

1 H.448

2 Introduced by Representatives Consejo of Sheldon and Savage of Swanton

3 Referred to Committee on

4 Date:

5 Subject: Municipal charter; village of Swanton

6 Statement of purpose: This bill proposes to codify and approve amendments to
7 the charter of the village of Swanton.

8 An act relating to codification and approval of amendments to the charter of
9 the village of Swanton

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

11 Sec. 1. CHARTER APPROVAL

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

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

16 CHAPTER 279. VILLAGE OF SWANTON

17 § 1. COMPREHENSIVE REVISION

18 Under the authority granted by the general assembly of the state of
19 Vermont, the voters of the village of Swanton adopt this unified charter as a

1 comprehensive revision and consolidation of No. 252 of the Acts of 1888, and
2 all subsequent acts and amendments.

3 § 2. APPLICABILITY OF THE GENERAL LAW

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

7 (b) The village of Swanton and its officers shall have the powers and
8 authority conferred upon villages by the constitution and general laws of the
9 state of Vermont, together with the governmental and proprietary functions
10 devolving generally upon municipalities and municipal officers, and shall also
11 have all implied powers necessary to implement and exercise those powers,
12 authority, and functions.

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

18 (d) All annual and special meetings of the village shall be held upon notice
19 in the form of a warning being posted in at least three public places within the
20 village and published in a newspaper of general circulation within the village,
21 the posting and publication shall occur at least ten days in advance of the

1 meeting; provided, however, that any village meeting at which the incurring of
2 indebtedness is to be considered shall be called, noticed, warned, and
3 conducted in the manner provided by general law. The eligibility of voters at
4 all village meetings, and the conduct of meetings, and the conduct shall be
5 controlled by general law. Until the voters choose otherwise, the Australian
6 ballot system of voting shall be used for the election of officers and for
7 consideration of all budget matters and all public questions.

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

11 § 3. ANNUAL MEETING

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

14 § 4. BOARD OF TRUSTEES

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

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

20 (b) The board of trustees shall have the general supervision of the affairs of
21 the village of Swanton, including the maintenance, operation, administration,

1 and management of public highways, waterworks, sewerage collection and
2 disposal systems, parks and recreation, and municipal electric plant. They
3 shall cause to be performed all duties required of villages not committed by
4 law to any particular officer.

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

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

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

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

18 § 5. VILLAGE MODERATOR

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

1 § 6. VILLAGE CLERK

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

9 § 7. VILLAGE TREASURER

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

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

19 (c) With the approval of the board of trustees, and consistent with duly
20 adopted investment policies, the village treasurer shall invest village funds or
21 place them in interest-bearing accounts that are suitable and proper for

1 municipal funds to be safeguarded and kept. These funds may be drawn upon
2 by the village treasurer or assistant village treasurer, upon orders approved by
3 the board of trustees.

4 (d) The village and the board of trustees may establish special funds from
5 time to time which may be pooled for investment purposes by the village
6 treasurer who shall keep separate accounting for each fund. Interest and other
7 gains and losses accruing to the account shall be credited to each component
8 special fund based on the reconciled average balance of the individual
9 components, proportionalized as necessary.

10 § 8. VILLAGE AUDIT

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

15 § 9. VILLAGE MANAGER

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

19 (b) The board of trustees shall appoint a village manager who shall have all
20 the authority, duties, and responsibilities conferred upon a town manager by

1 the general law of the state of Vermont. All village departments shall report
2 directly to the village manager.

3 § 10. OTHER VILLAGE OFFICERS

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

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

8 § 11. INCOMPATIBLE OFFICES

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

11 § 12. WATER DEPARTMENT AUTHORIZATION

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

16 § 13. SEWER DEPARTMENT AUTHORIZATION

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

1 § 14. ELECTRIC DEPARTMENT AUTHORIZATION

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

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

14 (c) The charges and rates for electric energy or communications services
15 shall be a lien on real estate, wherever located, furnished with the service in the
16 same manner and to the same effect as taxes are a lien upon real property under
17 32 V.S.A. § 5061. The owner of the property, furnished with electric energy or
18 communications service, wherever located, shall be liable for the charges and
19 rates. The village clerk shall file in the land records in the town in which the
20 property is located a notice of delinquency for all unpaid charges, to be
21 indexed under the name of the property owner, regardless of whether an

1 agreement has been made for the repayment of the charges. The lien provided
2 for in this section shall be released only upon receipt of payment in full for all
3 outstanding charges, interest, fees, penalties, and costs of collection, all as are
4 set forth under 32 V.S.A. chapter 133 pertaining to the collection of overdue
5 property taxes.

6 § 15. FIRE DEPARTMENT AUTHORIZATION

7 The village is authorized to own, operate, control, and manage a fire and
8 emergency services response department and to appropriate and expend funds
9 for the department, and to contract for the receipt or delivery of fire and
10 emergency services with one or more municipalities or volunteer or municipal
11 fire departments.

12 § 16. POLICE DEPARTMENT AUTHORIZATION

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

17 § 17. RULES OF CONSTRUCTION

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

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

1 § 18. SEVERABILITY

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

6 § 19. FISCAL YEAR

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

9 § 20. PROPERTY

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

15 § 21. ORDINANCES

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

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

1 § 22. OFFICERS AND EMPLOYEES OF THE VILLAGE

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

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect upon passage.