1	H.856
2	Introduced by Representatives LaClair of Barre Town, Bancroft of Westford,
3	Devereux of Mount Holly, Gannon of Wilmington, Gardner of
4	Richmond, Harrison of Chittenden, Higley of Lowell,
5	Kitzmiller of Montpelier, Myers of Essex, and Read of Fayston
6	Referred to Committee on
7	Date:
8	Subject: Municipal government; miscellaneous
9	Statement of purpose of bill as introduced: This bill proposes to make
10	miscellaneous amendments to municipal law, including in the areas of
11	municipal elections and appointments, powers and duties of certain municipal
12	officers, smoking on municipal grounds, town highways, municipal finances,
13	penalties for municipal violations, and appeals from property appraisals.

14 An act relating to miscellaneous amendments to municipal law

1	It is hereby enacted by the General Assembly of the State of Vermont:
2	* * * Municipal Elections and Appointments * * *
3	Sec. 1. 17 V.S.A. § 2640 is amended to read:
4	§ 2640. ANNUAL MEETINGS
5	(a)(1) A meeting of the legal voters of each town shall be held annually on
6	the first Tuesday of March for the election of officers and the transaction of
7	other business, and it may be adjourned to another date.
8	(2) When a municipality fails to hold an annual meeting, a subsequent
9	warning for a subsequent meeting shall be issued immediately, and at that
10	meeting all the officers required by law may be elected and its business
11	transacted.
12	(b) When a town so votes, it may thereafter start its annual meeting on any
13	of the three days immediately preceding the first Tuesday in March at such
14	time as it elects and may transact at that time any business not involving voting
15	by Australian ballot or voting required by law to be by ballot and to be held on
16	the first Tuesday in March. A meeting so started shall be adjourned until the
17	first Tuesday in March.
18	* * *

1	Sec. 2. 17 V.S.A. § 2651a is amended to read:
2	§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL
3	(a)(1) A town may vote by Australian ballot at an annual or special town
4	meeting to authorize the selectmen selectboard to appoint a first constable, and
5	if needed a second constable, in which case at least a first constable shall be
6	appointed.
7	(2) A constable so appointed may be removed by the selectmen
8	selectboard for just cause after notice and hearing.
9	(3) When a town votes to authorize the selectmen selectboard to appoint
10	constables, the selectmen's selectboard's authority to make such appointments
11	shall remain in effect until the town rescinds that authority by the majority vote
12	of the legal registered voters present and voting at an annual meeting, duly
13	warned for that purpose.
14	(b) Notwithstanding the provisions of subsection (a) to the contrary, a vote
15	to authorize the selectmen selectboard to appoint constables shall become
16	effective only upon a two-thirds vote of those present and voting, if a written
17	protest against the authorization is filed with the legislative body selectboard at
18	least 15 days before the vote by at least five percent of the voters of the
19	municipality town.

1	Sec. 3. 17 V.S.A. § 2651b is amended to read:
2	§ 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF
3	PUBLIC ACCOUNTANT
4	(a)(1) A town may vote by ballot at an annual or special town meeting to
5	eliminate the office of town auditor.
6	(2)(A) If a town votes to eliminate the office of town auditor, the
7	selectboard shall contract with a public accountant, licensed in this State, to
8	perform an annual financial audit of all funds of the town except the funds
9	audited pursuant to 16 V.S.A. § 323.
10	(B) Unless otherwise provided by law, the selectboard shall provide
11	for all other auditor's duties to be performed.
12	(3) A vote to eliminate the office of town auditor shall remain in effect
13	until rescinded by majority vote of the legal registered voters present and
13 14	until rescinded by majority vote of the legal registered voters present and voting, by ballot, at an annual meeting duly warned for that purpose.
14	voting, by ballot, at an annual meeting duly warned for that purpose.
14 15	voting, by ballot, at an annual meeting duly warned for that purpose. (b) The term of office of any auditor in office on the date a town votes to
14 15 16	voting, by ballot, at an annual meeting duly warned for that purpose.(b) The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date
14 15 16 17	voting, by ballot, at an annual meeting duly warned for that purpose.(b) The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date upon which the selectboard enters into a contract with a public accountant

