

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 168 entitled “An act relating to making miscellaneous amendments to
4 laws governing municipalities” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking all after the
6 enacting clause and inserting in lieu thereof the following:

7 * * * Municipal Animal Control * * *

8 Sec. 1. 13 V.S.A. § 351 is amended to read:

9 § 351. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (4) “Humane officer” or “officer” means any law enforcement officer as
13 defined in 23 V.S.A. § 4(11); ~~auxiliary state police~~ State Police officers;~~;~~
14 deputy game wardens;~~;~~ humane society officer, employee, ~~or agent,~~ ~~elected~~
15 ~~animal control officer;~~ animal control officer appointed by the legislative body
16 of a municipality;~~;~~ local board of health officer or agent;~~;~~ or any officer
17 authorized to serve criminal process.

18 * * *

1 Sec. 2. 20 V.S.A. § 3549 is amended to read:

2 § 3549. DOMESTIC PETS OR WOLF-HYBRIDS, REGULATION BY
3 TOWNS

4 The legislative body of a city or town by ordinance may regulate the
5 licensing, keeping, leashing, muzzling, restraint, impoundment, and destruction
6 of domestic pets or wolf-hybrids and their running at large except that a
7 legislative body of a city or town shall not prohibit or regulate the barking or
8 running at large of a working farm dog when it is on the property being farmed
9 by the person who registered the working farm dog, pursuant to subsection
10 3581(a) of this title, in the following circumstances:

11 (1) ~~If~~ if the working farm dog is barking in order to herd or protect
12 livestock or poultry or to protect crops; ~~or~~

13 (2) ~~If~~ if the working farm dog is running at large in order to herd or
14 protect livestock or poultry or to protect crops.

15 Sec. 3. 20 V.S.A. § 3550 is amended to read:

16 § 3550. PENALTIES; ENFORCEMENT; MUNICIPAL LEGISLATIVE
17 BODY; SECRETARY

18 * * *

19 (k) A municipality may adopt ordinances imposing greater penalties than is
20 provided for violation of any provisions of subchapter 1 or 2, refusal to obtain
21 a kennel permit, or refusal to comply with an order issued by a municipal

1 officer under subchapter 5 of this chapter, in which case those ordinances shall
2 apply.

3 Sec. 4. 20 V.S.A. § 3621 is amended to read:

4 § 3621. ISSUANCE OF WARRANT TO IMPOUND; COMPLAINT

5 (a)(1) The legislative body of a municipality may at any time issue a
6 warrant to one or more police officers ~~or~~, constables, or pound keepers, ~~or~~
7 ~~elected or appointed animal control officers~~, directing them to proceed
8 forthwith to impound all dogs or wolf-hybrids within the town or city not
9 licensed according to the provisions of this subchapter, except as exempted by
10 section 3587 of this title, and to enter a complaint against the owners or
11 keepers thereof.

12 (2) A dog or wolf-hybrid impounded by a municipality under this
13 section may be transferred to an animal shelter or rescue organization for the
14 purpose of finding an adoptive home for the dog or wolf-hybrid. If the dog or
15 wolf-hybrid cannot be placed in an adoptive home or transferred to a humane
16 society or rescue organization within ten days, or a greater number of days
17 established by the municipality, the dog or wolf-hybrid may be destroyed in a
18 humane way. The municipality shall not be liable for expenses associated with
19 keeping the dog or wolf-hybrid at the animal shelter or rescue organization
20 beyond the established number of days.

21 * * *

1 * * * Current and Delinquent Tax Collectors * * *

2 Sec. 5. 17 V.S.A. § 2646 is amended to read:

3 § 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

4 At the annual meeting, a town shall choose from among its legally qualified
5 voters the following town officers, who shall serve until the next annual
6 meeting and until successors are chosen, unless otherwise provided by law:

7 * * *

8 (8) ~~A collector of current taxes, if the town so orders; [Repealed.]~~

9 (9) A collector of delinquent taxes, if the town so orders, for a term of
10 one year unless a town votes that a collector of delinquent taxes shall be
11 elected for a term of three years. When a town votes for a three-year term for
12 the collector of delinquent taxes, that three-year term shall remain in effect
13 until the town rescinds it by the majority vote of the legal voters present and
14 voting at an annual meeting, duly warned for that purpose;

15 * * *

16 Sec. 6. 17 V.S.A. § 2651d is added to read:

17 § 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;

18 REMOVAL

19 (a) A municipality may vote by Australian ballot at an annual or special
20 meeting to authorize the legislative body to appoint a collector of delinquent
21 taxes, who may be the municipal treasurer. A collector of delinquent taxes so

1 appointed may be removed by the legislative body for just cause after notice
2 and hearing.

