

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 856 entitled “An act relating to miscellaneous amendments to
4 municipal law” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Municipal Elections and Appointments * * *

8 Sec. 1. 17 V.S.A. § 2651a is amended to read:

9 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL

10 (a)(1) A town may vote by Australian ballot at an annual meeting to
11 authorize the ~~selectmen~~ selectboard to appoint a first constable, and if needed a
12 second constable, in which case at least a first constable shall be appointed.

13 (2) A constable so appointed may be removed by the ~~selectmen~~
14 selectboard for just cause after notice and hearing.

15 (3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint
16 constables, the ~~selectmen's~~ selectboard's authority to make such appointments
17 shall remain in effect until the town rescinds that authority by the majority vote
18 of the ~~legal~~ registered voters present and voting at an annual meeting, duly
19 warned for that purpose.

20 (b) Notwithstanding the provisions of subsection (a) to the contrary, a vote
21 to authorize the ~~selectmen~~ selectboard to appoint constables shall become
22 effective only upon a two-thirds vote of those present and voting, if a written

1 protest against the authorization is filed with the ~~legislative body~~ selectboard at
2 least 15 days before the vote by at least five percent of the voters of the
3 ~~municipality~~ town.

4 (c) The authority to authorize the selectboard to appoint the constable as
5 provided in this section shall extend to all towns except those that have a
6 charter that specifically provides for the election or appointment of the office
7 of constable.

8 Sec. 2. 17 V.S.A. § 2651b is amended to read:

9 § 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF
10 PUBLIC ACCOUNTANT

11 (a)(1) A town may vote by ballot at an annual meeting to eliminate the
12 office of town auditor.

13 (2)(A) If a town votes to eliminate the office of town auditor, the
14 selectboard shall contract with a public accountant, licensed in this State, to
15 perform an annual financial audit of all funds of the town except the funds
16 audited pursuant to 16 V.S.A. § 323.

17 (B) Unless otherwise provided by law, the selectboard shall provide
18 for all other ~~auditor~~ auditor's duties to be performed.

19 (3) A vote to eliminate the office of town auditor shall remain in effect
20 until rescinded by majority vote of the ~~legal~~ registered voters present and
21 voting, by ballot, at an annual meeting duly warned for that purpose.

1 (b) The term of office of any auditor in office on the date a town votes to
2 eliminate that office shall expire on the 45th day after such vote or on the date
3 upon which the selectboard enters into a contract with a public accountant
4 under this section, whichever occurs first.

5 (c) The authority to vote to eliminate the office of town auditor as provided
6 in this section shall extend to all towns except those towns that have a charter
7 that specifically provides for the election or appointment of the office of town
8 auditor.

9 Sec. 3. 17 V.S.A. § 2651c is amended to read:

10 § 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
11 ELIMINATION OF OFFICE

12 (a)(1) Notwithstanding any other provisions of law to the contrary and
13 except as provided in subsection (b) of this section, in the event the board of
14 listers of a ~~municipality~~ town falls below a majority and the selectboard is
15 unable to find a person or persons to appoint as a lister or listers under the
16 provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to
17 perform the duties of a lister as set forth in Title 32 V.S.A. chapter 121,
18 ~~subchapter 2~~ until the next annual meeting.

19 (2) The appointed person need not be a resident of the ~~municipality~~
20 town and shall have the same powers and be subject to the same duties and
21 penalties as a duly elected lister for the ~~municipality~~ town.

1 (b)(1) A town may vote by ballot at an annual meeting to eliminate the
2 office of lister.

3 (2)(A) If a town votes to eliminate the office of lister, the selectboard
4 shall contract with or employ a professionally qualified assessor, who need not
5 be a resident of the town.

6 (B) The assessor shall have the same powers, discharge the same
7 duties, proceed in the discharge thereof in the same manner, and be subject to
8 the same liabilities as are prescribed for listers or the board of listers under the
9 provisions of Title 32.

10 ~~(2)~~(3) A vote to eliminate the office of lister shall remain in effect until
11 rescinded by majority vote of the ~~legal~~ registered voters present and voting at
12 an annual meeting warned for that purpose.

13 ~~(3)~~(c) The term of office of any lister in office on the date a town votes
14 to eliminate that office shall expire on the 45th day after the vote or on the date
15 upon which the selectboard appoints an assessor under this subsection,
16 whichever occurs first.

17 ~~(4)~~(d) The authority to vote to eliminate the office of lister as provided
18 in this ~~subsection~~ section shall extend to all towns except those towns that have
19 a charter that specifically provides for the election or appointment of the office
20 of lister.

1 Sec. 4. 17 V.S.A. § 2651d is amended to read:

2 § 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;
3 REMOVAL

4 (a)(1) A municipality may vote at an annual or special municipal meeting
5 to authorize the legislative body to appoint a collector of delinquent taxes, who
6 may be the municipal treasurer.

7 (2) A collector of delinquent taxes so appointed may be removed by the
8 legislative body for just cause after notice and hearing.

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

14 Sec. 5. 17 V.S.A. § 2651e is amended to read:

15 § 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

16 (a)(1) A municipality may vote at an annual meeting to authorize the
17 legislative body to appoint the municipal clerk.

18 (2) A municipal clerk so appointed may be removed by the legislative
19 body for just cause after notice and hearing.

