north line of said Rugg's land and the continuation thereof, eleven hundred twenty-eight and one-sixth feet to a stake in the easterly line of the Central Vermont Railroad Company's right of way,

being also the northwest corner of land lately owned by Talmadge B. Hall, deceased, and now ~~occupied~~ owned or formerly owned by George C. Story.

(19) Thence southerly, in the westerly line of said Hall land and of land lately formerly owned by Henry Tanner, deceased, being also the easterly line of the said railroad right of way, three hundred forty-two and one-twelfth feet to a stake at the southwest corner of said Tanner land.

(20) Thence, easterly in the south line of the aforesaid Tanner land, to a stake at the north corner of land owned or formerly owned by Mrs. Lydia ~~Judd's land~~ Judd.

(21) Thence southerly, in the westerly line of said Judd's land and its continuation southerly to a stake at the point in said line which would be intersected by continuing westerly the south line ~~of~~ land owned or formerly owned by Mrs. Emily C. ~~Edson's land~~ Edson.

\* \* \*

(23) Thence southerly, in the said west line of South Main Street, to a stake in the line between land owned or formerly owned by B. F. ~~Rugg's land~~ Rugg and land ~~occupied by~~ owned or formerly owned by Mrs. Sarah C. Foster.

\* \* \*

(25) Thence southerly in a line parallel to, and two hundred feet west from the west line of South Main Street eight hundred seventy-nine and three-

eighths feet to a stake on land ~~of~~ owned or formerly owned by Mrs. Emerette Dean.

(27) Thence southerly, in the continuation of the line parallel to South Main Street and two hundred feet west of the west line thereof, eight hundred fourteen and eleven-twelfths feet to a stake on land ~~of~~ owned or formerly owned by Mrs. Florette B. Maynard, being in line with the south line of Parsons Avenue, if produced westerly.

(28) Thence easterly, in said south line of Parsons Avenue and its continuation to the west, four hundred ninety-two and seven-eighths feet to a stake north of Nelson F. Hazard's house, now or formerly, being two hundred feet east of the east line of South Main Street.

(29) Thence northerly, in a course parallel to the east line of South Main Street and two hundred feet east of said east line, to a stake in the south line of the lot owned and occupied or formerly owned by by Chas. H. Clark.

\* \* \*

(31) Thence northerly, in the east line of the aforesaid Clark's lot and in the continuation thereof, to a stake in the south line of land now or formerly occupied by M. D. Downey.

\* \* \*

(33) Thence northerly, in the east line of land occupied by said Downey and in the east line of land now or formerly occupied by Dan'l Beeman, to a stake in the south line of land now or formerly occupied by S. S. Allen.

(34) Thence easterly, in the said south line of land now or formerly occupied by S. S. Allen, to the southeast corner thereof.

\* \* \*

(39) Thence northerly in said west line of Thorpe Avenue and its continuation to a stake in the north line land now or formerly of B. F. ~~Rugg's~~ land Rugg.

\* \* \*

(42) Thence northerly to an iron stake at the southeast corner of land now or formerly occupied by Dr. W. Stanford Stevens.

(43) Thence northerly in the east line of land occupied by said Stevens, to an iron stake at the northeast corner thereof, and again continuing the last mentioned line until it intersects the south line of land ~~late~~ formerly owned by John Gregory Smith, deceased.

\* \* \*

(46) Commencing at a point in the city boundary of the City of St. Albans along the thirty-eighth line described in the description of boundaries included in the charter of the City of St. Albans, Vermont, said point being more explicitly described as lying in the center of Grice Brook and is the

southern extremity of the westerly boundary of Burnell Terrace as deeded to the City of St. Albans and approximately one thousand one hundred forty-five feet south of the southerly line of Upper Welden Street, thence running northerly along the city boundary to a point two hundred feet south of the south line of Upper Welden Street, thence easterly, parallel to and two hundred feet from the said south line of Upper Welden Street to the west line of Thorpe Avenue; thence northerly in said west line of Thorpe Avenue and its extension to a point marked by an iron pipe at the northwesterly corner of property of Robert Hill; thence in an easterly direction a distance of four hundred sixty-three and seventy-five one-hundredths feet to a point marked by an iron pipe; thence northerly a distance of nine hundred twenty-six feet to a point in the northerly boundary of Fairfield Street; the lines thus far described being along the present boundary of said City of St. Albans; thence running easterly along the northerly boundary of Fairfield Street, a distance of sixty and seven-tenths feet to a point in the extension of the easterly boundary of land now or formerly of Leo Pudvah; thence in a southerly direction across Fairfield Street and along the easterly boundary of Leo Pudvah's property to a point marked by an iron pipe at the northwest corner of property now or formerly of John Labounty; thence in an easterly direction along the northerly boundary of the John Labounty property thence in a southerly direction along the easterly boundary of John Labounty's property and extension thereto to a point in the

southerly boundary of Upper Welden Street; thence in the southerly boundary of Upper Welden Street to a point which is the northwesterly corner of land now or formerly owned by Kemper F. Peabody and Ethel M. Peabody; thence in a southerly direction along the westerly boundary of land of said Peabody, a distance of four hundred thirty-five and six-tenths feet to land now or formerly of Beverlee R. and Maritta T. Demeritt; thence easterly a distance of two hundred eighty-five and six-tenths feet to a point which is the northeasterly corner of land of said Demeritt; thence in a southerly direction along boundary of said Peabody to the southeast corner of property now or formerly of Malcolm and Mildred Baker; thence westerly along the southerly boundary of land of said Baker to a point in the easterly line of Thorpe Avenue; thence continuing in a westerly direction along Grice Brook to the point of beginning.

\* \* \*

Sec. 4. 24 V.S.A. App. chapter 11, § 3 is amended to read:

§ 3. GENERAL CORPORATE POWERS

The inhabitants of that territory embraced within the ~~above described~~ boundaries as established by No. 280 of the Acts of 1915 shall continue as a body corporate and politic, under the name of the City of St. Albans; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal, and alter it at pleasure; may take, hold, purchase and convey such property, real and personal, within or without its corporate limits as the

purpose of the corporation may require; may borrow on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect a ~~representative~~ representatives to the general assembly of the state, and the same number of justices of the peace, as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers, and privileges as are conferred upon or are incident to towns in this state; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this act.

Sec. 5. 24 V.S.A. App. chapter 11, § 4 is amended to read:

§ 4. WARDS FORM OF GOVERNMENT

~~(a) The City of St. Albans is hereby divided into six wards, constituted as follows:~~

~~(1) WARD I. Beginning at the point in the center line of Main Street intersected by the westerly continuation of the center line of Congress Street, thence northerly in said center line of Main Street to the northerly boundary of the city, thence along the northeast boundary of the city to a point where the center line of Congress Street intersects the easterly boundary of the city, thence westerly along the center line of Congress Street to the place of beginning.~~

~~(2) WARD II. Beginning at the point in the center line of Main Street intersected by the easterly continuation of the center line of Hudson Street,~~

~~thence northerly along said center line of Main Street to the northerly boundary of the city, thence along the northwesterly boundary to a point where the center line of Pearl Street intersects the westerly boundary of the city, thence easterly along the center line of Pearl Street and the continuation of said line to the easterly limit of the lands of the Central Vermont Railway, Inc., thence continuing easterly in the center line of Hudson Street to the place of beginning.~~

~~(3) WARD III. Beginning at the point in the center line of Main Street intersected by the easterly continuation of the center line of Lake Street, thence westerly in the center line of Lake Street to the westerly boundary of the city, thence northerly along said westerly boundary line of the city to the southerly limit of Ward II to the center line of Main Street, thence southerly in said center line of Main Street to the place of beginning.~~

~~(4) WARD IV. Beginning at the point in the center line of Main Street intersected by the westerly continuation of the center line of Fairfield Street, thence easterly along the center line of Fairfield Street to the easterly boundary line of the city, thence northerly along said easterly boundary line of the city to the southerly limit of Ward I, thence westerly in said southerly limit of Ward I to the center line of Main Street, thence southerly in the center line of Main Street to the place of beginning.~~

~~(5) WARD V. Beginning at the point in the center line of Main Street intersected by the westerly continuation of the center line of Fairfield Street, thence southerly in the center line of Main Street to the southerly boundary of the city, thence easterly and northerly along the southeast boundary line of the city to a point where the center line of Fairfield Street intersects the easterly boundary line of the city, thence westerly along the center line of Fairfield Street, and along the southerly boundary line of Ward IV, to the place of beginning.~~

~~(6) WARD VI. Beginning at the point in the center line of Main Street intersected by the easterly continuation of the center line of Lake Street, thence southerly in said center line of Main Street to the southerly boundary line of the city, thence westerly and northerly along the southwest boundary line of the city to a point where the center line of Lake Street intersects the westerly boundary line of the city, thence easterly along said center line of Lake Street, and along the southerly boundary line of Ward III, to the place of beginning.~~

~~(b) And the city council is empowered to make such changes from time to time, in the number and boundaries of the several wards of the city as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made oftener than once in five years.~~

The municipal government provided by this charter shall be known as a council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the city council, which shall enact ordinances, codes and regulations, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter or prescribed by ordinance.

Sec. 6. 24 V.S.A. App. chapter 11, § 5 is amended to read:

§ 5. ~~VOTERS~~ WARDS

~~The qualifications of voters in city meetings shall be those prescribed by law for voters in town meetings.~~

The city council is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the several wards of the city as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five years.

Sec. 7. 24 V.S.A. App. chapter 11, § 6 is amended to read:

§ 6. ~~ANNUAL MEETING~~ CITY MEETINGS

(a) Annually on the first Tuesday of March a meeting of the legal voters of ~~said the~~ the city, and of the several wards therein, shall be held ~~at the City Hall, or~~ at the City Hall, or ~~such other place as may be designated by the city council~~ for the election of officials, the voting of budgets, and any other business included in the warnings for the meeting, which shall be by Australian ballot, and a plurality of votes shall be sufficient to elect. The ballot boxes shall be open for a minimum of nine consecutive hours at times and a location to be determined and warned by the city council.

(b) Notice of such meetings shall be posted in at least three public places within the limits of ~~said the~~ the city at least ~~fourteen~~ 14 days ~~previous thereto~~ prior to the meeting, and shall also be published prior to ~~said the~~ the meeting on the same day of two successive calendar weeks in a locally distributed newspaper ~~printed in said city~~, which notices shall be signed by the city clerk, or in case of his or her failure, by the mayor; provided, however, that if the annual meeting shall fail to be ~~held~~ held for want of such notice, or for any other cause, the ~~corporation~~ city and the several wards thereof shall not thereby be prejudiced, and the several ~~officers~~ officials hereinafter named may at any time thereafter be elected at a special meeting called for that purpose as herein provided.

