

1 S.106

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Municipal government

6 Statement of purpose: This bill proposes to make miscellaneous changes to
7 municipal government law.

8 An act relating to miscellaneous changes to municipal government law

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

10 * * * Violations; Penalties * * *

11 Sec. 1. 10 V.S.A. § 2675 is amended to read:

12 § 2675. PENALTIES

13 A person who commits a violation under subsection 2645(a) or 2648(a) of
14 this title shall be subject to a fine of not more than ~~\$25.00~~ \$75.00 per violation.

15 In the case of a violation which continues after the issuance of a fire prevention
16 complaint, each day's continuance may be deemed a separate violation.

1 Sec. 2. 24 V.S.A. § 1974a is amended to read:

2 § 1974a. ENFORCEMENT OF CIVIL ORDINANCE VIOLATIONS

3 (a) A civil penalty of not more than ~~\$500.00~~ \$800.00 may be imposed for a
4 violation of a civil ordinance. Each day the violation continues shall constitute
5 a separate violation.

6 (b) All civil ordinance violations, except municipal parking violations, and
7 all continuing civil ordinance violations, where the penalty is ~~\$500.00~~ \$800.00
8 or less, shall be brought before the judicial bureau pursuant to Title 4 and this
9 chapter. If the penalty for all continuing civil ordinance violations is greater
10 than ~~\$500.00~~ \$800.00, or injunctive relief, other than as provided in subsection
11 (c) of this section, is sought, the action shall be brought in the criminal division
12 of the superior court, unless the matter relates to enforcement under chapter
13 117 of this title, in which instance the action shall be brought in the
14 environmental division of the superior court.

15 * * *

16 Sec. 3. 24 V.S.A. § 4451 is amended to read:

17 § 4451. ENFORCEMENT; PENALTIES

18 (a) Any person who violates any bylaw after it has been adopted under this
19 chapter or who violates a comparable ordinance or regulation adopted under
20 prior enabling laws shall be fined not more than ~~\$100.00~~ \$300.00 for each
21 offense. No action may be brought under this section unless the alleged

1 offender has had at least seven days' warning notice by certified mail. An
2 action may be brought without the seven-day notice and opportunity to cure if
3 the alleged offender repeats the violation of the bylaw or ordinance after the
4 seven-day notice period and within the next succeeding 12 months. The
5 seven-day warning notice shall state that a violation exists, that the alleged
6 offender has an opportunity to cure the violation within the seven days, and
7 that the alleged offender will not be entitled to an additional warning notice for
8 a violation occurring after the seven days. In default of payment of the fine,
9 the person, the members of any partnership, or the principal officers of the
10 corporation shall each pay double the amount of the fine. Each day that a
11 violation is continued shall constitute a separate offense. All fines collected
12 for the violation of bylaws shall be paid over to the municipality whose bylaw
13 has been violated.

14 (b) Any person who, being the owner or agent of the owner of any lot,
15 tract, or parcel of land, lays out, constructs, opens, or dedicates any street,
16 sanitary sewer, storm sewer, water main, or other improvements for public use,
17 travel, or other purposes or for the common use of occupants of buildings
18 abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell
19 any land in a subdivision or land development whether by reference to or by
20 other use of a plat of that subdivision or land development or otherwise, or
21 erects any structure on that land, unless a final plat has been prepared in full

1 compliance with this chapter and the bylaws adopted under this chapter and
2 has been recorded as provided in this chapter, shall be fined not more than
3 ~~\$100.00~~ \$300.00, and each lot or parcel so transferred or sold or agreed or
4 included in a contract to be sold shall be deemed a separate violation. All fines
5 collected for these violations shall be paid over to the municipality whose
6 bylaw has been violated. The description by metes and bounds in the
7 instrument of transfer or other document used in the process of selling or
8 transferring shall not exempt the seller or transferor from these penalties or
9 from the remedies provided in this chapter.

10 * * * Taxes * * *

11 Sec. 4. 10 V.S.A. § 6244a is added to read:

12 § 6244a. ESCROW OF PROPERTY TAXES

13 (a) A mobile home park owner shall require monthly payments from the
14 owner of a mobile home in a mobile home park approximating one-twelfth of
15 the reasonably estimated annual property taxes and shall be subject to all of the
16 provisions of 8 V.S.A. § 10404 with respect to the escrow of the payments.