1	that specifically provides for the election or appointment of the office of town
2	auditor.
3	Sec. 4. 17 V.S.A. § 2651c is amended to read:
4	§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
5	ELIMINATION OF OFFICE
6	(a)(1) Notwithstanding any other provisions of law to the contrary and
7	except as provided in subsection (b) of this section, in the event the board of
8	listers of a municipality town falls below a majority and the selectboard is
9	unable to find a person or persons to appoint as a lister or listers under the
10	provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to
11	perform the duties of a lister as set forth in <u>Title</u> 32 V.S.A. chapter 121,
12	subchapter 2 until the next annual meeting.
13	(2) The appointed person need not be a resident of the municipality
14	town and shall have the same powers and be subject to the same duties and
15	penalties as a duly elected lister for the municipality town.
16	(b)(1) A town may vote by ballot at an annual or special town meeting to
17	eliminate the office of lister.
18	(2)(A) If a town votes to eliminate the office of lister, the selectboard
19	shall contract with or employ a professionally qualified assessor, who need not
20	be a resident of the town.

1	(B) The assessor shall have the same powers, discharge the same
2	duties, proceed in the discharge thereof in the same manner, and be subject to
3	the same liabilities as are prescribed for listers or the board of listers under the
4	provisions of Title 32.
5	(2)(3) A vote to eliminate the office of lister shall remain in effect until
6	rescinded by majority vote of the legal registered voters present and voting at
7	an annual meeting warned for that purpose.
8	(3)(c) The term of office of any lister in office on the date a town votes
9	to eliminate that office shall expire on the 45th day after the vote or on the date
10	upon which the selectboard appoints an assessor under this subsection,
11	whichever occurs first.
12	(4)(d) The authority to vote to eliminate the office of lister as provided
13	in this subsection shall extend to all towns except those towns that have a
14	charter that specifically provides for the election or appointment of the office
15	of lister.
16	Sec. 5. 17 V.S.A. § 2651d is amended to read:
17	§ 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;
18	REMOVAL
19	(a)(1) A municipality may vote at an annual or special municipal meeting
20	to authorize the legislative body to appoint a collector of delinquent taxes, who
21	may be the municipal treasurer.

1	(2) A collector of delinquent taxes so appointed may be removed by the
2	legislative body for just cause after notice 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 registered voters present and voting at an
7	annual or special meeting, duly warned for that purpose.
8	Sec. 6. 17 V.S.A. § 2651e is amended to read:
9	§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL
10	(a)(1) A municipality may vote at an annual or special municipal meeting
11	to authorize the legislative body to appoint the municipal clerk.
12	(2) A municipal clerk so appointed may be removed by the legislative
13	body for just cause after notice and hearing.
14	(b) A vote to authorize the legislative body to appoint the municipal clerk
15	shall remain in effect until rescinded by the majority vote of the legal
16	registered voters present and voting at an annual or special meeting, duly
17	warned for that purpose.
18	(c) The term of office of a municipal clerk in office on the date a
19	municipality votes to allow the legislative body to appoint a municipal clerk
20	shall expire 45 calendar days after the vote or on the date upon which the
21	legislative body appoints a municipal clerk under this section, whichever

1	occurs first, unless a petition for reconsideration or rescission is filed in
2	accordance with section 2661 of this title.
3	(d) The authority to authorize the legislative body to appoint the municipal
4	clerk as provided in this section shall extend to all municipalities except those
5	that have a charter that specifically provides for the election or appointment of
6	the office of municipal clerk.
7	Sec. 7. 17 V.S.A. § 2651f is amended to read:
8	§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL
9	(a)(1) A municipality may vote at an annual or special municipal meeting
10	to authorize the legislative body to appoint the municipal treasurer.
11	(2) A treasurer so appointed may be removed by the legislative body for
12	just cause after notice and hearing.
13	(b) A vote to authorize the legislative body to appoint the treasurer shall
14	remain in effect until rescinded by the majority vote of the legal registered
15	voters present and voting at an annual or special meeting, duly warned for that
16	purpose.
17	(c) The term of office of a treasurer in office on the date a municipality
18	votes to allow the legislative body to appoint a treasurer shall expire 45
19	calendar days after the vote or on the date upon which the legislative body
20	appoints a treasurer under this section, whichever occurs first, unless a petition