~~(b) Every election of officers shall be by ballot, and a plurality of votes shall be sufficient to elect. The annual business meeting for acting upon any articles contained in the warning which are not required to be voted upon by the use of written or printed ballots, shall convene at three o'clock in the afternoon.~~

~~Whenever the warning for a regular or special meeting of the legal voters of the city contains an article calling for an appropriation or expenditure in excess of one hundred dollars the city clerk of said city shall cause to be prepared ballots in the following form:~~

~~Will the City of St. Albans vote to expend or appropriate the sum of~~

~~If in favor make a cross (x) in this square~~

~~If opposed make a cross (x) in this square.~~

~~and in the determination of such question the voting shall be by ballot and check list. At all regular or special meetings of the corporation and at all other elections to be held within the city, including the primaries and general elections, the polls shall be open at a time designated by the city council, but the polls shall not be opened earlier than six o'clock in the forenoon, and they shall remain open at least nine consecutive hours and shall close no later than seven o'clock in the afternoon. The hours that the polls shall be opened shall be set forth in the warning.~~

(c) The clerk of ~~said~~ the city shall at any time when directed by the city council, or when petitioned in writing by at least ~~twenty five legal~~ five percent

of the registered voters of said the city and filed with the city clerk no less than 40 days before the day of such meeting, call a special meeting of the legal voters of ~~said~~ the city, for any legal purpose, in the same manner as is provided for the annual meeting, except as is hereinafter provided:

(1) Whenever a petition is brought for a meeting to rescind or reconsider the action taken at a previously held city meeting, the number of names required shall be ~~ten~~ 10 percent of the legal voters, and the petition shall be filed with the city clerk within 30 days following the date of that meeting.

\* \* \*

Sec. 8. 24 V.S.A. App. chapter 11, § 7 is amended to read:

§ 7. ~~OFFICERS; ELECTIONS; VACANCIES~~

~~(a) At the annual meeting next to be held after the effective date of this act, and biennially thereafter, the corporation shall elect from among the legal voters of said city, a mayor, city clerk and city treasurer who shall hold office for a term of two years, and at the annual meeting said corporation shall elect from among the legal voters of said city a city grand juror, who shall hold office until the next annual meeting, and until his successor is duly elected and qualified. At the annual city meeting next following the acceptance of this act, there shall be elected six aldermen, one from each ward, who shall be a bona fide resident of, a legal voter in, and elected by the voters of the ward he represents, as follows: The aldermen from wards one and two shall be elected~~

~~for one year, from wards three and four for two years, and from wards five and six for three years; and thereafter at each annual meeting two aldermen shall be elected for three years to succeed those whose term shall expire in the year in which the election is held. All of the aldermen shall hold office until their successors are duly elected and qualified. Said corporation shall also elect two trustees of the St. Albans Free Library who shall hold their offices for a term of three years and until their successors are duly elected and qualified.~~

~~(b) If an alderman~~ a member of the city council, during his or her term, removes from the ward which he or she represents, his or her office shall ~~be declared vacant by the city council~~ become vacant upon removal from the ward.

~~(e)(b)~~ In case of a vacancy in the office of mayor, the remaining members of the city council shall direct the clerk to call ~~a city meeting for the~~ an election of a mayor, ~~and, in~~ by Australian ballot.

(c) In case of a vacancy in the office of ~~alderperson, of a city council member,~~ the remaining members of the city council shall direct the clerk to call an election of a city council member by Australian ballot by the legal voters of the ward in which such vacancy occurs, to fill such vacancy for an unexpired term. However, if a vacancy occurs in the office of ~~alderperson~~ a city council member during the last year of the ~~alderperson's~~ council member's term and after the annual meeting of the city in that year, ~~the vacancy~~ an

~~appointment shall be filled made by the city council for the balance of the term remaining. If a vacancy occurs in the office of school commissioner after the annual meeting of the city in that year, the vacancy shall be filled by the board of school commissioners. The newly appointed alderperson or school commissioner shall then serve until the next annual city meeting.~~

(d) ~~All other vacancies in offices in the city shall be filled by the city council until the next annual meeting of the city. The city council shall direct the placing and opening of as many sets of ballot boxes as there shall be wards in said city, in the building where the annual or any special meeting of the city, for the election of city officers, shall be held, for receiving votes for all the officers to be elected, and the number of the ward shall be distinctly marked on each ballot box and notice shall be posted pointing out where the voters of each ward shall vote, and the boxes shall be so located as in the opinion of the city council will best accommodate the voters. Check lists of the voters of the city shall be made in conformity with the laws of this state for all such meetings by the city council and clerk and such check lists of voters shall be divided according to wards, and the city council and clerk shall arrange the names of the voters in each ward in alphabetical order, which check list so divided as aforesaid, shall be certified by the mayor and city clerk as the check list for each ward respectively, and shall be kept at the polling place of such ward. All persons who are legal voters in city meeting shall be entitled to have~~

~~their names registered on the check list of the ward where they reside, at the time such check list is made up; and no person shall vote for any city officer unless his name is on such check list. At all annual and special city meetings at which a check list is used the name of the voter shall be checked on the list at the time he receives his ballot but his name need not be checked when he delivers his ballot for deposit in the ballot box. At any city meeting when a member or members of the board of school commissioners are to be elected the city council shall provide at each ward in which a school commissioner is to be elected separate ballot boxes for depositing votes for school commissioners. At least five days before an election the city council shall appoint two ballot clerks and two assisting clerks from each ward in the city, one of the ballot clerks and one of the assisting clerks to be appointed from the party which cast the largest number of votes and one ballot clerk and one assisting clerk from the party which cast the next largest number of votes at the last general election. For any general or primary election the city council may appoint as many additional ballot and assisting clerks as it may deem necessary. At least five days before a general, primary or city election, the mayor shall appoint for each ward by notice in writing sent by mail or otherwise delivered, a justice of the peace who is a legal voter and resident therein, to act as ward clerk and to receive and deposit ballots in the proper ballot boxes at the polling place of the ward; but if it so happens that in any ward there is no resident justice of the~~

~~peace who is a legal voter at such election, then the mayor shall in like manner appoint and notify a justice from the city at large to act as ward clerk in such ward. Any justice of the peace, upon receipt of the written notice aforesaid shall forthwith make appropriate endorsement thereon signifying his acceptance or nonacceptance of such appointment; and in case of nonacceptance of such appointment the mayor shall in like manner proceed to appoint some other justice who is a resident in the city and legal voter in such election, to serve in his stead, preference being always given to justices, if any, residing in the particular ward in which the vacancy occurs. Should it so happen after appointments have been made in the manner aforesaid that vacancies still exist and there are no more justices of the peace eligible to appointment who have not already been called upon to serve, then and in such event the mayor shall appoint as ward clerk some other resident of the ward and legal voter at the election who the mayor shall deem suitable. The mayor may also on an election day designate any legal voter to act as ward clerk during the temporary absence of the regular appointee from his station. In case of a vacancy in the office of the city clerk or city treasurer, the vacancy shall be handled in accordance with subsections 12(b) and 13(b) of this chapter.~~

(e) ~~The duties of such ballot and assisting clerks shall be the same as those prescribed by the General Laws, except that as above stated the double check system shall not be required at annual and special city meetings, and they shall~~

~~be under the supervision of the presiding officer. At the close of the balloting at any city election, the mayor and Board of Civil Authority as hereinafter constituted, together with the clerks, shall count the votes cast for all officers and report to the meeting at the polling place of each ward a list of the candidates for whom votes have been cast, for each office, and the number of votes such candidate has received, which shall be recorded by the city clerk, and the candidate who has received a plurality of the votes cast for each respective office, shall by the mayor be declared elected to that office, but if no candidate shall have received a plurality of all votes for the office for which he or she is candidate, the mayor shall so inform the city meeting, or the meeting in such ward as has so failed to elect, and shall order a new ballot in such ward or wards as have so failed to elect and a reasonable time shall be allowed for receiving and counting such votes as shall be cast at that or any subsequent ballot until all the officers are duly elected. No person whose name appears on the ballot as a candidate for any office at such election shall assist in the counting of ballots in such election. School board vacancies shall be handled in accordance with 16 V.S.A. § 424.~~

Sec. 9. 24 V.S.A. App. chapter 11, § 8 is amended to read:

§ 8. ~~CITY COUNCIL~~ VOTING

~~(a) The administration of all fiscal, prudential and municipal affairs of said city, except as otherwise delegated by this act, and the government thereof,~~

~~shall be vested in the mayor and board of aldermen. The board of aldermen shall consist of an alderman for each ward as aforesaid, who shall elect one of their number president of said board, and the mayor and board of aldermen, in their joint capacity, shall be called the city council. The mayor and aldermen shall be sworn to the faithful performance of their duties respectively.~~

~~(b) Neither the mayor nor any member of the board of aldermen shall receive any compensation for official services. No member of the city council shall be interested directly or indirectly in any contract with the city.~~

~~(c) The mayor and each alderman shall receive compensation for expenses incurred in an amount not to exceed \$10.00 per month.~~

(a) Voting qualifications for the right to vote in any city election or meeting shall be the same as those required by state statutes for municipal meetings.

(b) The penalties for illegal voting at any city election shall be the same as those prescribed for illegal voting by state statutes.

(c) Checklists of voters for the city and for each of the city's wards shall be compiled and maintained pursuant to Title 17. All persons who are legal voters in city meetings shall be entitled to have their names added to the checklist for the district where they reside, at the time the checklist is compiled and no person shall vote for any city official or other item on the warning unless the person's name is on the checklist.

(d) For any general or primary election, the city council, or the city clerk as its designee if so chosen by the city council, may appoint as many additional ballot and assisting clerks as deemed necessary.

(e) At the close of the balloting at any city election, the city clerk and assisting clerks and the city council shall count the votes cast for all officials and report a list of the candidates for whom votes have been cast, for each office, and the number of votes the candidate has received, which shall be recorded by the city clerk, and the candidate who has received a plurality of the votes cast for each respective office shall by the mayor be declared elected to that office. If no candidate shall have received a plurality of all votes for the office for which he or she is candidate, the mayor shall order a new ballot in the ward or wards as have so failed to elect and a reasonable time shall be allowed for receiving and counting votes as shall be cast at that or any subsequent ballot until all the officials are duly elected.

