

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 inconsistent with this section
20 imposing penalties for violation of any provisions of subchapter 1 or 2, refusal
21 to obtain a kennel permit, or refusal to comply with an order issued by a

1 municipal officer under subchapter 5 of this chapter, in which case those
2 ordinances shall 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 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 (c) Any collector of delinquent taxes appointed under this section shall be
9 paid a salary or other compensation for collecting delinquent taxes in lieu of
10 fees and commissions. Fees and commissions collected by the collector of
11 delinquent taxes shall be turned over to the municipal treasurer at least once a
12 month.

13 * * * Incompatible Offices; Cemetery Commissioners and

14 Treasurers * * *

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

16 § 2647. INCOMPATIBLE OFFICES

17 (a)(1) An auditor shall not be town clerk, town treasurer, selectboard
18 member, first constable, collector of current or delinquent taxes, trustee of
19 public funds, town manager, road commissioner, water commissioner, sewage
20 system commissioner, sewage disposal commissioner, cemetery commissioner,
21 or town district school director; nor shall a spouse of or any person assisting

1 any of these officers in the discharge of official duties be eligible to hold office
2 as auditor.

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

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

7 ~~(3)~~(4) A town manager shall not hold any elective office in the town or
8 town school district.

9 ~~(4)~~(5) Election officers at local elections shall be disqualified as
10 provided in section 2456 of this title.

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

16 * * * Planning and Advisory Commissions * * *

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

18 § 4433. ADVISORY COMMISSIONS AND COMMITTEES

19 Municipalities may at any time create one or more advisory commissions,
20 which for the purposes of this chapter include committees, or a combination of
21 advisory commissions to assist the legislative body or the planning

1 commission in preparing, adopting, and implementing the municipal plan.
2 Advisory commissions authorized under this section and under chapter 118 of
3 this title may advise appropriate municipal panels, applicants, and interested
4 parties in accordance with the procedures established under section 4464 of
5 this title.

6 (1) Creation of an advisory commission. Advisory commissions not
7 authorized in chapter 118 of this title shall be created as follows:

8 (A) An advisory commission may be created at any time when a
9 municipality votes to create one, or through adoption of bylaws, or ~~if the~~
10 ~~charter of a municipality permits it,~~ when the legislative body of the
11 municipality votes to create one.

12 (B) An advisory commission shall have ~~not less~~ no fewer than three
13 members. All members should be residents of the municipality, except that
14 historic preservation, or design advisory, ~~or conservation~~ commissions may be
15 composed of professional and lay members, a majority of whom shall reside
16 within the municipality creating the commission.

17 * * *

18 (2) Procedures for advisory commissions. Advisory commissions not
19 authorized in chapter 118 of this title shall establish the following procedures:

20 (A) At its organizational meeting, an advisory commission shall
21 adopt by majority vote of those present and voting such rules as it deems

1 necessary and appropriate for the performance of its functions. It shall
2 annually elect a ~~chairperson, a treasurer,~~ chair and a clerk.

3 (B) Times and places of meetings of an advisory commission shall be
4 publicly posted in the municipality, and its meetings shall be open to the public
5 in accordance with the terms of the open meeting law, ~~subchapter 2 of chapter~~
6 ~~5 of Title 1~~ set forth in 1 V.S.A. chapter 5, subchapter 2.

7 * * *

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

11 * * *

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

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

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

1 (iii) Advising the appropriate municipal panel and administrative
2 officer in development review and enforcement pursuant to subdivision
3 ~~4414(2)(C)~~ 4414(1)(F) and section 4464 of this title.

4 (iv) If provided in the bylaw, advising and assisting the legislative
5 body, appropriate municipal panel, and administrative officer in creating and
6 administering a design review district or downtown or village center district
7 pursuant to subdivision 4414(1)(A) or ~~(B)~~ (E) of this title.

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

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

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

18 (B) Have responsibilities identified by the legislative body that may
19 include:

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

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

4 (iii) Advising appropriate municipal panels and the administrative
5 officer in development review and enforcement pursuant to subdivisions
6 4414(1)(E) and (F) and section 4464 of this title.

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

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

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

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

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

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

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

15 § 4460. APPROPRIATE MUNICIPAL PANELS

16 * * *

17 (c) In the case of an urban municipality or of a rural town where the
18 planning commission does not serve as the board of adjustment or the
19 development review board, members of the board of adjustment or the
20 development review board shall be appointed by the legislative body, the
21 number and terms of office of which shall be determined by the legislative

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

14 * * *

15 * * * Required Frontage for Land Development * * *

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

17 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

20 * * *

1 For the purpose of promoting the public health, safety, welfare, and
2 convenience, a town, city, or incorporated village shall have the following
3 powers:

4 * * *

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

7 * * *

8 (16) To name and rename streets and to number and renumber lots
9 pursuant to section 4463 of this title, and to require the owner of a house or
10 other building to which a number has been assigned to affix the number,
11 including the assigned 911 address, to the structure, sign, or number post so
12 that it is clearly visible from the road.

13 * * *

14 (26) When a disaster or emergency has been declared by the Governor, a
15 municipal building inspector, health officer, fire marshal, or zoning
16 administrator may declare a property that has been damaged in the disaster or
17 emergency and is dangerous to life, health, or safety due to the disaster-related
18 damage, condemned to be destroyed.

19 * * * Effective Date * * *

20 Sec. 13. EFFECTIVE DATE

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

1 (Committee vote: _____)

2

3

Senator [surname]

4

FOR THE COMMITTEE