17 (b) The mobile home park owner shall pay from the escrow account to the
18 municipality when due the property taxes of the owner of a mobile home in the
19 mobile home park and shall return any money in excess of one-twelfth of the
20 reasonably estimated annual property taxes for the succeeding year.

1 Sec. 5. 24 V.S.A. § 1535 is amended to read:

2 § 1535. ABATEMENT

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

6 * * *

7 * * * Municipal Powers and Duties * * *

8 Sec. 6. 24 V.S.A. § 1571 is amended to read:

9 § 1571. ACCOUNTS

10 (a) The town treasurer shall keep an account of moneys, bonds, notes, and
11 evidences of debt paid or delivered to him or her, and of moneys paid out by
12 him or her for the town and the town school district, which accounts shall at all
13 times be open to the inspection of persons interested.

14 (b) Moneys received by the town treasurer on behalf of the town may be
15 invested and reinvested by the treasurer with the approval of the legislative
16 body.

17 (c) The town treasurer shall file quarterly reports with the legislative body
18 regarding his or her actions described in subsections (a) and (b) of this section.

1 Sec. 7. 24 V.S.A. § 1972 is amended to read:

2 § 1972. PROCEDURE

3 (a)(1) The legislative body of a municipality desiring to adopt an ordinance
4 or rule may adopt it subject to the petition set forth in section 1973 of this title
5 and shall cause it to be entered in the minutes of the municipality and posted in
6 at least five conspicuous places within the municipality. ~~The full text of the~~
7 ~~ordinance or rule, or a concise summary of it including a statement of purpose,~~
8 ~~principal provisions, and table of contents or list of section headings, shall be~~
9 ~~published~~ legislative body shall arrange for one formal publication of the
10 ordinance or rule in a newspaper circulating in the municipality on a day not
11 more than 14 days following the date when the proposed provision is so
12 adopted. ~~Along with the concise summary shall be published a reference to a~~
13 ~~place within the municipality where the full text may be examined. When the~~
14 ~~text or concise summary of an ordinance is published, the~~ Information
15 included in the publication shall be the name of the municipality and its
16 website; the title or subject of the ordinance or rule; the name, telephone
17 number, and mailing address of a municipal official designated to answer
18 questions and receive comments on the proposal; and where the full text may
19 be examined. The same notice shall explain citizens' rights to petition for a
20 vote on the ordinance or rule at an annual or special meeting as provided in
21 section 1973 of this title, ~~and shall also contain the name, address and~~

1 ~~telephone number of a person with knowledge of the ordinance or rule who is~~
2 ~~available to answer questions about it.~~

3 (2) Unless a petition is filed in accordance with section 1973 of this title,
4 the ordinance or rule shall become effective 60 days after the date of its
5 adoption, or at such time following the expiration of 60 days from the date of
6 its adoption as is determined by the legislative body. If a petition is filed in
7 accordance with section 1973 of this title, the taking effect of the ordinance or
8 rule shall be governed by section 1973(e) of this title.

9 * * *

10 (c) The procedure herein provided shall apply to the adoption of any
11 ordinance or rule by a municipality unless another procedure is provided by
12 charter, special law, or particular statute.

13 Sec. 8. 24 V.S.A. § 2291 is amended to read:

14 § 2291. ENUMERATION OF POWERS

15 For the purpose of promoting the public health, safety, welfare, and
16 convenience, a town, city, or incorporated village shall have the following
17 powers:

18 * * *

19 (4) To regulate the operation and use of vehicles of every kind including
20 the power: to erect traffic signs and signals; to regulate the speed of vehicles
21 subject to ~~23 V.S.A. §§ 1141-1147~~ subchapter 12 of chapter 13 of Title 23; to

1 regulate or exclude the parking of all vehicles; and to provide for waiver of the
2 right of appearance and arraignment in court by persons charged with parking
3 violations by payment of specified fines within a stated period of time.

4 * * *

5 (6) To regulate the location, installation, maintenance, repair, and
6 removal of utility poles, wires and conduits, water pipes or mains, or gas mains
7 and sewers, upon, under, or above public highways or public property of the
8 municipality.