1	for reconsideration or rescission is filed in accordance with section 2661 of this
2	title.
3	(d) The authority to authorize the legislative body to appoint the treasurer
4	as provided in this section shall extend to all municipalities except those that
5	have a charter that specifically provides for the election or appointment of the
6	office of municipal treasurer.
7	* * * Local Incompatible Offices * * *
8	Sec. 8. 17 V.S.A. § 2647 is amended to read:
9	§ 2647. INCOMPATIBLE OFFICES
10	(a)(1) An auditor shall not be town clerk, town treasurer, selectboard
11	member, first constable, collector of current or delinquent taxes, trustee of
12	public funds, town manager, road commissioner, water commissioner, sewage
13	system commissioner, sewage disposal commissioner, cemetery commissioner,
14	or town district school director; nor shall a spouse of or any person assisting
15	any of these officers in the discharge of official duties be eligible to hold office
16	as auditor.
17	(2) A selectboard member or school director shall not be first constable,
18	collector of taxes, town treasurer, assistant town treasurer, auditor, or town
19	agent. A selectboard member shall not be lister or assessor.
20	(3) A cemetery commissioner shall not be town treasurer.

1	(4) A town manager shall not hold any elective office in the town or
2	town school district.
3	(5) Election officers at local elections shall be disqualified as provided
4	in section 2456 of this title.
5	(6) A library trustee shall not be constable, collector of taxes, town
6	treasurer, assistant town treasurer, auditor, town agent, lister, or assessor.
7	* * *
8	* * * Executive Sessions * * *
9	Sec. 9. 1 V.S.A. § 313 is amended to read:
10	§ 313. EXECUTIVE SESSIONS
11	(a) No <u>A</u> public body may shall not hold an executive session from which
12	the public is excluded, except by the affirmative vote of two-thirds of its
13	members present in the case of any public body of State government or of a
14	majority of its members present in the case of any public body of a
15	municipality or other political subdivision. A motion to go into executive
16	session shall indicate the nature of the business of the executive session, and
17	no other matter may shall be considered in the executive session. Such vote
18	shall be taken in the course of an open meeting and the result of the vote
19	recorded in the minutes. No <u>A</u> formal or binding action shall <u>not</u> be taken in
20	executive session except for actions relating to the securing of real estate
21	options under subdivision (2) of this subsection. Minutes of an executive

1	session need not be taken, but if they are, the minutes shall, notwithstanding
2	subsection 312(b) of this title, be exempt from public copying and inspection
3	under the Public Records Act. A public body may shall not hold an executive
4	session except to consider one or more of the following:
5	* * *
6	(2) the negotiating or securing of real estate purchase, sale, or lease
7	options;
8	* * *
9	* * * Smoking on Municipal Grounds * * *
10	Sec. 10. 18 V.S.A. § 1742 is amended to read:
11	§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES
12	(a) The possession of lighted tobacco products or use of tobacco substitutes
13	in any form is prohibited in:
14	* * *
15	(3) designated smoke-free areas of property or grounds owned by or
16	leased to the State or a municipality; and
17	* * *

1	* * * Town Highways * * *
2	Sec. 11. 19 V.S.A. § 302 is amended to read:
3	§ 302. CLASSIFICATION OF TOWN HIGHWAYS
4	(a) For the purposes of this section and receiving state <u>State</u> aid, all town
5	highways shall be categorized into one or another of the following classes:
6	(1) Class 1 town highways are those town highways which that form the
7	extension of a state State highway route and which that carry a state State
8	highway route number. The Agency shall determine which highways are to be
9	class 1 highways.
10	(2) Class 2 town highways are those town highways selected as the most
11	important highways in each town. As far as practicable, they shall be selected
12	with the purposes of securing trunk lines of improved highways from town to
13	town and to places which that by their nature have more than the normal
14	amount of traffic. The selectmen selectboard, with the approval of the agency
15	Agency, shall determine which highways are to be class 2 highways.
16	(3) Class 3 town highways:
17	(A) Class 3 town highways are all traveled town highways other than
18	class 1 or 2 highways. The selectmen selectboard, after conference
19	consultation with a representative of the agency Agency, shall determine which
20	highways are class 3 town highways.