(f) No person, or family member of a person, whose name appears on the ballot as a candidate for any office at an election shall assist in the counting of ballots in the election. No person shall assist in the counting of ballots who is otherwise deemed by the city clerk to have a conflict of interest due to:

- (1) any association with a candidate;
- (2) financial interests, as provided for in section 15 of this chapter.

Sec. 10. 24 V.S.A. App. chapter 11, § 9 is amended to read:

§ 9. ~~CITY MANAGER~~ MAYOR

(a) ~~The city council shall, within three months of the date of acceptance by a majority of the legal voters of the City of St. Albans present and voting at a duly warned meeting, appoint and employ a city manager. The city manager shall be chosen, and his or her salary fixed, by the council solely on the basis of his or her technical education as a city manager and executive and administrative qualifications. The city council's choice shall not be limited to the inhabitants of the city or state.~~

(b) ~~The council shall appoint the city manager for a three year term and may remove the city manager by a majority vote of its members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his or her removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. During the absence or disability of the city manager the city council shall designate some properly qualified person to perform the duties of the office.~~

~~(c) Neither the city council nor any of its committees shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him or her from exercising his or her own judgment in the appointment of officers and employees in the administrative service with the exception of the appointment of the superintendent of streets, the chief of the board of fire wardens, and the chief of police, as provided in subsection (e) of this section. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.~~

~~(d) The city manager shall be responsible to the city council for the proper administration of all affairs of the city not otherwise herein delegated, and to that end shall make all appointments, except as otherwise provided in this act. Except when the council is considering his or her removal, the city manager shall be entitled to be present at all meetings of the council and to take part in their discussion. The city manager shall prepare and submit to the council an annual budget after receiving estimates made by the several city officers and offices.~~

~~(e) The city manager shall within 30 days of his or her appointment and annually thereafter appoint, and may remove at his or her pleasure and appoint~~

~~others in their stead, the following officers, none of whom shall be members of the city council, viz: a superintendent of streets, a health officer, a first and second constable, a board of fire wardens, consisting of one chief and a first and second assistant engineer, a chief of police, and such number of other police officers as he or she shall deem necessary, three listers, to constitute the board of listers, an overseer of the poor, and such other officers as are required by law and are not declared to be elective officers by the terms of this act. Appointments by the city manager of the following officers shall be subject to the approval of the city council, viz: superintendent of streets, chief of the board of fire wardens, and chief of police. Such appointive officers, shall, unless removed, serve for one year and until their successors are appointed and qualified. Such officers and employees appointed by the city manager as herein provided shall be immediately responsible to the city manager for the administration of their departments and their advice in writing may be required by him or her on all matters affecting their departments. They shall prepare departmental estimates which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments or offices at stated intervals or whenever requested by the city manager.~~

~~(f) The city manager shall be the collector of taxes and shall have the same powers and be subject to the same liabilities in and for the city as collectors of town taxes in this state by law have and are subject to and in the exercise of~~

~~that office shall perform the same duties collectors of town taxes are required to perform unless otherwise provided by this charter. It shall be the duty of the city manager as the collector of taxes to execute all tax warrants and other like warrants as shall be delivered to him or her by the city treasurer, and the city manager shall pay all taxes, assessments, penalties, tax collectors' fees and service rates as soon as they are collected into the city treasury. The length and manner of notices required to be given by the collector of taxes to resident and nonresident delinquent taxpayers shall be the same as provided by state statutes.~~

(a) The legal voters of the city shall elect a mayor who shall be a legal voter in the city. The mayor shall hold office for a term of two years.

(b) The mayor shall be the chief executive officer of the city. The mayor shall use his or her best efforts to see that the laws and city ordinances are enforced and that the duties of all subordinate officials are faithfully performed; and shall bring before the city council whatever he or she may deem worthy of its attention, for prudentially and efficiently carrying on the affairs of the city. In the mayor's absence, the president of the city council shall act as mayor in his or her stead.

(c) The mayor shall preside at all meetings of the city council, with the power of moderator in city meetings and at all meetings of the city council, and shall have a voice and vote in its proceedings.

Sec. 11. 24 V.S.A. App. chapter 11, § 10 is amended to read:

§ 10. ~~THE MAYOR AND ALDERMEN~~ THE CITY COUNCIL

(a) ~~The mayor shall be the chief executive officer of the city. The mayor shall use his or her best efforts to see that the laws and city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed; and shall bring before the board of aldermen whatever he or she may deem worthy of its attention, for prudentially and efficiently carrying on the affairs of the city. In the mayor's absence, the president of the board of aldermen shall act as mayor in his or her stead. The mayor, with the consent of the board of aldermen, shall have the power to remit penalties for the breach of city ordinances, in whole or in part and shall cause the reason for such remission to be entered on the city records.~~

(b) ~~The mayor shall preside at all meetings of the city, with the power of moderator in town meetings, and at all meetings of the city council.~~

(c) ~~The city council shall have all the powers of selectmen. Said city council shall hold a meeting on the second Monday of each month, and oftener at the call of the mayor or at the call of the majority of the board of aldermen; the presence of a majority of said council shall be necessary to transact business at any meeting.~~

(d) ~~The city council shall establish rates to be paid for the use of water supplied by the city waterworks, which shall be called service rates, and shall~~

~~be collected by the city treasurer; water from said city waterworks may, at the option of the city council, be furnished outside of the limits of the City of St. Albans.~~

~~(e) The city council shall appoint, for terms not exceeding three years, auditors, none of whom shall be members of the city council, upon such terms and conditions, including compensation, as the city council deems appropriate.~~

(a) There shall be elected six members of the city council, one from each ward, who shall be a legal voter in, and elected by the voters of the ward he or she represents. At each annual meeting, two members of city council shall be elected for three years to succeed those whose term shall expire in the year in which the election is held. All of the members of the city council shall hold office until their successors are duly elected.

(b) The mayor and members of city council sitting in their joint capacity shall be called the city council.

(c) The administration of all fiscal, prudential and municipal affairs of the city, except as otherwise delegated herein, and the government thereof, shall be vested in the city council. The city council shall be composed of a council member for each ward as aforesaid and the mayor. The city council shall elect one of their number president of the city council. The city council shall be sworn to the faithful performance of their duties respectively.

(d) The city council shall have all the powers of selectboard members. The city council shall hold a meeting on the second Monday of each month, and more often at the call of the mayor or at the call of the majority of the city council; the presence of a majority of the city council shall be necessary to transact business at any meeting, but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner as may be prescribed by ordinance.

(e) The city council shall establish rates to be paid for the use of water and wastewater services supplied by the city water and wastewater departments, which shall be called service rates, and shall be collected by the city treasurer; the city water and wastewater services may, at the option of the city council, be furnished outside the limits of the City of St. Albans.

Sec. 12. 24 V.S.A. App. chapter 11, § 11 is amended to read:

§ 11. ORDINANCES; CONTRACTS CITY MANAGER

~~For the enacting of all ordinances and by laws and the awarding of any contract of committees or the passing of any resolution, the action of the board of aldermen shall require the approval of the mayor, except as herein otherwise provided. If the mayor shall approve any ordinance or by law, or any resolution, appointment or contract made or voted by the city council the same shall be reduced to writing and the mayor shall sign the same; if he does not sign the same he shall return it with his objections in writing to the board of~~

~~aldermen at the next meeting of the city council, provided he shall have not less than one week to consider such ordinance, by law, resolution, appointment or contract aforesaid. The board of aldermen shall then proceed to consider such ordinance, by law, resolution, contract or appointment, and if upon such reconsideration, two thirds of the whole number of aldermen shall vote in favor of the same it shall be valid and take effect, notwithstanding the objection of the mayor. If any such ordinance, by law, resolution, appointment or contract shall not be returned by the mayor to the board of aldermen at the next council meeting, after the period of one week has elapsed after he shall have received it, the same shall be valid and take effect without his approval.~~

(a) The city manager shall be chosen and appointed by majority vote of the city council for an indefinite term, and his or her salary fixed, solely on the basis of his or her technical education as a city manager and executive and administrative qualifications. The city council's choice shall not be limited to the inhabitants of the city or state.

(b) The city manager may be removed from office by a majority vote of the city council. At least 30 days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his or her removal, and cause a copy of the resolution to be given to the manager. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30

days after the filing of such request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. During the absence or disability of the city manager, the city council shall designate some properly qualified person to perform the duties of the office.

(c) Neither the city council nor any of its committees shall dictate the appointment or removal of any staff member by the city manager, or in any manner interfere with the city manager or prevent him or her from exercising his or her own judgment in the appointment of administrative service staff with the exception of the appointment of the director of public works, the fire chief, and the chief of police as provided in subsection (e) of this section. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

(d) The city manager shall be the administrative head of the city government and shall be responsible to the city council for the administration of the affairs of the city and carrying out the policies of the city council. The powers and duties of the city manager shall be as follows:

(1) The city manager shall see that all laws and ordinances are enforced;

(2) Shall exercise administrative control over all departments herein created or that may be created by administrative code except as otherwise provided in this charter;

(3) Shall make all staff appointments and removals except as otherwise provided in this charter;

(4) Shall prepare the annual fiscal budget to be submitted to the city council on or before the date set each year by the city council;

(5) Shall attend meetings of the city council, take part in the business discussion, and make such recommendations for the determination of policy as the city manager may deem expedient, except when city council is considering his or her removal;

(6) Shall act as purchasing agent for all city departments, except schools;

(7) Shall be the collector of taxes, or shall delegate collection efforts to his or her designee;

(8) Shall fix the salaries and wages of all employees under the city manager's jurisdiction in accordance with this charter, fiscal budgets, and personnel policies;

(9) Shall administer the personnel policies, job classifications, and pay plan;

(10) May delegate responsibility for administrative duties to staff members and subordinate officials; and

(11) Shall perform other duties as may be prescribed by this charter or required by the city council.

(e) Appointments by the city manager of the following officials shall be subject to the approval of the city council: director of public works, fire chief, and chief of police. These appointed officials shall, unless removed by the city manager, serve indefinitely and until their successors are appointed and qualified. These officials and employees appointed by the city manager as herein provided shall be immediately responsible to the city manager for the administration of their departments, and their advice in writing may be required by him or her on all matters affecting their departments. They shall prepare departmental estimates which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments or offices at stated intervals or whenever requested by the city manager.

