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H.552

Introduced by Representatives Van Wyck of Ferrisburgh and Lanpher of
Vergennes

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; Town of Ferrisburgh;
adoption and codification

Statement of purpose of bill as introduced: This bill proposes to approve the
adoption of and codify the charter of the Town of Ferrisburgh.

An act relating to approval of the adoption and codification of the charter of
the Town of Ferrisburgh

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

Sec. 1. CHARTER APPROVAL

The General Assembly approves the adoption of and codifies the charter of
the Town of Ferrisburgh as set forth in this act. The voters approved the
charter on May 11, 2017.

Sec. 2. 24 App. V.S.A. chapter 119 is added to read:

CHAPTER 119. TOWN OF FERRISBURGH

§ 1. CORPORATE EXISTENCE RETAINED

(a) Pursuant to the authority granted by the General Assembly, there is

1 hereby enacted a charter to govern the organization and operation of local
2 government in the Town of Ferrisburgh.

3 (b) The inhabitants of the Town of Ferrisburgh, within the geographical
4 limits as now established, shall continue to be a municipal corporation by the
5 name of the Town of Ferrisburgh.

6 § 2. GENERAL PROVISIONS

7 (a) Except when changed, enlarged, or modified by the provisions of this
8 charter, all provisions of the statutes of the State of Vermont relating to
9 municipalities shall apply to the Town of Ferrisburgh.

10 (b) The Town shall have all the powers granted to towns and municipal
11 corporations by the Vermont Constitution and the laws of the State and this
12 charter, together with all implied powers necessary to carry into execution all
13 the powers granted. The Town may enact ordinances not inconsistent with the
14 Constitution of the State or this charter and may impose penalties for violation
15 thereof.

16 ~~(c) In this charter, any mention of particular power shall not be construed~~
17 ~~to restrict the scope of the powers that the Town would have if the particular~~
18 ~~power were not mentioned, unless this charter otherwise provides.~~

19 ~~(d) Nothing in this charter shall be construed in any way to limit powers~~
20 ~~and functions conferred on the Town, the Selectboard, or its elected or~~
21 ~~appointed officers by general or special enactment of State statutes or rules in~~

1 ~~force or effect or hereafter enacted, and the powers and functions conferred by~~
2 this charter shall be cumulative and in addition to the provisions of the general
3 ~~or special enactment unless this charter otherwise provides.~~

(c) Unless otherwise provided in this charter:

(1) the particular powers in this charter shall not be exclusive or restrict
the scope of powers that the Town would otherwise have under State statutes
or rules; and

(2) this charter shall not limit powers conferred by general or special
enactment of State statutes or rules, including those conferred upon the
Selectboard or other Town officers.

4 § 3. APPOINTED OFFICERS

5 (a) In addition to all other offices that may be filled by appointment by the
6 Selectboard pursuant to State law or this charter, the Selectboard shall appoint
7 the following Town officers, who shall serve for such terms as the Selectboard
8 may establish in its act of appointment or until the office otherwise becomes
9 vacant:

10 (1) A Town Treasurer who shall not simultaneously hold any elective
11 office within Town government. The Town Treasurer shall be:

12 (A) responsible for collection of current taxes; and

13 (B) paid an hourly wage; and

14 (C) open to the public at hours adopted by the Selectboard.

1 (2) A Town Clerk who shall not simultaneously hold any elective office
2 within Town government. The Town Clerk shall be:

3 (A) open to the public at hours adopted by the Selectboard;

4 (B) paid an hourly wage.

5 (b) The Selectboard shall adopt, and revise from time to time, a general
6 statement of the qualifications necessary to perform the duties and
7 responsibilities of each of these appointed Town officers and a job description
8 of those offices. These appointed officers shall exercise all the powers and
9 duties necessary to carry out the provisions of this charter as well as those
10 provided by State law generally.

11 (c) These appointed officers shall be employees of the Town, subject to all
12 personnel and employment rules and policies of the Town and shall serve at
13 the pleasure of the Selectboard. An officer appointed under this section shall
14 be eligible to apply for reappointment at the expiration of his or her term of
15 office, but failure by the Selectboard to make such reappointment shall not be
16 construed as discharge from employment.

17 (d) A person appointed to the position of Town Treasurer or Town Clerk
18 need not be a resident or voter of the Town of Ferrisburgh.

19 § 4. SEVERABILITY

20 If any provision of this charter is held invalid, the other provisions of this
21 charter shall not be affected thereby.

1 Sec. 3. TRANSITIONAL PROVISION

2 An elected Town Treasurer or Town Clerk in office immediately prior to
3 the effective date of this act may continue to hold that office until July 1, 2018.

4 On that date, the terms of the elected Town Treasurer and Town Clerk shall
5 expire and a Town Treasurer and Town Clerk shall be appointed by
6 the Selectboard as provided in Sec. 2 of this act in the charter of the Town of
7 Ferrisburgh (in 24 App. V.S.A. chapter 119, § 3).

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on passage.