1	(B) The minimum standards for <u>a</u> class 3 highways highway are that
2	a highway be negotiable under normal conditions during all seasons of the year
3	by a standard manufactured pleasure car. This would include but not be
4	limited to sufficient surface and base, adequate drainage, and sufficient width
5	capable to provide allow for winter maintenance, except that based on safety
6	considerations for the traveling public and municipal employees, the
7	selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after
8	following the process for providing notice and hearing in section 709 of this
9	title resolution adopted at a duly warned public meeting, have authority to
10	determine whether a class 3 highway, or section of highway, should be plowed
11	and made negotiable during the winter. However, a property owner aggrieved
12	by a decision of the selectboard may appeal to the transportation board
13	Transportation Board pursuant to subdivision 5(d)(9) of this title.
14	(C) A highway not meeting these standards may be reclassified as a
15	provisional class 3 highway if, within five years of the determination, it will
16	meet all class 3 highway standards.
17	* * *
18	(b) The agency Agency may require any municipality which that fails to
19	comply with the class 3 provisional commitments to return all state State aid
20	generated by the section or sections of highways involved.

1	Sec. 12. 19 V.S.A. § 310 is amended to read:
2	§ 310. HIGHWAYS, BRIDGES <u>,</u> AND TRAILS
3	(a) A town shall keep its class 1, 2, and 3 highways and bridges in good
4	and sufficient repair during all seasons of the year, except that based on safety
5	considerations for the traveling public and municipal employees, the
6	selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after
7	following the process for providing notice and hearing in section 709 of this
8	title resolution adopted at a duly warned public meeting, have authority to
9	determine whether a class 2 or 3 highway, or section of highway, should be
10	plowed and made negotiable during the winter. A property owner aggrieved
11	by a decision of the selectboard may appeal to the transportation board
12	<u>Transportation Board</u> pursuant to subdivision $5(d)(9)$ of this title.
13	* * *
14	* * * Animal Pounds * * *
15	Sec. 13. 20 V.S.A. chapter 191, subchapter 2 is amended to read:
16	Subchapter 2. Pounds and Impounding
17	Article 1. General Provisions
18	§ 3381. MAINTENANCE OF POUNDS
19	(a)(1) Each organized town shall maintain as many good and sufficient
20	pounds as it may need for the impounding of beasts animals liable to be
21	impounded.

1	(2) The pound may be kept in an adjacent town if the adjacent town
2	consents and the poundkeeper may be a resident of an adjacent town.
3	(b) Each town may regulate the operation of its pounds except as to matters
4	regulated by statute law.
5	§ 3382. PENALTY FOR FAILURE TO MAINTAIN POUND
6	If a town, for the term of six months at one time, is without such pound, it
7	shall be fined \$30.00. [Repealed.]
8	* * *
9	Sec. 14. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;
10	20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE "BEAST"
11	WITH "ANIMAL"
12	When preparing the Vermont Statutes Annotated for publication, the Office
13	of Legislative Council shall replace "beast" with "animal" and "beasts" with
14	"animals" throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and
15	impounding), provided the revisions have no other effect on the meaning of the
16	affected statutes.
17	* * * Assistant Town Clerks * * *
18	Sec. 15. 24 V.S.A. § 1171 is amended to read:
19	§ 1171. DUTIES OF ASSISTANT CLERK
20	(a) Such The assistant clerk shall be sworn and is authorized to perform the
21	recording and filing duties of the town clerk, to issue licenses and certified

1	copies of records, and, in the absence, death, or disability of the town clerk, is
2	further authorized to perform all other duties of such the clerk.
3	(b) If the there is a vacancy in the office of town clerk dies, the authority of
4	the assistant town clerk to perform the duties of the town clerk shall continue
5	until a successor is appointed by the selectboard under section 963 of this title.
6	* * * Municipal Managers * * *
7	Sec. 16. 24 V.S.A. § 1236 is amended to read:
8	§ 1236. POWERS AND DUTIES IN PARTICULAR
9	The manager shall have authority and it shall be his or her duty:
10	* * *
11	(4) To have charge and supervision of all public town buildings, repairs
12	thereon, and repairs of buildings of the town school district upon requisition of
13	the school directors; and all building done by the town or town school district,
14	unless otherwise specially voted provided for by the selectboard, shall be done
15	under his or her charge and supervision.
16	* * *
17	(8) To supervise and expend all special appropriations of the town, as if
18	the same were a separate department of the town, unless otherwise voted
19	provided for by the town selectboard.
20	* * *