Sec. 13. 24 V.S.A. App. chapter 11, § 12 is amended to read:

§ 12. ~~POLICE OFFICERS; AUTHORITY~~ CITY CLERK

~~All police officers shall have authority to serve anywhere within the state, and return process in criminal causes returnable within the state; and the said~~

~~police officers shall have the power of constables in all matters arising under the criminal and police laws of the state and police regulations of said city.~~

(a) The legal voters of the city shall elect a city clerk who shall be a legal voter in the city. The clerk shall hold office for a term of two years. The city clerk shall perform for the city the same duties devolving by law upon town clerks, except as far as the same are rendered unnecessary by this charter, and shall collect the same fees therefor to be paid into the city treasury for the use of the city.

(b) In case of a vacancy in the office of the city clerk, the vacancy shall be filled by the city council until the next annual meeting of the city.

(c) The city clerk and treasurer may be one and the same person.

Sec. 14. 24 V.S.A. App. chapter 11, § 13 is amended to read:

§ 13. ~~BOARD OF CIVIL AUTHORITY; BOARD OF ABATEMENT CITY~~  
TREASURER

~~(a) The city council, city clerk and the justices of the peace residing in the city shall constitute the board of civil authority for the city and in conjunction with the listers, shall constitute a board for the abatement of taxes, and shall be governed by the general laws of the state in respect to the abatement of taxes. The board of civil authority shall perform all the duties imposed by law upon the board of civil authority of towns, except as hereinbefore provided. All meetings of the board of civil authority shall, on application, be appointed and~~

~~notified by the mayor, in the manner provided by law for appointing and notifying the meetings of the board of civil authority in towns.~~

~~(b) The compensation of all officers, servants and employees of the city shall be fixed by the city council, except as herein and otherwise provided.~~

(a) The legal voters of the city shall elect a city treasurer who shall be a legal voter in the city. The treasurer shall hold office for a term of two years. The city treasurer shall have the same power and be subject to the same liabilities as are prescribed by law for town treasurers.

(b) In case of a vacancy in the office of the city treasurer, the vacancy shall be filled by the city council until the next annual meeting of the city.

(c) The city clerk and treasurer may be one and the same person.

Sec. 15. 24 V.S.A. App. chapter 11, § 14 is amended to read:

§ 14. ~~CITY CLERK~~ ASSESSOR

~~(a) The city clerk shall perform for the city the same duties devolving by law upon town clerks, except as far as the same are rendered unnecessary by this charter, and shall receive the same fees therefor to be paid into the city treasury for the use of the city, and shall receive such compensation from the city for his services as the city council shall allow. He, or his duly appointed assistant, shall be the clerk of the city council, board of school commissioners, board of civil authority, board of tax appeals and board for the abatement of taxes, and shall keep a record of their proceedings. The record of motions of~~

~~the city council and of the board of school commissioners shall include the names of the members voting for and against any motion or resolution acted upon, unless such motion or resolution is unanimously adopted or rejected, or unless there is no conflict in the votes given. The city clerk shall be sworn to the faithful performance of his duties, and his records, copies and certificates shall be legal evidence in all courts and for all purposes, as those of town clerks are. He shall have exclusive charge and custody of the records and papers of the city, which shall not be taken out of or away from his office, unless upon the order or process of a court of competent jurisdiction. He shall have the same rights and authority conferred upon town clerks, and may perform any official act that may be performed by town clerks under any law of this state. (Ch 11, 289/35)~~

~~(b) Whenever any notice signed by the mayor, city council, board of aldermen or any city officer or officers, or any advertisement, ordinance, resolution or by law shall have been published in some newspaper or newspapers, or publicly posted under the provisions of the general law, this charter or the ordinances thereby authorized, the city clerk shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted, and if such be the fact he shall so certify upon the proper city record; and such record, or duly certified copy thereof shall be treated as prima facie evidence of the facts so certified.~~

The assessor shall be a professionally qualified real estate appraiser or appraisal firm and shall have the same power and proceed in the discharge of the duties in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the laws of this state, except as herein otherwise provided, in assessing the property within the city and making the grand list thereof, and shall return such list to the city clerk within the time required for lists to be returned to town clerks.

Sec. 16. 24 V.S.A. App. chapter 11, § 15 is amended to read:

§ 15. ~~CITY TREASURER~~ CONFLICT OF INTEREST

~~(a) The city treasurer shall have the same power and be subject to the same liabilities as are prescribed by law for town treasurers.~~

~~(b) And it shall be the duty of said treasurer, upon receipt of any rate bill, as hereinafter provided for, to post notices in at least three public places in said city, and to publish the same for one week in a newspaper printed in said city, calling upon the taxpayers to pay their respective taxes within twenty one days from the date of such notice. At least fifteen days before the issuance of a warrant against the person or property of a nonresident taxpayer, the treasurer shall give such non-resident notice, in writing, of the tax, the amount thereof, and the time within which the same may be paid to the treasurer, by delivering the same to him or mailing it to his last known address. The city council may, however if it deems advisable, vote to have the property taxes of any particular~~

~~levy paid in installments, as equal as may be, not exceeding four in number, on or before such dates as said council may designate, but the date for the final installment in any event to be not later than one hundred days from the date of the treasurer's posted notice. A taxpayer may at his option, anticipate subsequent installments and pay the same. Such installment payment of taxes as above provided for shall not apply to poll taxes, or other per capita tax, and any such taxes remaining unpaid at the end of said twenty-one days shall be delinquent. If the city council extends the time for payment of property taxes beyond the twenty-one days above mentioned by providing for payment in installments, then the notice given by said treasurer shall conform to such extended time, and installment provisions.~~

~~(c) At the expiration of said twenty-one days, the city treasurer shall issue his warrant against all taxpayers whose poll taxes, and state flood taxes or other per capita taxes, if any, are delinquent, for the amount of all such unpaid taxes, and shall deliver the same to the collector of taxes of said city. Also, at the expiration of said twenty-one days, or of such extended time, as the case may be, the city treasurer shall issue his warrant against all delinquent taxpayers for the amount of their unpaid property taxes respectively, and shall deliver the same to the collector of taxes of said city. Such warrants shall remain in full force until all the taxes thereon have been fully paid or otherwise discharged. There shall be allowed said treasurer the sum of five cents for each~~

~~name on every such warrant issued by him, which shall be taxed against the delinquent taxpayer.~~

~~(d) The re-issuance by the treasurer after this act becomes effective of any tax warrant heretofore issued by him or his predecessor shall bring such warrant within the provisions of the preceding paragraph, so that such warrant shall thereafter be and remain in full force until all the taxes thereon have been fully paid or otherwise discharged; and the re-issue of any tax warrant under these provisions shall not in any manner invalidate any act or proceeding of the collector made on such warrant previous to its reissue.~~

~~(e) In all matters incident to the assessment and collection of taxes, not expressly mentioned and provided for in No. 199 of the Acts of 1933, as hereby, heretofore or hereafter amended, the city treasurer, city tax collector and other city officials shall have all and the same rights, powers and remedies which are, or shall be available to like officials under the laws of this state relating to the assessment and collection of taxes in towns and municipalities generally.~~

~~(f) It shall be and is hereby made the duty of the city treasurer to collect water service rates that may now be or shall hereafter become due to said city for the use of the city water, under such regulations and ordinances as shall be prescribed by the city council, but no compensation shall be allowed said treasurer for the performance of this duty.~~

No elective or appointive official or employee of the city shall be beneficially interested directly or indirectly in any contract with the city, regardless of amount; or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be in a locally distributed newspaper. No officer or employee of the city shall take part in any decision concerning the business of the city in which he or she has a direct or indirect financial interest, aside from his or her salary as an official or employee, greater than any other citizen or taxpayer in the city. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the city than the receipt of formal bids.

Sec. 17. 24 V.S.A. App. chapter 11, § 16 is amended to read:

§ 16. ~~CONSTABLE ORDINANCES; AUTHORITY TO ENACT~~

~~The constable shall have the same powers and be under the same duties and liabilities as are prescribed by law for constables of towns, and the said constable, and all special police officers shall have the same powers as sheriffs, in suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and may bring them before any competent court forthwith.~~

(a) The city council may make, alter, amend or repeal any resolutions, bylaws, regulations and ordinances which it may deem necessary and proper

for carrying into execution the foregoing powers or for the well-being of the city, and which shall not be repugnant to the constitution or the laws of the state; and to provide penalties for the breach thereof. The City of St. Albans is hereby authorized and empowered to maintain actions in the Judicial Bureau, the Vermont Environmental Court, the Franklin Superior Court, or in any appropriate forum, as specified by ordinance, to restrain actual or threatened violations of any ordinance of the city.

(b) The record of motions of the city council shall include the names of the members voting for and against any motion or resolution acted upon, unless such motion or resolution is unanimously adopted or rejected, or unless there is no conflict in the votes given.

Sec. 18. 24 V.S.A. App. chapter 11, § 17 is amended to read:

§ 17. LISTERS ORDINANCES; INTRODUCTION; FIRST AND SECOND READINGS; PUBLIC HEARINGS

~~The listers shall have the same power and proceed in the discharge of the duties of their office in the same manner, and be subject to the same liabilities, in assessing the property within the city and making the grand list thereof, as listers in towns have and are required to proceed in and are subject to, and shall return such list to the city clerk within the time required for lists to be returned to town clerks.~~

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be “The Council of the City of St. Albans hereby ordains . . .”. If the council passes the proposed ordinance upon first reading, it shall cause a short and concise one-paragraph description of the effects of the proposed ordinance to be published in a locally distributed newspaper, at least once, together with a notice of the time and place where and when there shall be a public hearing to consider the same for final passage. Such publication shall include reference to a place within the city where copies of the entire text of the proposed ordinance may be examined. The first publication shall be at least one week prior to the date of the public hearing. In the event the city council shall comprehensively revise any chapter or chapters of its Code of Ordinances it shall be sufficient if a concise summary of the principal provisions of such revision is published as aforesaid rather than the entire text thereof.

(b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be read in full, except that by vote of a majority of the council, the ordinance may be read by title, and after the reading, all persons interested shall be given an opportunity to be heard.

(c) After the hearing, the council may finally pass the ordinance with or without amendment, except that if the council makes an amendment it shall

follow the provisions for final passage, publication and public hearing as provided by subsections (a) and (b) of this section. After the hearing, the council may finally pass the amended ordinance or again amend it subject to the same procedures as outlined herein.

