

SENATE PROPOSAL OF AMENDMENT

H. 809

An act relating to designation of new town centers and growth centers

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 3, 24 V.S.A. § 2793c, by striking out subdivisions (c)(5)(A) and (B) and inserting in lieu thereof two new subdivisions to be (c)(5)(A) and (B) to read:

(5) Each application for designation as a growth center shall include:

(A) a description from the regional planning commission in which each applicant municipality is located of the role of the proposed growth center in the region, and the relationship between the proposed growth center and neighboring communities;

(B) written confirmation from the applicable regional planning commission that the proposed growth center conforms with the regional plan for the region in which each applicant municipality is located;

Second: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (c)(5)(D)(iii), by striking out “25” and inserting in lieu thereof 20.

Third: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (d)(1)(A), by striking out “subdivision (B) of this subdivision (1)” and inserting in lieu thereof subsection (c) of this section.

Fourth: In Sec. 3, 24 V.S.A. § 2793c, by striking out subdivision (d)(6) in its entirety and inserting in lieu thereof a new subdivision (d)(6) to read:

(6) Designation decision. Within 90 days of the receipt of a completed application, after providing notice as required in the case of a proposed municipal plan or amendment to each person listed under subsection 4384(e) of this title and to the executive director of each adjacent regional planning commission, and after providing an opportunity for the public to be heard, the State Board formally shall designate a growth center if the State Board finds, in a written decision, that the growth center proposal meets the requirements of subsection (b) of this section. An application that complies with all of the requirements of subsection (b) of this section other than the size requirement set forth in subdivision (b)(1) may be approved by the State Board if the applicant presents compelling justification for deviating from the size requirement and provided that at least two-thirds but no fewer than seven of the members of the State Board present vote in favor of the application.

Fifth: In Sec. 6, 24 V.S.A. § 4382, by striking out subdivision (a)(2) in its entirety and inserting in lieu thereof a new subdivision (a)(2) to read:

(2) A land use plan;

(A) consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; ~~and~~

(B) setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; and

(C) identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought;

Sixth: By inserting a new Sec. 10 to read as follows:

Sec. 10. 24 V.S.A. § 4451 is amended to read:

§ 4451. ENFORCEMENT; PENALTIES

(a) Any person who violates any bylaw after it has been adopted under this chapter or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than \$200.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months.

(1) The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

(2) A notice of violation issued under this chapter also shall state:

(A) the bylaw or municipal land use permit condition alleged to have been violated;

(B) the facts giving rise to the alleged violation;

(C) to whom appeal may be taken and the period of time for taking an appeal; and

(D) that failure to file an appeal within that period will render the notice of violation the final decision on the violation addressed in the notice.

(3) In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.

(b) Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$200.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter.

And by renumbering the remaining section to be numerically correct.