1	* * * Municipal Finances * * *
2	Sec. 17. 24 V.S.A. chapter 51 is amended to read:
3	CHAPTER 51. FINANCES; ACCOUNTS AND AUDITS
4	Subchapter 1. Taxes
5	* * *
6	§ 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES
7	(a) The board of civil authority, with the listers and the town treasurer,
8	shall constitute a board for the abatement of town, town school district, and
9	current use taxes and water and sewer charges.
10	(b) The act of a majority of a quorum at a meeting shall be treated as the act
11	of the board. This quorum requirement need not be met if the town treasurer, a
12	majority of the listers, and a majority of the selectboard are present at the
13	meeting.
14	* * *
15	§ 1535. ABATEMENT
16	(a) The board may abate in whole or part taxes <u>and water and sewer</u>
17	charges, interest, or and collection fees, other than those arising out of a
18	corrected classification of homestead or nonresidential property, accruing to
19	the town in the following cases:
20	(1) taxes or charges of persons who have died insolvent;
21	(2) taxes or charges of persons who have removed from the State;

1	(3) taxes <u>or charges</u> of persons who are unable to pay their taxes <u>or</u>
2	charges, interest, and collection fees;
3	(4) taxes in which there is manifest error or a mistake of the listers;
4	(5) taxes or charges upon real or personal property lost or destroyed
5	during the tax year;
6	(6) the exemption amount available under 32 V.S.A. § 3802(11) to
7	persons otherwise eligible for exemption who file a claim on or after May 1
8	but before October 1 due to the claimant's sickness or disability or other good
9	cause as determined by the board of abatement; but that exemption amount
10	shall be reduced by 20 percent of the total exemption for each month or portion
11	of a month the claim is late filed;
12	(7), (8) [Repealed.]
13	(9) taxes <u>or charges</u> upon a mobile home moved from the town during
14	the tax year as a result of a change in use of the mobile home park land or parts
15	thereof, or closure of the mobile home park in which the mobile home was
16	sited, pursuant to 10 V.S.A. § 6237.
17	(b) The board's abatement of an amount of tax or charge shall
18	
	automatically abate any uncollected interest and fees relating to that amount.
19	(c) The board shall, in any case in which it abates taxes <u>or charges</u>, interest,
19 20	
	(c) The board shall, in any case in which it abates taxes <u>or charges</u> , interest,

1	(d)(1) The board may order that any abatement as to an amount or amounts
2	already paid be in the form of a refund or in the form of a credit against the tax
3	or charge for the next ensuing tax year, or charge billing cycle and for
4	succeeding tax years or billing cycles if required to use up the amount of the
5	credit.
6	(2) Whenever a municipality votes to collect interest on overdue taxes
7	pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the
8	municipality to any person for whom an abatement has been ordered.
9	(3) Interest on taxes or charges paid and subsequently abated shall
10	accrue from the date payment was due or made, whichever is later. However,
11	abatements issued pursuant to subdivision (a)(5) of this section need not
12	include the payment of interest.
13	(4) When a refund has been ordered, the board shall draw an order on
14	the town treasurer for such payment of the refund.
15	* * *
16	Subchapter 3. Orders Drawn by Selectboard Municipal Bodies
17	* * *
18	§ 1622. TOWN ORDERS; RECORD
19	(a)(1) The chair of the selectboard shall keep or cause to be kept a single
20	record of all orders drawn by the board showing the number, date, to whom
21	payable, for what purpose, and the amount of each such order.

1	(2) All other officers authorized by law to draw orders upon the town
2	treasurer shall keep a like record.
3	(b) Such records shall be submitted to the town auditors annually on or
4	before February 1.
5	(c) If the records of orders named in this section are made by an assistant
6	clerk, the assistant clerk shall not be the town treasurer, or the wife or husband
7	spouse of such the town treasurer, or any person acting in the capacity of clerk
8	for the town treasurer.
9	§ 1623. SIGNING ORDERS
10	(a) The selectboard may do either of the following:
11	(1) Authorize one or more members of the board to examine and allow
12	claims against the town for town expenses and draw orders for such claims to
13	the party entitled to payment.
14	(A) Orders shall state definitely the purpose for which they are each
15	is drawn and shall serve as full authority to the treasurer to make the payments.
16	(B) The selectboard shall be provided with a record of orders drawn
17	under this subdivision (1) whenever orders are signed by less than a majority
18	of the board ; or .
19	(2) Submit to the town treasurer a certified copy of those portions of the
20	selectboard minutes, properly signed by the clerk and chair or by a majority of
21	the board, showing to whom and for what purpose each payment is to be made