Sec. 19. 24 V.S.A. App. chapter 11, § 18 is amended to read:

§ 18. AUDITORS ORDINANCES; AUTHORITY ENUMERATED

~~The auditors shall examine and adjust the accounts of the treasurer and all the other city officers, and report the accounts so settled with the items thereof, and also the state of the treasury; and the report shall be printed, together with those of the other city officers, under the direction of the city council, at the expense of said city, and circulated among the taxpayers thereof at least fifteen days prior to the annual meeting.~~

The general grant of ordinance promulgating authority in section 16 of this chapter, and in addition to those powers enumerated in 24 V.S.A. § 2291, such authority shall include the authority to fix and impose licenses, fees, or taxes within the limits of the city and collect the same for purposes of regulation and revenue in respect to the following matters and things:

- (1) To restrain and prohibit all types of gaming.
- (2) To regulate, restrain, prohibit, suppress, license, and fix reasonable and necessary fees or tax for the purpose of revenue, places of public resort or public amusement whether indoor or outdoor, including, but without limitation

thereto, theaters, lodging establishments, and bowling alleys; places dispensing food and drink to the public, including, but without limitation thereto, transient merchants, lodging establishments, restaurants, bars or private clubs; public dances; and itinerant vendors, peddlers, and transient merchants; and all moneys received for such licenses or taxes shall belong to the city and be paid into the city treasury.

(3) To prevent riots, noises, disturbances, or disorderly assemblages.

(4) To establish and regulate a fire department.

(5) To regulate or restrain the running at large of dogs and other domestic animals, including any such animals as may be kept by residents of the City of St. Albans, whether classified as “domestic,” “exotic,” or otherwise.

(6) To compel the cleaning or repair of any premises; to abate and remove nuisances; to regulate or prohibit the storage and accumulation on premises within the city of garbage, ashes, rubbish, refuse, and waste materials which in the judgment of the city council are dangerous to the health or safety of the public; to tax or license for revenue and regulate or prohibit the collection and removal of such materials from such premises and the disposal of the same by private persons or agencies; to compel and regulate the removal and disposal of such materials by owners, tenants, and occupants of such premises; to require and provide for the collection, removal, and disposal of

such materials by the city at its expense by contract with some private individual or agency or by some city official, officials, or department either existing or hereafter created and established by the city council for that purpose; to establish, in case the collection, removal, and disposal of such materials is done at the expense of the city, service rates to be paid to the city by the owners, tenants, or occupants of premises from which said materials are collected and removed for services rendered by the city in collecting, removing, and disposing of such materials, to compensate the city for the cost and expense of those services. All service rates against owners or others shall be collected and enforced under such regulations and ordinances as the city council shall prescribe. All such service rates shall constitute a lien and charge upon the buildings, lots, and other property so supplied and may be collected in the same manner as any tax assessed by the city.

(7) To adopt and enforce police ordinances regulating and prohibiting the use of firearms, air rifles, and devices having a capacity to inflict personal injury, and the parking, operation, and speed of motor vehicles upon city and state aid streets and highways.

(8) To provide for the lighting of the streets and public buildings of the city.

(9) To manage and control the public places, parks, and commons in said city, and to regulate the use of the same by the public, and to prevent and

punish trespasses or willful injuries to or upon any appurtenances, building, or structure placed therein by or under the orders of the city, in such a manner as shall not be inconsistent with the laws of the state.

(10) To regulate or prohibit the suspending or putting up of any sign, billboard, or awning, in or over any street, lane, alley, common, or other public place in the city; and, whenever the public good may require, to order and direct that signs, billboards, or awnings heretofore erected or suspended as aforesaid shall be taken down or removed.

(11) To provide a supply of water for the protection of the city against fire and for other purposes, including but not limited to the supplying of water outside the limits of the city, and to regulate the use of same; and to establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for such purposes, and also necessary sewers and drains, within or without the limits of the city, upon, in, and through the lands of individuals and corporations, on making compensation therefor; and in taking such lands for such purposes, said city council shall proceed in the same manner as selectboard members of towns are authorized by law to proceed in the taking of lands for highways; and the same right of appeal to the county court from the decision of the city council in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of selectboard members in

such matters, except that such appeal, if taken from the appraisal of damages only, shall not prevent the city from proceeding with its work as though no appeal had been taken. All moneys accruing on account of the city water and wastewater departments shall be paid into the city treasury, and the city treasurer shall keep separate accounts thereof showing fully all receipts and payment. Such moneys shall be devoted solely to the expense of construction, reconstruction, improvements, additions, repairs, and maintenance of said water system and to the payment of any indebtedness created on account thereof.

(12) To make all regulations and ordinances for preventing the corruption and for the protection of the water supply and for the protection from injury of any dam, reservoir, aqueduct, pipe, hydrant, or source of supply of water connected with any water plant now owned or hereafter acquired by the city.

(13) To provide for the establishment of rates to be paid for the use of water and wastewater services supplied by the city water and sewer departments, which shall be called service rates. Such service rates may be charged either against the owner or occupants of a house or other building supplied with water or wastewater services, or both, under such rules or regulations as the city council may prescribe, and in either case, such service rates together with such reasonable collection fees as the city council may by

ordinance prescribe, and all costs accrued or accruing thereon, shall be and remain a lien in the nature of a tax upon such house or other building, and upon the lot or lots of land upon which such house or other building is situated until fully paid or otherwise discharged. For the enforcement of such lien, the city shall have the right, without the enactment of any special ordinance in this regard, to resort to any and all remedies which would be available under the laws of this state if it were a lien for taxes. The city council shall also have power to make and enforce ordinances for the collection of said service rates either by requiring payment at the office of the city treasurer or the appointment of a collector or collectors to demand and collect the same, and the attempt to collect such rates by any of the methods herein mentioned shall not in any way invalidate the lien upon said land or premises. Nothing herein contained shall affect service rates which have accrued or are in arrears at the time this act becomes effective; and the schedule of service rates which is in effect at the time of the passage of this act shall continue in full force and effect until modified or superseded through express action of the city council subsequently taken.

(14) To establish rules and regulations governing the use of said water and wastewater services, including the installing of a meter system, which said water from said city water department may be furnished outside the limits of the City of St. Albans.

(15) To prescribe regulations concerning the use and travel upon or over streets of the city in the course of construction, alteration, improvement, or repair, and to prohibit the use thereof.

(16) In the furnishing of water and wastewater services outside the limits of the City of St. Albans, said city shall have the right, without the enactment of any special ordinance in that regard, to act by its council or the council's designee in accordance with the provisions of 19 V.S.A. § 1111 and chapter 89 of Title 24 of the Vermont Statutes Annotated.

(17) To adopt and enforce ordinances relating to the operation, parking, soliciting, delivery, or fares in the taxi business within the city, whether or not such vehicles are engaged in carrying passengers entirely within the city; to prescribe the duties and privileges of such owners and drivers; to fix and regulate rates of fare, including maximum and minimum rate or rates, for any such transportation of passengers within the city; to license and regulate all such vehicles; to rescind any and all licenses granted hereunder, and to prohibit the operation of such vehicles upon the streets of the city when either the owners or the drivers thereof have not complied with all the provisions of ordinances duly enacted hereunder; provided, however, that no license shall be granted hereunder unless the applicant has first complied with all the requirements of the laws of the state of Vermont relative to the registration and operation of motor vehicles to enable the applicant to use the license for which

he or she applies; and to limit and restrict the use of its streets and highways by such motor vehicles in such manner as will promote the safety and general welfare of the public.

(18) To condemn lands or buildings to which public ownership is deemed necessary for the exercise of any of the powers of the city or of city council, and to hold public hearings thereon for just compensation to be paid to the owners of any right or interest therein.

(19) To promote and safeguard the public health, safety, comfort, or general welfare by the adoption of ordinances and regulations relating to the following subjects:

(A) The design, construction, repair, alteration, removal, and demolition of buildings and structures of all kinds;

(B) The design, installation, repair, alterations, removal, and maintenance of plumbing systems, sanitary sewers, and drains;

(C) The installation, repair, alteration, use, and maintenance of electrical wiring, motors, devices, equipment, and appliances, and appurtenances thereof;

(D) The handling, transportation, storage, and use or sale of explosives, radioactive materials, or devices, and other hazardous chemicals, materials, substances, or devices, and the use and occupancy of buildings, structures, land, and premises for such purposes;

(E) The installation, repair, and alteration of furnaces, stoves, fireplaces, and devices used for heating, cooking, or in any industrial process from which damage by fire may occur;

(F) The air-conditioning and ventilation of buildings and structures;

(G) The lighting of buildings and other structures and open areas;

(H) The minimum dimensions of rooms used for habitation, based on the number of occupants thereof;

(I) The minimum requirements for sanitary facilities in buildings used for habitation or for dispensing food or food products;

(J) The fixing and determination of fire limits within the city based on density of buildings, and the prescription of standards for buildings and structures within each fire limit area with reference to the type of occupancy within a building;

(K) The adoption of a building code, electric code, plumbing code, fire prevention code, and housing code. A book, pamphlet, or other publication may be made a part of any ordinance, bylaw, or regulation by reference therein to such publication by its title, clearly identifying it. When a book, pamphlet, or other publication is so incorporated by reference, it need not be published in a locally distributed newspaper; but copies shall at all times be available for public inspection in the office of the city clerk, who shall keep a reasonable supply in his or her office for sale, at cost, to residents of the city;

(L) Prescribing the powers and duties of building inspectors, inspectors of electric wiring, plumbing inspectors, fire prevention inspectors, and housing inspectors, and appointing such qualified inspectors as may be necessary;

(M) Providing penalties for noncompliance with orders of any inspector named in subdivision (L) of this subdivision (20), made by virtue of any resolution, ordinance, bylaws, or regulation adopted by the city council hereunder. However, provision shall be made to appeal such orders and decisions in the manner specified by chapter 83 of Title 24;

(N) Expanding and enlarging, consistent with this section and the charter, the requirements, powers, duties, and other provisions of chapter 83 of Title 24;

(20) To acquire voting machines, so-called, and prescribe the use thereof in any or all elections held within the city.

(21) The city council may make and establish and the same alter, amend, or repeal such other bylaws, rules, ordinances, and regulations, including emergency ordinances effective for no more than 30 days, and therein may impose such licenses and taxes for the purpose of regulation or revenue, in all cases in a manner that is consistent with enabling authority granted by the provisions of this charter and the general statutes of this state, as

it may deem necessary for the well-being of the city and not repugnant to the constitution and laws of this state.

Sec. 20. 24 V.S.A. App. chapter 11, § 19 is amended to read:

§ 19. CITY GRAND JUROR ORDINANCES; CITY COUNCIL TO ESTABLISH PENALTY

~~The city grand juror shall be a complaining officer, and have the same powers and be subject to the same liabilities in said city as are conferred and imposed by law upon town grand jurors.~~

The city council may provide a penalty for the violation of any ordinance, regulation or bylaw not to exceed \$500.00. Each day the violation continues shall constitute a separate and distinct offense. If no penalty shall be fixed for the violation of any ordinance, regulation or bylaw, the court before which such action is heard shall impose a fine not to exceed \$500.00 for each offense.