3 (b) When a municipality votes to authorize the legislative body to appoint a
4 collector of delinquent taxes, the legislative body's authority to make such
5 appointment shall remain in effect until the municipality rescinds that authority
6 by the majority vote of the legal voters present and voting at an annual or
7 special meeting, duly warned for that purpose.

8 * * * Incompatible Offices; Cemetery Commissioners and
9 Treasurers * * *

10 Sec. 7. 17 V.S.A. § 2647 is amended to read:

11 § 2647. INCOMPATIBLE OFFICES

12 (a)(1) An auditor shall not be town clerk, town treasurer, selectboard
13 member, first constable, collector of current or delinquent taxes, trustee of
14 public funds, town manager, road commissioner, water commissioner, sewage
15 system commissioner, sewage disposal commissioner, cemetery commissioner,
16 or town district school director; nor shall a spouse of or any person assisting
17 any of these officers in the discharge of official duties be eligible to hold office
18 as auditor.

19 (2) A selectboard member or school director shall not be first constable,
20 collector of taxes, town treasurer, auditor, or town agent. A selectboard
21 member shall not be lister or assessor.

1 (3) A cemetery commissioner shall not be town treasurer.

2 ~~(3)~~(4) A town manager shall not hold any elective office in the town or
3 town school district.

4 ~~(4)~~(5) Election officers at local elections shall be disqualified as
5 provided in section 2456 of this title.

6 (b) Notwithstanding subsection (a) of this section, if a school district
7 prepares and reports its budget independently from the budget of the town and
8 the school district is audited by an independent public accountant, a person
9 shall be eligible to hold office as auditor even if that person's spouse holds
10 office as a school director.

11 * * * Planning and Advisory Commissions * * *

12 Sec. 8. 24 V.S.A. § 4433 is amended to read:

13 § 4433. ADVISORY COMMISSIONS AND COMMITTEES

14 Municipalities may at any time create one or more advisory commissions,
15 which for the purposes of this chapter include committees, or a combination of
16 advisory commissions to assist the legislative body or the planning
17 commission in preparing, adopting, and implementing the municipal plan.

18 Advisory commissions authorized under this section and under chapter 118 of
19 this title may advise appropriate municipal panels, applicants, and interested
20 parties in accordance with the procedures established under section 4464 of
21 this title.

1 in accordance with the terms of the open meeting law, ~~subchapter 2 of chapter~~
2 ~~5 of Title 1~~ set forth in 1 V.S.A. chapter 5, subchapter 2.

3 * * *

4 (3) Duties and powers of historic preservation commissions. In addition
5 to the requirements set forth in subdivision (2) of this section, all historic
6 preservation commissions shall comply with all the following:

7 * * *

8 (C) Have responsibilities set forth in ~~the commission's rules of~~
9 ~~procedure~~ a written document approved by a majority vote of the local
10 legislative body at a regular or special meeting that may include:

11 (i) Preparation of reports and recommendations on standards for
12 the planning commission in creating a local historic district bylaw under this
13 chapter.

14 (ii) Advising and assisting the legislative body, planning
15 commission, and other entities on matters related to historic preservation.

16 (iii) Advising the appropriate municipal panel and administrative
17 officer in development review and enforcement pursuant to subdivision
18 ~~4414(2)(C)~~ 4414(1)(F) and section 4464 of this title.

19 (iv) If provided in the bylaw, advising and assisting the legislative
20 body, appropriate municipal panel, and administrative officer in creating and

1 administering a design review district or downtown or village center district
2 pursuant to subdivision 4414(1)(A) or ~~(B)~~(E) of this title.

3 (v) If provided in a bylaw developed in cooperation with the
4 division for historic preservation, those procedural and advisory powers
5 required of a Certified Local Government under the National Historic
6 Preservation Act.

7 (4) Powers and duties of design review commissions. In addition to the
8 requirements set forth in subdivision (2) of this section, all design review
9 commissions shall:

10 (A) To the extent possible, have among their members professionals
11 in the fields of architecture, landscape architecture, urban planning, historic
12 preservation, and related disciplines.

13 (B) Have responsibilities identified by the legislative body that may
14 include:

15 (i) Preparation of reports and standards for the planning
16 commission in creating a design review district bylaw under this chapter.

17 (ii) Advising and assisting the legislative body, planning
18 commission, and other entities on design-related matters in the creation of
19 plans and bylaws and planning for public improvements.

1 (iii) Advising appropriate municipal panels and the administrative
2 officer in development review and enforcement pursuant to subdivisions
3 4414(1)(E) and (F) and section 4464 of this title.

4 (5) Powers and duties of housing commissions. In addition to the
5 requirements set forth in subdivision (2) of this section, housing commissions
6 may have responsibilities identified by the local legislative body that include:

7 (A) ~~Make~~ Making an inventory of the current stock of housing units
8 in the municipality and identify any gaps in the housing stock according to
9 household incomes or special needs of the community. The inventory may
10 include documentation of the affordable housing cost index for an average
11 citizen of the municipality, the average cost of rental units and vacancy rates,
12 and the annual average sales price of homes.