1	by the treasurer. The certified copy of the minutes shall serve as full authority
2	to the treasurer to make the approved payments.
3	(b) This section shall apply to all municipal public bodies authorized by
4	law to draw orders on the town treasurer.
5	* * *
6	Subchapter. 5. Auditors and Audits
7	* * *
8	§ 1684. TRUST ASSETS; INDEBTEDNESS
9	The auditors shall make a detailed statement showing:
10	(1) The the condition of all trust funds in which the town is interested
11	with and a list of the assets of such funds, including the account of receipts and
12	disbursements for the preceding year;
13	(2) What what bonds of the town or town school district are outstanding
14	with and the rate of interest and the amount thereof; and
15	(3) What interest bearing what interest-bearing notes or orders of the
16	town or town school district are outstanding with and the serial number, date,
17	amount, payee, and rate of interest of each, and the total amount thereof.

1	* * * Penalties for Municipal Violations * * *
2	Sec. 18. 24 V.S.A. § 1974 is amended to read:
3	§ 1974. ENFORCEMENT OF CRIMINAL ORDINANCES
4	(a)(1) The violation of a criminal ordinance or rule adopted by a
5	municipality under this chapter shall be a misdemeanor.
6	(2) The criminal ordinance or rule may provide for a fine or
7	imprisonment, but no fine may shall exceed \$500.00 \$800.00, nor may any
8	term of imprisonment exceed one year.
9	(3) Each day the violation continues shall constitute a separate offense.
10	* * *
11	Sec. 19. 24 V.S.A. § 2201 is amended to read:
12	§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
13	REFUSE; PENALTY; SUMMONS AND COMPLAINT
14	(a)(1) Prohibition. Every person shall be responsible for proper disposal of
15	his or her own solid waste. A person shall not throw, dump, deposit, or cause,
16	or permit to be thrown, dumped, or deposited any solid waste as defined in
17	10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on
18	lands or waters of the State outside a solid waste management facility certified
19	by the Agency of Natural Resources.
20	* * *

1	(b) Prosecution of violations. A person who violates a provision of this
2	section commits a civil violation and shall be subject to a civil penalty of not
3	more than $\frac{500.00}{800.00}$.
4	(1) This violation shall be enforceable in the Judicial Bureau pursuant to
5	the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a
6	municipal attorney, <u>a</u> solid waste management district attorney, <u>an</u>
7	environmental enforcement officer employed by the Agency of Natural
8	Resources, <u>a</u> grand juror, $\frac{\partial f}{\partial t}$ a designee of the legislative body of the
9	municipality, or by any duly authorized law enforcement officer.
10	(2) If the throwing, placing, or depositing was done from a snowmobile,
11	vessel, or motor vehicle, except a motor bus, there shall be a rebuttable
12	presumption that the throwing, placing, or depositing was done by the operator
13	of such the snowmobile, vessel, or motor vehicle.
14	(3) Nothing in this section shall be construed as affecting the operation
15	of an automobile graveyard or salvage yard as defined in section 2241 of this
16	title, nor shall anything in this section be construed as prohibiting the
17	installation and use of appropriate receptacles for solid waste provided by the
18	State or towns.
19	* * *

1	Sec. 20. 24 V.S.A. § 2297a is amended to read:
2	§ 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,
3	CITY, OR INCORPORATED VILLAGE
4	(a) Solid waste order. A legislative body may issue and enforce a solid
5	waste order in accordance with this section. A solid waste order may include a
б	directive that the respondent take actions necessary to achieve compliance with
7	the ordinance, to abate hazards created as a result of noncompliance, or to
8	restore the environment to the condition existing before the violation and may
9	include a civil penalty of not more than $\frac{500.00}{800.00}$ for each violation and
10	in the case of a continuing violation, not more than \$100.00 for each
11	succeeding day. In determining the amount of civil penalty to be ordered, the
12	legislative body shall consider the following:
13	(1) the degree of actual or potential impact on public health, safety,
14	welfare, and the environment resulting from the violation;
15	(2) whether the respondent has cured the violation;
16	(3) the presence of mitigating circumstances;
17	(4) whether the respondent knew or had reason to know the violation
18	existed;
19	(5) the respondent's record of compliance;
20	(6) the economic benefit gained from the violation;
21	(7) the deterrent effect of the penalty;