Sec. 21. 24 V.S.A. App. chapter 11, § 20 is amended to read:

§ 20. OVERSEER OF POOR ORDINANCES; ENFORCEMENT

~~The overseer of the poor shall have the same powers and duties as devolve by law upon such officers in towns, except that he shall not have power to draw orders on the city treasurer, but shall be supplied with money for the purposes of his office by warrant drawn on said treasurer, in pursuance of an appropriation by the city council, in the same manner as other warrants on that officer.~~

(a) The violation of an ordinance, regulation or bylaw adopted by the city, including, without limitation, zoning and subdivision bylaws adopted pursuant to chapter 117 of Title 24 of the Vermont Statutes Annotated, as the same may be amended from time to time, may be prosecuted as a civil action in the Vermont Superior Court, Vermont Environmental Court or other appropriate forum.

(b) All penalties collected for the violation of an ordinance, regulation or bylaw shall be paid over to the city except for any surcharge allowed by law to be retained by the court.

(c) A superior court or environmental court judge shall have the jurisdiction to enjoin the violation of an ordinance or rule, but the election of the city to proceed under this subsection shall not prevent its proceeding under subsection (a) of this section.

Sec. 22. 24 V.S.A. App. chapter 11, § 21 is amended to read:

§ 21. ~~SUPERINTENDENT OF STREETS~~ ORDINANCES; COURT

AUTHORIZED TO ORDER ABATEMENT

~~The superintendent of streets, under the direction of the city council, shall have the superintendence of all roads, streets, sidewalks and sewers, in said city, as well as the superintendence of sewers connected to the city sewage system though the same shall be located without the limits of said city, and the construction and repair of the same, and shall have general supervision of the~~

~~entire water works belonging to the City of St. Albans, and shall keep the same in repair.~~

In any prosecution for a nuisance arising under this charter or under any lawful ordinance, regulation or bylaw resulting in a judgment or conviction, the court before which the judgment or conviction shall be had shall order the nuisance or offense complained of to be removed or abated and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution. All such service rates shall constitute a lien and charge upon the buildings, lots and other property so served and may be collected in the same manner as any tax assessed by the city.

Sec. 23. 24 V.S.A. App. chapter 11, § 22 is amended to read:

§ 22. CITY ATTORNEY ORDINANCES; OFFENDERS MAY BE LIABLE IN DAMAGES

~~It shall be the duty of the city attorney to prosecute and defend all suits, by or against the city, or in which the city is interested, to prosecute for all violations of the city ordinances and to advise the mayor or council when requested by them upon any legal questions arising relative to the affairs of the city, and to perform all the duties imposed by law upon town agents.~~

A person violating any ordinance, regulation or bylaw of the city shall be liable in damages to the city or to the person who shall sustain damage as the

direct result of the violation; such damages may be recovered in an action declaring upon such ordinance, regulation or bylaw.

Sec. 24. 24 V.S.A. App. chapter 11, § 23 is amended to read:

§ 23. ~~HEALTH OFFICER~~ TAXATION

~~The health officer shall perform within the city the duties imposed by law upon health officers.~~

(a) The city council shall assess such taxes upon the inhabitants of the city and the ratable estate within the city, whether owned by residents or nonresidents, as may be necessary for the payment of all state, county and highway taxes as are or may be required by law and for the payment of the debts and current expenses of the city. In addition thereto, the city council shall assess such taxes upon the inhabitants of the city and the ratable estate within the city, whether owned by residents or nonresidents, as the board of school commissioners shall notify the city council are required for the support of the school district.

(b) The legal voters at a meeting duly warned and held for that purpose may vote taxes for any lawful purpose which the city council shall assess; such vote to be by Australian ballot and checklist. All of the taxes may be included in one rate bill, and whenever any such tax shall be assessed by the city council it shall make out a rate bill accordingly and deliver the same to the city treasurer, to whom the taxes so assessed shall be paid.

(c) Should a budget for city operations not be approved by the voters by July 1 of any year, the city council shall amend its budget and may permit spending for that fiscal year in an amount which does not exceed the spending last approved by the legal voters.

Sec. 25. 24 V.S.A. App. chapter 11, § 24 is amended to read:

§ 24. ~~FIRE WARDENS SCHOOL DISTRICT; TRANSFER OF FUND TO~~

~~The board of fire wardens or any one of them who may be present at a fire, shall have power at such fire, to suppress all tumults and riots by force if necessary, to direct the labor of all persons present during the continuance of such fire, and remove goods and effects endangered by such fire, and protect the same from waste and depredation, to pull down, remove or destroy any house, store or other building when they, or any of them present at such fire shall deem it necessary for the better preservation of any property. Said board of fire wardens may inspect the manner of manufacturing and keeping gunpowder, lime, ashes, matches, lights, fireworks, or combustibles, and the construction and repairs of fireplaces, stoves, flues, and chimneys in said city. And said board of fire wardens may by a vote of a majority thereof direct all persons manufacturing or keeping such gunpowder, lime, ashes, matches, lights, fireworks or combustibles, kerosene, petroleum, naphtha, oils or burning fluid, in what manner and quantities to manufacture and keep the same, and the owners or occupants of buildings with such fireplaces, stoves,~~

~~flues, or chimneys, how to repair the same, and every person refusing or neglecting to obey such order shall forfeit and pay to the use of said city a fine not exceeding twenty five dollars for each period of twenty days after notice of such order, that such persons shall neglect or refuse to obey the same.~~

The city council shall annually transfer to the school district a sum from the general fund as may be realized from the tax required by the board of school commissioners, all such monies as shall arise from the state school tax, from city tuitions, and from the income of any property or money donated by any person to the city for the use of schools. Such funds shall be disbursed by the city treasurer only upon warrants duly authorized by the board of school commissioners of the city.

Sec. 26. 24 V.S.A. App. chapter 11, § 25 is amended to read:

§ 25. ~~CITY COUNCIL~~ SALE OF PROPERTY

~~(a) The city council shall have power to make, establish, alter, amend or repeal ordinances, regulations and bylaws and to impose penalties for the breach thereof, and to fix and impose licenses or taxes and collect the same for purposes of regulation and revenue, in respect to the following matters and things.~~

~~(1) To establish and regulate a market, and to regulate and license the selling and peddling of milk, meat, fish, vegetables and other provisions, and to cause the destruction or prevent the selling or distribution of any impure or~~

~~deleterious food or drink, within the city; and all moneys paid for such licenses shall belong to the city and be paid into the city treasury.~~

~~(2) To restrain and prohibit all descriptions of gaming and for the destruction of all instruments and devices used for that purpose.~~

~~(3) To regulate, restrain, prohibit, suppress, license or tax for the purpose of revenue the exhibitions and parades of common showmen and shows of every kind not interdicted by law, and to regulate, restrain, license, tax for the purpose of revenue itinerant vendors and peddlers, street musicians and transient auctioneers, and all moneys received for such licenses or taxes shall belong to the city and be paid into the city treasury.~~

~~(4) To prevent riots, noises, disturbances or disorderly assemblages.~~

~~(5) To abate and remove nuisances, and to restrain and suppress houses of ill fame and disorderly houses.~~

~~(6) To restrain and punish vagrants, mendicants, and common prostitutes, and to make regulations respecting paupers.~~

~~(7) To regulate and determine the time or place of bathing in any of the public waters within the city, and to prevent the same.~~

~~(8) To compel the owner or occupant of any unwholesome, noisome or offensive house or place to remove or cleanse the same from time to time, as may be necessary for the health or comfort of the inhabitants of the city.~~

~~(9) To direct the location and management of all slaughter houses, markets, blacksmith shops, sewers and all private drains, and to compel the construction of drains within the limits of the city, under such inspection regulations as the city council may adopt.~~

~~(10) To regulate the manufacture and keeping of gunpowder, ashes and all other dangerous and combustible material.~~

~~(11) To regulate the making of alterations and repairs of stove-pipes, furnaces, fire places and other things from which damage from fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes, to provide for the preservation of buildings from fires by precautionary measures and inspections; and to establish and regulate a fire department and fire companies.~~

~~(12) To prevent immoderate riding or driving in the streets, and cruelty to animals.~~

~~(13) To regulate the erection of buildings, billboards and fences, to prohibit within certain fire limits to be designated and described by said city council, the erection of any building not protected by fire proof material, and to prevent encumbering the streets, sidewalks and public alleys with fire wood, lumber, carriages, boxes and other things, and to provide for the care, preservation and improvement of public grounds.~~

~~(14) To restrain or regulate the running at large of cattle, horses, swine, poultry, sheep and goats, and to regulate or restrain the running at large of dogs.~~

~~(15) To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them all snow, ice, dirt, and garbage, and to keep such sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the city to cut and remove from the streets and sidewalks in front of such land or premises all grass, thistles and weeds growing or being thereon, under such regulations as may be prescribed therefor.~~

~~(16) To license or tax for the purpose of revenue, billposters, innkeepers, keepers of saloons, victualling houses, billiard saloons, and auctioneers under such regulations as shall be prescribed therefore by the city council, and all moneys paid for such licenses or taxes shall belong to the city and shall be paid into the city treasury.~~

~~(17) To regulate or restrain the use of rockets, squibs, firecrackers, or other fireworks in the streets or commons and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing therein, or to endanger the security of property.~~

~~(18) To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, port and produce, and of selling~~

~~and measuring wood, lime, lumber and coal, and to appoint suitable persons to superintend and conduct the same.~~

~~(19) To license porters, cart men and the owners and drivers of hackney coaches, cabs or carriages, and to regulate their fees and prescribe their duties.~~

~~(20) To provide for the lighting of the streets and public buildings of the city.~~

~~(21) To prohibit and punish wilful injuries to trees planted for shade, ornament, convenience or use, public or private, and to prevent and punish trespasses or wilful injuries to or upon public buildings, squares, commons, cemeteries or other property.~~

~~(22) To manage and control the public places, parks and commons in said city, and to regulate the use of the same by the public, and to prevent and punish trespasses or wilful injuries to or upon any fountain, shade or ornamental tree or shrub, building or structure placed therein by or under the orders of the city, in such a manner as shall not be inconsistent with the laws of the state.~~