9 (7) To regulate or prohibit the erection, size, structure, contents, and
10 location of signs, posters, or displays on or above any public highway,
11 sidewalk, lane, or alleyway of the municipality and to regulate the use, size,
12 structure, contents, and location of signs on private buildings or structures.

13 (8) To regulate or prohibit the use or discharge, but not possession of,
14 firearms within the municipality or specified portions thereof, provided that an
15 ordinance adopted under this subdivision shall be consistent with section 2295
16 of this title and shall not prohibit, reduce, or limit discharge at any existing
17 sport shooting range, as that term is defined in 10 V.S.A. § 5227-.

18 (9) To license or regulate itinerant vendors, peddlers, door-to-door
19 salesmen, and those selling goods, wares, merchandise, or services who engage
20 in a transient or temporary business, or who sell from an automobile, truck,

1 wagon, or other conveyance, excepting persons selling fruits, vegetables, or
2 other farm produce.

3 * * *

4 (11) To regulate, license, tax, or prohibit circuses, carnivals and
5 menageries, and all plays, concerts, entertainments, or exhibitions of any kind
6 for which money is received.

7 * * *

8 (14) To define what constitutes a public nuisance, and to provide
9 procedures and take action for its abatement or removal as the public health,
10 safety, or welfare may require.

11 * * *

12 (16) To name and rename streets and to number and renumber lots
13 pursuant to section ~~4421~~ 4463 of this title.

14 * * *

15 * * * Poor Relief * * *

16 Sec. 9. 24 V.S.A. § 1236 is amended to read:

17 § 1236. POWERS AND DUTIES IN PARTICULAR

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

19 * * *

20 (2) To perform all duties now conferred by law upon the ~~selectmen~~
21 selectboard, except that he or she shall not prepare tax bills, sign orders on the

1 general fund of the town, ~~other than orders for poor relief~~, call special or
2 annual town meetings, lay out highways, establish and lay out public parks,
3 make assessments, award damages, act as member of the board of civil
4 authority, nor make appointments to fill vacancies which the ~~selectmen are~~
5 selectboard is now authorized by law to fill; but he or she shall, in all matters
6 herein excepted, render the ~~selectmen~~ selectboard such assistance as ~~they~~ it
7 shall require;

8 * * *

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

14 (5) To perform all the duties now conferred by law upon the road
15 commissioner of the town, including the signing of orders; provided, however,
16 that when an incorporated village lies within the territorial limits of a town
17 which is operating under a town manager, and such village fails to pay to such
18 town for expenditure on the roads of the town outside the village, at least
19 ~~fifteen~~ 15 percent of the last highway tax levied in such village, the legal voters
20 residing in such town, outside such village, may elect one or two road

1 commissioners who shall have and exercise all powers of road commissioner
2 within that part of such town as lies outside such village;

3 * * *

4 Sec. 10. 24 V.S.A. § 1762 is amended to read:

5 § 1762. LIMITS

6 (a) A municipal corporation shall not incur an indebtedness for public
7 improvements which, with its previously contracted indebtedness, shall, in the
8 aggregate, exceed ten times the amount of the last grand list of such municipal
9 corporation. Bonds or obligations given or created in excess of the limit
10 authorized by this subchapter and contrary to its provisions shall be void.

11 (b) However, the provisions of this subchapter as to the debt limit shall not
12 apply to bonds issued under sections 1752, or 1754 ~~and 1769~~ of this title,
13 relating to the ordinary expenses of a municipality, ~~nor to bonds issued for~~
14 ~~poor relief.~~

15 Sec. 11. REPEAL

16 24 V.S.A. §§ 1769 (notes and bonds for poor relief) and 1770 (application)
17 are repealed.

18 * * * Glebe Lands * * *

19 Sec. 12. REPEAL

20 24 V.S.A. §§ 2404 (rents of other lands, how divided and applied) and 2405
21 (contract under previous law not affected) are repealed.

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* * *

Sec. 16. 24 V.S.A. § 4442 is amended to read:

§ 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY
TOOLS; AMENDMENT OR REPEAL

* * *

(c) Routine adoption.

(1) A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality.

(2) However, a rural town ~~with a population of fewer than 2,500 persons as defined in section 4303 of this chapter~~, by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that bylaws, bylaw amendments, or bylaw repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.

* * *

- 1 Sec. 17. EFFECTIVE DATE
- 2 This act shall take effect on passage.