1	(8) the costs of enforcement;
2	(9) the length of time the violation has existed.
3	* * *
4	(e) Contents of proposed order. A proposed order shall include:
5	* * *
6	(5) if applicable, a civil penalty of not more than $\frac{500.00}{8800.00}$ for
7	each violation and in the case of a continuing violation, not more than \$100.00
8	for each succeeding day.
9	* * * Road Commissioner Compensation * * *
10	Sec. 21. 32 V.S.A. § 1225 is amended to read:
11	§ 1225. TOWN ROAD COMMISSIONER
12	The compensation of a town road commissioner shall be fixed by the
13	selectboard, shall not be less than \$2.00 per day for time actually spent, and
14	shall be paid out of the Transportation Fund.
15	* * * Property Appraisal Appeals * * *
16	Sec. 22. 32 V.S.A. § 4404 is amended to read:
17	§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST
18	(a) Within 14 days after the date of notice thereof, a person aggrieved by
19	the final decision of the listers under the provisions of section 4221 of this title,
20	may appeal in writing therefrom to the board of civil authority, by lodging his
21	or her appeal with the town clerk, who shall record the same in the book

1	containing the abstract of individual lists. The grounds upon which such the
2	appeal is based shall therein be briefly set forth.
3	(b)(1) The town clerk forthwith shall call a meeting of the board to hear
4	and determine such appeals, which shall be held at such a time, not later than
5	14 days after the last date allowed for notice of appeal, and at such a place
6	within the town as that he or she shall designate.
7	(2) Notice of such the time and place shall be given by posting a
8	warning therefor in three or more public places in such the town, and by
9	mailing a copy of such the warning, postage prepaid, to each member of the
10	board, the agent of the town to prosecute and defend suits, the chair of the
11	board of listers, and to all persons so appealing.
12	(c)(1) The Board board shall meet at the time and place so designated, and
13	on that day and from day to day thereafter shall hear and determine such the
14	appeals until all questions and objections are heard and decided.
15	(2)(A) Each property, the appraisal of which is being appealed, shall be
16	inspected by a committee of not less than three members of the board who. At
17	least one lister shall be allowed to attend the inspection. The committee shall
18	report to the board within 30 days from the hearing on the appeal and before
19	the final decision pertaining to the property is given.
20	(B) If, after notice, the appellant refuses to allow an inspection of the
21	property or attendance of at least one lister as required under this subsection,

1 including the interior and exterior of any structure on the property, the appeal 2 shall be deemed withdrawn. 3 (3) The board shall, within 15 days from the time of the report, certify in 4 writing its notice of decision, with reasons, in the premises, and shall file such 5 the notice with the town clerk, who shall thereupon record the same in the 6 book wherein the appeal was recorded and forthwith notify the appellant in 7 writing of the action of such the board, by certified mail. 8 (4)(A) If the board does not substantially comply with the requirements 9 of this subsection and if the appeal is not withdrawn by filing written notice of 10 withdrawal with the board or deemed withdrawn as provided in this 11 subsection, the grand list of the appellant for the year for which appeal is being 12 made shall remain at the amount set before the appealed change was made by 13 the listers; except, if there has been a complete reappraisal, the grand list of the 14 appellant for the year for which appeal is being made shall be set at a value 15 which that will produce a tax liability equal to the tax liability for the 16 preceding year. 17 (B) The town clerk shall immediately record the same in the book 18 wherein the appeal was recorded and forthwith notify the appellant in writing 19 of such the action, by certified mail. Thereupon the appraisal so determined 20 pursuant to this subsection shall become a part of the grand list of such person.

1	(d) Listers and agents to prosecute and defend suits wherein a town is
2	interested shall not be eligible to serve as members of the board while
3	convened to hear and determine such those appeals nor shall an appellant, or
4	his or her servant, agent, or attorney be eligible to serve as a member of the
5	Board board while convened to hear and determine any appeals. However,
6	listers and agents to prosecute and defend suits wherein a town is interested
7	shall be given the opportunity to defend the appraisals in question.
8	* * * Effective Date * * *
9	Sec. 23. EFFECTIVE DATE
10	This act shall take effect on July 1, 2018.