~~(23) To regulate or prohibit the suspending or putting up of any sign or awning, in or over any street, lane, alley, common or other public place in the city; and, whenever the public good may require, to order and direct that signs or awnings heretofore erected or suspended as aforesaid shall be taken down or removed.~~

~~(24) To provide a supply of water for the protection of the city against fire and for other purposes, including but not limited to the supplying of water outside the limits of the city, and to regulate the use of same; and to establish and maintain reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, and also necessary sewers and drains, within or without the limits of said city, upon, in and through the lands of individuals and corporations, on making compensation therefor; and in taking such lands for such purposes said city council shall proceed in the same manner as selectmen of towns are authorized by law to proceed in the taking of lands for highways; and the same right of appeal to the county court from the decision of the city council in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of selectmen in such matters, except that such appeal, if taken from the appraisal of damages only, shall not prevent the said city from proceeding with its work as though no appeal had been taken. All moneys accruing on account of the city water works shall be paid into the city treasury, and the city treasurer shall keep separate accounts thereof showing fully all receipts and payment. Such moneys shall be devoted solely to the expense of construction, reconstruction, improvements, additions, repairs and maintenance of said water system and to the payment of any indebtedness created on account thereof.~~

~~(25) To make all regulations and ordinances for preventing the corruption and for the protection of the water supply of the said city and for the protection from injury of any dam, reservoir, aqueduct, pipe, hydrant, or source of supply of water connected with any water plant now owned or hereafter acquired by said city.~~

~~(26) To order the sprinkling of the streets and highways of the city, or any of them, or any part of them, with water, oil or other dust laying composition. And the city council may assess the whole or any part of the cost thereof upon the owners of land, abutting upon such street or streets. Such assessments shall be uniform, and shall be a lien in the nature of a tax upon such abutting land.~~

~~(27) To provide for the establishment of rates to be paid for the use of water supplied by the city water works, which shall be called service rates. Such service rates may be charged either against the owner or occupants of a house or other building supplied with water, under such rules or regulations as the city council may prescribe, and in either case such service rates together with such reasonable collection fees as the city council may by ordinance prescribe, and all costs accrued or accruing thereon, shall be and remain a lien in the nature of a tax upon such house or other building, and upon the lot or lots of land upon which such house or other building is situated until fully paid or otherwise discharged. For the enforcement of such lien the city shall have~~

~~the right, without the enactment of any special ordinance in this regard to resort to any and all remedies which would be available under the laws of this state if it were a lien for taxes. The city council shall also have power to make and enforce ordinances for the collection of said service rates either by requiring payment at the office of the city treasurer or the appointment of a collector or collectors to demand and collect the same, and the attempt to collect such rates by any of the methods herein mentioned shall not in anyway invalidate the lien upon said land or premises. Nothing herein contained shall affect service rates which have accrued or are in arrears at the time this act becomes effective; and the schedule of service rates which is in effect at the time of the passage of this act shall continue in full force and effect until modified or superseded through express action of the city council subsequently taken.~~

~~(28) To establish rules and regulations governing the use of said water, including the installing of a meter system, which said water from said city water works may be furnished outside the limits of the City of St. Albans. To prescribe regulations concerning the use and travel upon or over streets of the city in course of construction, alteration, improvement or repair, and to prohibit the use thereof. To prescribe regulations for the placing of poles, wires and electrical or other conduits in, over and under the streets and highways of the city, and to regulate their use.~~

~~(29) In the furnishing of water outside the limits of the City of St. Albans said city shall have the right, without the enactment of any special ordinance in that regard, to act by its council under the provisions of sections 5194 to 5196, inclusive, of the Vermont Statutes, Revision of 1947, in the securing of a permit and otherwise following the provisions of said sections in the laying and repairing of pipe.~~

~~(30) And said city council may make and establish and the same alter, amend or repeal such other by laws, rules, ordinances and regulations and therein may impose such licenses and taxes for the purpose of regulation or revenue, as it may deem necessary for the well being of the city and not repugnant to the constitution and laws of this state; all of which by laws, regulations, rules and ordinances shall be published in one or more newspapers in said city, to be prescribed by the city council, on the same day in each of two successive calendar weeks before they take effect.~~

~~(31) To adopt a minimum housing standards ordinance when such ordinance is approved by a majority of the voters of the city at an annual meeting duly warned for that purpose.~~

~~(b) No fine shall be imposed for the violation of any city ordinance or by-law exceeding five hundred dollars, provided, that when it may be necessary to abate a nuisance the expense of such abatement may be imposed upon the delinquent, in addition to said fine; and if any person shall violate any city~~

~~ordinance or by law, he may, on conviction thereof, be imprisoned in the house of correction in this state, at hard labor, for a term not exceeding six months, in addition to or in lieu of said fine in the discretion of the court; and if any person convicted for violation of any city ordinance or by law shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitation herein contained, within twenty four hours from the rendition of such judgment he shall be committed to said house of correction under the same regulations and in the same manner as provided by law. In addition to said fine of any violation of any such ordinance or by law, the city may have and maintain an action of the case, founded on this statute against any person wilfully and maliciously damaging or destroying any of the property of said city, or injuring or corrupting any of the water supply or water works of said city and recover treble damages and costs against such person.~~

The city council may authorize the sale or lease of any personal or real estate belonging to the city, and all conveyance, grants or leases of any such real estate shall be signed by the mayor and be sealed with the city seal.

Sec. 27. 24 V.S.A. App. chapter 11, § 26 is added to read:

§ 26. WARRANTS

(a) No money, other than money belonging to the "School Fund," shall be paid out of the city treasury except upon warrant approved by the city council. All purchase approvals and warrants shall be signed by two members of the

city council. The approval of the warrant by the city council shall be by vote and recorded in the minutes.

(b) A full record of expenditures shall be kept, and a clear statement of all receipts and disbursements of city moneys and of the affairs of the city generally shall be annually published under the direction of the mayor together with the reports of the board of school commissioners, auditors and other city officials at least 15 days prior to the annual city meeting, and the report shall include estimates for the expenses of the city for the year next ensuing; and the disbursements mentioned in the report shall be properly subdivided under the various departments of the city government, showing where and for what purpose such money was expended.

Sec. 28. 24 V.S.A. App. chapter 11, § 27 is amended to read:

§ 27. TAXATION TAXES; SIDEWALK, WATER AND WASTEWATER ASSESSMENT ARREARAGES

~~(a) The city council shall assess such taxes upon the inhabitants of the city and the ratable estate within the city, whether owned by residents or nonresidents, as may be necessary for the payment of all state, county and highway taxes as are or may be required by law, and for the payment of the debts and current expenses of the city and for carrying out the purposes of the charter, the total tax for said purpose not to exceed seventy cents on the dollar of the grand list of city. In addition thereto, the city council shall assess such~~

~~taxes upon the inhabitants of the city and the ratable estate within the city, whether owned by residents or nonresidents, as the board of school commissioners shall notify the city council are required for the support of the school district, the total of such tax for said school district not to exceed one hundred four cents on the dollar of the grand list of the city.~~

~~(b) The foregoing notwithstanding, in the event of a complete revaluation of all taxable real estate within the city, each of the foregoing maximum tax rates shall be adjusted by multiplying each such maximum tax rate by a fraction the numerator of which is the grand list immediately preceding said complete revaluation and the denominator of which is the grand list immediately following said complete revaluation, each respective product of each such multiplication to be rounded upwards to the nearest whole cent. In the event of any subsequent complete revaluation of all taxable real estate within the city, each of the previously adjusted maximum tax rates shall be further adjusted in accordance with the provisions of the foregoing sentence.~~

~~(c) The legal voters at a meeting duly warned and holden for that purpose may vote taxes for any lawful purpose in excess of the maximum tax rates hereinabove provided, which taxes the city council shall assess; such vote to be by ballot and check list. All of said taxes may be included in one rate bill, and whenever any such tax shall be assessed by the city council it shall make out a~~

~~rate bill accordingly and deliver the same to the city treasurer, to whom the taxes so assessed shall be paid.~~

The inhabitants, estates and the owners of those estates within the City of St. Albans shall be held to pay the arrears of taxes, sidewalk, water and wastewater assessments, and the inhabitants, estates and the owners of those estates without the City of St. Albans shall be held to pay the arrears of sewer assessments which have been heretofore legally levied or assessed upon them or which may be hereafter so legally levied or assessed upon them by the City of St. Albans.

Sec. 29. 24 V.S.A. App. chapter 11, § 28 is amended to read:

§ 28. ~~SOURCE OF FUNDS FOR APPROPRIATIONS AND PLEDGE OF~~  
CITY CREDIT CONSTRUCTION AND MAINTENANCE OF  
ROADS AND WALKS

~~The money raised by taxation, from fines, and from other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the city council; and the credit of the city shall not be pledged in excess of the amount of the tax levied, or to be levied, in the fiscal year in which the credit is pledged.~~

(a) The city council may lay out, alter, maintain, establish and change the grade of and discontinue any street, road, lane, alley walk or sidewalk in the city and appraise and settle damages therefor, causing their proceedings to be

recorded in the city clerk's office in the city, provided that any person aggrieved by their proceeding shall have the like opportunity for applying to the County Court for the County of Franklin to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of the city council in similar cases.

(b) Whenever the city council shall provide for the construction, reconstruction or alteration of any of the streets, roads, lanes, alleys or other public highways in the city, the city council shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of construction, reconstruction or alteration of any of the streets, roads, lanes, alleys or other public highways in the city as the city council shall adjudge such lands to be benefited thereby.

(c) Whenever the city council shall provide for the construction, reconstruction or alteration of any curb or any sidewalk in the city, the city council shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of construction, reconstruction or alteration of any curb or sidewalk in the city, exclusive of street intersections, as the city council shall adjudge such lands to be benefited thereby.

(d) The city council in laying out or establishing any water supply lines or sewers or drains within or without the limits of the city shall have the power to

assess the owners of lands adjoining such water supply lines or sewers or drains so much of the expense of laying such water supply lines or sewers or drains as the city council shall judge such lands to be benefited thereby.

(e) Whenever any assessment is levied against the owners of real property abutting upon any public improvement as in this charter provided, the city council shall give to such land owners reasonable and lawful notice of such assessments and shall make a report thereof setting forth their doings in that respect, which report shall be recorded by the city clerk in a book kept for that purpose, and when so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the lands so assessed until the same shall be paid. From such assessment there shall be the same right of appeal to the Franklin Superior Court as hereinbefore provided, and the final decision of the Franklin Superior Court on such appeal shall, when the record thereof is duly made as aforesaid, be a lien upon the land so assessed as above mentioned; but such appeal shall not delay the making of such improvements. And if the owner of such land shall neglect for the space of 30 days after the decision of the city council or of the said Franklin Superior Court in cases where an appeal is taken to pay to the city treasurer the amount of said assessment, the city council shall issue a warrant for the collection of the same, signed by the mayor and directed to the city collector of taxes, who shall have authority to sell at public auction so much of the lands as will satisfy said assessments and

all legal fees and who shall proceed in the same manner as the collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes.