13 (B) ~~Review~~ Reviewing the zoning ordinances, subdivision bylaws,
14 building codes, and the development review process of the municipality, make
15 recommendations to facilitate the development of affordable housing in the
16 municipality, and promote bylaws that increase densities for the purpose of
17 providing affordable housing.

18 (C) ~~Assist~~ Assisting the local appropriate municipal panels pursuant
19 to section 4464 of this title and the district environmental commission by
20 providing advisory testimony on the housing needs of the municipality, where
21 pertinent to applications made to those bodies, for permits for development.

1 (D) ~~Cooperate~~ Cooperating with the local legislative body, planning
2 commission, zoning board of adjustment, road committee, or other municipal
3 or private organizations on matters affecting housing resources of the
4 municipality. This may include working with the municipality on a
5 wastewater and water allocation policy that reserves a percentage of the
6 capacity for future affordable housing.

7 (E) ~~Collaborate~~ Collaborating with not-for-profit housing
8 organizations, government agencies, developers, and builders in pursuing
9 options to meet the housing needs of the local residents.

10 Sec. 9. 24 V.S.A. § 4460 is amended to read:

11 § 4460. APPROPRIATE MUNICIPAL PANELS

12 * * *

13 (c) In the case of an urban municipality or of a rural town where the
14 planning commission does not serve as the board of adjustment or the
15 development review board, members of the board of adjustment or the
16 development review board shall be appointed by the legislative body, the
17 number and terms of office of which shall be determined by the legislative
18 body subject to the provisions of subsection (a) of this section. The municipal
19 legislative body may appoint alternates to a planning commission, a board of
20 adjustment, or a development review board for a term to be determined by the
21 legislative body. Alternates may be assigned by the legislative body to serve

1 on the planning commission, the board of adjustment, or the development
2 review board in situations when one or more members of the board are
3 disqualified or are otherwise unable to serve. Vacancies shall be filled by the
4 legislative body for the unexpired terms and upon the expiration of such terms.
5 Each member of a board of adjustment or a development review board may be
6 removed for cause by the legislative body upon written charges and after
7 public hearing. If a development review board is created, provisions of this
8 subsection regarding removal of members of the board of adjustment shall not
9 apply.

10 * * *

11 * * * Required Frontage for Land Development * * *

12 Sec. 10. 24 V.S.A. § 4412 is amended to read:

13 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

14 Notwithstanding any existing bylaw, the following land development
15 provisions shall apply in every municipality:

16 * * *

17 (3) Required frontage on, or access to, public roads, ~~class 4 town~~
18 ~~highways~~, or public waters. Land development may be permitted on lots that
19 do not have frontage either on a public road, ~~class 4 town highway~~, or public
20 waters, provided that access through a permanent easement or right-of-way has
21 been approved in accordance with standards and process specified in the

1 bylaws. This approval shall be pursuant to subdivision bylaws adopted in
2 accordance with section 4418 of this title, or where subdivision bylaws have
3 not been adopted or do not apply, through a process and pursuant to standards
4 defined in bylaws adopted for the purpose of assuring safe and adequate
5 access. Any permanent easement or right-of-way providing access to such a
6 road or waters shall be at least 20 feet in width.

7 * * *

8 * * * General Municipal Regulatory Authority * * *

9 Sec. 11. 24 V.S.A. § 2291 is amended to read:

10 § 2291. ENUMERATION OF POWERS

11 For the purpose of promoting the public health, safety, welfare, and
12 convenience, a town, city, or incorporated village shall have the following
13 powers:

14 * * *

15 (10) To regulate the keeping of dogs, and to provide for their licensing,
16 leashing, muzzling, restraint, impoundment, and destruction.

17 * * *

18 (16) To name and rename streets and to number and renumber lots
19 pursuant to section 4463 of this title, and to require the owner of a house or
20 other building to which a number has been assigned to affix the number,

1 including the assigned 911 address, to the structure, sign, or number post so
2 that it is clearly visible from the road.

3 * * *

4 (26) When a disaster or emergency has been declared by the Governor, a
5 municipal building inspector, health officer, fire marshal, or zoning
6 administrator may declare condemned to be destroyed a property that has been
7 damaged in the disaster or emergency and is dangerous to life, health, or safety
8 due to the disaster-related damage. The owner of property condemned under
9 this subdivision may appeal the condemnation according to the condemnation
10 appeals procedure of chapter 83 of this title, provided that any appeal to the
11 Superior Court shall be to the Civil Division.

12 * * * Effective Date * * *

13 Sec. 12. EFFECTIVE DATE

14 This act shall take effect on July 1, 2014.

15
16
17
18 (Committee vote: _____)

19 _____
20 Senator [surname]

21 FOR THE COMMITTEE