Sec. 30. 24 V.S.A. App. chapter 11, § 29 is amended to read:

§ 29. ~~SCHOOL DISTRICT; TRANSFER OF FUND TO~~ BORROWING IN ANTICIPATION OF TAXES

~~The city council shall annually transfer to the school district such sum from the general fund as may be realized from the tax required by the board of school commissioners, all such monies as shall arise from the state school tax, from city tuitions, and from the income of any property or money donated by any person to said city for the use of schools. Such funds shall be disbursed by the city treasurer only upon warrants duly authorized by the board of school commissioners of said city.~~

The city council may borrow money at the most favorable rate of interest it can obtain in anticipation of city revenues to be collected within the fiscal year.

Sec. 31. 24 V.S.A. App. chapter 11, § 30 is amended to read:

§ 30. ~~SALE OF PROPERTY~~ BONDING; SCHOOL DISTRICT; CITY

~~The city council may authorize the sale or lease of any personal or real estate belonging to the city, and all conveyance, grants or leases of any such real estate shall be signed by the mayor, and be sealed with the city seal.~~

(a) The City of St. Albans or the St. Albans City School District at any annual or special meeting when an article for that purpose shall have been inserted in the warning therefor may authorize the issue of notes or bonds for the purpose of paying or refunding any fixed or floating outstanding liabilities of the city or city school district and may stipulate in such vote the amount of such bonds, the maximum rate of interest such notes and bonds shall bear, the term in which they shall be payable, which shall in no case exceed 25 years, the kind and denomination, and the place where the bonds shall be payable.

(b) Such notes and bonds shall be signed by the mayor for the city and the school commissioners for the city school district and countersigned by the treasurer of the city, and if interest coupons are attached, they shall be signed by the treasurer or bear his or her facsimile signature; and the bonds or notes shall contain a statement that they were issued for the purposes mentioned in conformity with this section, and such statement shall be conclusive evidence of the same and of the liability of the city or city school district to pay any such note or bond to any person who is a bona fide holder thereof.

(c) The city treasurer shall keep a record of every note or bond issued under the provisions of this section, therein stating the number and denomination of each note or bond, when and where payable, to whom issued and the rate of interest thereon; and also shall keep a record of payments, interest and principal.

(d) When old notes or bonds are taken up by exchange or by sale of the new notes or bonds, the treasurer shall keep a record of the same and such old notes or bonds shall be canceled.

Sec. 32. 24 V.S.A. App. chapter 11, § 31 is amended to read:

§ 31. ~~WARRANTS~~ ST. ALBANS ACADEMY

~~No money, other than money belonging to the "School Fund," shall be paid out of the city treasury except upon warrant signed by the mayor and approved by the board of aldermen. The approval of the board of aldermen may be by vote, in which case such approval shall be authenticated upon the warrant by the city clerk, or, in lieu of a formal vote, it shall be sufficient if the warrant is severally signed by all of the aldermen who are present at the council meeting at which such warrant is approved. Although a resolution, vote or motion of the board of aldermen calling for and necessitating the expenditure of city money for any lawful purpose, did not meet with the approval of the mayor, yet if such resolution, vote or motion shall have been duly passed over his veto or has become effective without being approved by him, it shall nevertheless be the duty of the mayor to sign such warrant upon the city treasurer. A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of city moneys, and of the affairs of the city generally, shall be annually published, under the direction of the mayor, together with the reports of the board of school commissioners, auditors, and other city officials, at least~~

~~fifteen days prior to the annual city meeting, and such report shall include estimates for the expenses of the city for the year next ensuing, and the disbursements mentioned in said report shall be properly subdivided under the various departments of the city government, showing where and for what purpose such money was expended.~~

(a) No. 157 of the Acts of 1892, the act incorporating the St. Albans Academy and graded school, also known as the St. Albans City School, and all acts amendatory thereof, shall remain in full force with the following modifications: the boundaries of St. Albans Academy and graded school, also known as the St. Albans City School, shall thereafter be the same as the boundaries of the City of St. Albans.

(b) The board of school commissioners shall consist of seven school commissioners. At the next annual meeting of the city, three school commissioners shall be elected for terms of three years, two school commissioners for terms of two years and two school commissioners for terms of one year; provided, however, that incumbent school commissioners shall continue to serve their remaining terms. Thereafter at each annual city meeting, such number of school commissioners will be elected to terms of three years as are necessary to succeed those whose terms shall expire in the year in which the election is held; each of the school commissioners shall be a

legal voter in and elected by the voters of the city and shall hold office until the commissioner's successor is duly elected.

(c) The board of school commissioners, so constituted, shall have the same powers, discharge the same duties and be subject to the same liabilities as are prescribed for school board members or school boards under the laws of this state. The board shall have the exclusive management and control of the public schools of the city and of all the school property of the city. The board shall annually in the month of March and subsequent to annual election elect one of its members chair of the board of school commissioners, and such election shall be certified to the city clerk who shall record the same in the city records. The board of school commissioners shall employ a superintendent of the city schools who shall perform such duties as may be prescribed by the board or required by law.

(d) The board of school commissioners shall make an annual report of its doings and expenditures to the city council on or before the first day of April in each year, in which report it shall make estimates of the necessary expenditures for the support of the school district for the ensuing year. The commissioners shall include in their report the amount of income derived from all sources for school purposes other than by taxation and the amount of money to be raised by taxation for the support of the school district, which report shall be published with the report of the city officials.

(e) The board of school commissioners shall annually notify the city council on or before the first day of April of the amount of money required for the support of the school district to be raised by taxation, and the city council shall include such tax in its annual rate bill; but such tax shall not in any year exceed the maximum school tax rate set forth in section 23 of this charter unless an additional school tax is specially voted by the city.

Sec. 33. 24 V.S.A. App. chapter 11, § 32 is amended to read:

§ 32. ~~TAXES; SIDEWALK AND SEWER ASSESSMENT ARREARAGES~~  
LIBRARY

~~The inhabitants, estates, and the owners of said estates within the City of St. Albans shall be holden to pay the arrears of taxes, sidewalk and sewer assessments, and the inhabitants, estates and the owners of said estates without the City of St. Albans shall be holden to pay the arrears of sewer assessments which have been heretofore legally levied or assessed upon them or which may be hereafter so legally levied or assessed upon them by the City of St. Albans.~~

(a) The city council of the City of St. Albans shall annually assess upon the polls of the inhabitants of the city and the ratable estate within the city, whether owned by residents or nonresidents, such tax as the trustees of the St. Albans free library shall recommend to the council for the support of the library and furnishing books and periodicals for the same, but not to exceed five cents on a dollar of the grand list of the city. The tax shall be in addition

to all taxes now levied and assessed and shall be included in the rate-bill and collected in the same manner as all other taxes.

(b) The city council shall annually appropriate for the support of the St. Albans free library such sum from the general funds as may be realized from the tax recommended by the trustees of the St. Albans free library and from the income of any property or money donated by any person to the city for the use of the St. Albans free library and shall be paid over to the treasurer of the St. Albans free library.

Sec. 34. 24 V.S.A. App. chapter 11, § 33 is amended to read:

§ 33. ~~CONSTRUCTION AND MAINTENANCE OF ROADS AND WALKS~~

GENERAL PROVISIONS

~~(a) The city council may lay out, alter, maintain, establish and change the grade of, and discontinue any street, road, lane, alley walk, or sidewalk in said city, and appraise and settle damages therefor, causing their proceedings to be recorded in the city clerk's office in said city, provided that any person aggrieved by their proceeding shall have the like opportunity for applying to the County Court for the County of Franklin to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in similar cases.~~

~~(b) Whenever the city council shall provide for the construction, reconstruction, or alteration of any of the streets, roads, lanes, alleys or other~~

~~public highways in said city, one sixth of the cost and expense of such construction, reconstruction or alteration, exclusive of street intersections, may be assessed against the owners of the real property on each side of the street abutting on such improvements. Whenever the city council shall provide for the construction, reconstruction or alteration of any curb or any sidewalk in said city, one third of the cost and expense of such construction, reconstruction or alteration, exclusive of street intersections, may be assessed against the owners of the real property abutting on such improvement. Said city council in laying out or establishing any sewer or drain within or without the limits of said city shall have the power to assess the owners of lands adjoining such sewers or drains so much of the expense of laying such sewers or drains as the said city council shall judge such lands to be benefitted thereby.~~

~~(e) Whenever any assessment is levied against the owners of real property abutting upon any public improvement as in this charter provided, the city council shall give to such land owners reasonable and lawful notice of such assessments and shall make a report thereof setting forth their doings in that respect, which report shall be recorded by the city clerk in a book kept for that purpose, and when so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the lands so assessed until the same shall be paid. From such assessment there shall be the same right of appeal to the County Court as hereinbefore provided, and the final decision of the County~~

~~Court on such appeal shall, when the record thereof is duly made as aforesaid, be a lien upon the land so assessed as above mentioned; but such appeal shall not delay the making of such improvements. And if the owner of such land shall neglect for the space of thirty days after the decision of said city council or of the said County Court in cases where an appeal is taken to pay to the city treasurer the amount of said assessment, the city council shall issue a warrant for the collection of the same, signed by the mayor, and directed to the city collector of taxes, who shall have authority to sell at public auction so much of said lands as will satisfy said assessments and all legal fees, and who shall proceed in the same manner as the collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes.~~

(a) This act shall be a public act and may be altered, amended or repealed by the general assembly whenever the public good may require.

(b) All bylaws and ordinances, rules and regulations of the City of St. Albans in force on the date when this act takes effect shall continue in full force and effect unless and until repealed, except such as are inconsistent with the provisions of this act.

Sec. 35. REPEAL

24 V.S.A. App. chapter 11, §§ 26a (salaries of city attorney and police officers); 34 (Treasurer, Clerk, Constable; Bond Required); 35 (Grand List; Records; How Kept); 36 (Bonding; School District; City); 37 (Elections); 38

(St. Albans Academy); 39 ([Transitional Provisions]); 40 (Library); and 41 (General Provisions) are repealed.

Sec. 36. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 20, 2010