20 (b) A vote to authorize the legislative body to appoint the municipal clerk
21 shall remain in effect until rescinded by the majority vote of the ~~legal~~

1 registered voters present and voting at an annual or special meeting, duly
2 warned for that purpose.

3 (c) The term of office of a municipal clerk in office on the date a
4 municipality votes to allow the legislative body to appoint a municipal clerk
5 shall expire 45 calendar days after the vote or on the date upon which the
6 legislative body appoints a municipal clerk under this section, whichever
7 occurs first, unless a petition for reconsideration or rescission is filed in
8 accordance with section 2661 of this title.

9 (d) The authority to authorize the legislative body to appoint the municipal
10 clerk as provided in this section shall extend to all municipalities except those
11 that have a charter that specifically provides for the election or appointment of
12 the office of municipal clerk.

13 Sec. 6. 17 V.S.A. § 2651f is amended to read:

14 § 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

15 (a)(1) A municipality may vote at an annual meeting to authorize the
16 legislative body to appoint the municipal treasurer.

17 (2) A treasurer so appointed may be removed by the legislative body for
18 just cause after notice and hearing.

19 (b) A vote to authorize the legislative body to appoint the treasurer shall
20 remain in effect until rescinded by the majority vote of the ~~legal~~ registered
21 voters present and voting at an annual or special meeting, duly warned for that
22 purpose.

1 (c) The term of office of a treasurer in office on the date a municipality
2 votes to allow the legislative body to appoint a treasurer shall expire 45
3 calendar days after the vote or on the date upon which the legislative body
4 appoints a treasurer under this section, whichever occurs first, unless a petition
5 for reconsideration or rescission is filed in accordance with section 2661 of this
6 title.

7 (d) The authority to authorize the legislative body to appoint the treasurer
8 as provided in this section shall extend to all municipalities except those that
9 have a charter that specifically provides for the election or appointment of the
10 office of municipal treasurer.

11 * * * Local Incompatible Offices * * *

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

13 § 2647. INCOMPATIBLE OFFICES

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

1 (4) any other area within 25 feet of State-owned buildings and offices,
2 except that to the extent that any portion of the 25-foot zone is not on State
3 property, smoking is prohibited only in that portion of the zone that is on State
4 property unless the owner of the adjoining property chooses to designate his or
5 her property smoke-free.

6 * * *

7 * * * Animal Pounds * * *

8 Sec. 9. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

9 Subchapter 2. Pounds and Impounding

10 Article 1. General Provisions

11 § 3381. MAINTENANCE OF POUNDS

12 (a)(1) Each organized town shall maintain as many good and sufficient
13 pounds as it may need for the impounding of ~~beasts~~ animals liable to be
14 impounded.

15 (2) The pound may be kept in an adjacent town if the adjacent town
16 consents and the poundkeeper may be a resident of an adjacent town.

17 (b) Each town may regulate the operation of its pounds except as to matters
18 regulated by ~~statute~~ law.

19 § 3382. ~~PENALTY FOR FAILURE TO MAINTAIN POUND~~

20 ~~If a town, for the term of six months at one time, is without such pound, it~~
21 ~~shall be fined \$30.00. [Repealed.]~~

22 * * *

1 Sec. 10. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;

2 20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE “BEAST”

3 WITH “ANIMAL”

4 When preparing the Vermont Statutes Annotated for publication, the Office
5 of Legislative Council shall replace “beast” with “animal” and “beasts” with
6 “animals” throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and
7 impounding), provided the revisions have no other effect on the meaning of the
8 affected statutes.

9 * * * Assistant Town Clerks * * *

10 Sec. 11. 24 V.S.A. § 1171 is amended to read:

11 § 1171. DUTIES OF ASSISTANT CLERK

12 (a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the
13 recording and filing duties of the town clerk, to issue licenses and certified
14 copies of records, and, in the absence, death, or disability of the town clerk, is
15 further authorized to perform all other duties of ~~such~~ the clerk.

16 (b) If ~~the~~ there is a vacancy in the office of town clerk ~~dies~~, the authority of
17 the assistant town clerk to perform the duties of the town clerk shall continue
18 until a successor is appointed by the selectboard under section 963 of this title.

1 § 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

2 (a) The board of civil authority, with the listers and the town treasurer,
3 shall constitute a board for the abatement of town, ~~town school district,~~ and
4 ~~current use~~ property taxes and water and sewer charges.

5 (b) The act of a majority of a quorum at a meeting shall be treated as the act
6 of the board. This quorum requirement need not be met if the town treasurer, a
7 majority of the listers, and a majority of the selectboard are present at the
8 meeting.

9 * * *

10 § 1535. ABATEMENT

11 (a) The board may abate in whole or part taxes, water charges, sewer
12 charges, interest, ~~or~~ and collection fees, other than those arising out of a
13 corrected classification of homestead or nonresidential property, accruing to
14 the town in the following cases:

- 15 (1) taxes or charges of persons who have died insolvent;
16 (2) taxes or charges of persons who have removed from the State;
17 (3) taxes or charges of persons who are unable to pay their taxes or
18 charges, interest, and collection fees;
19 (4) taxes in which there is manifest error or a mistake of the listers;
20 (5) taxes or charges upon real or personal property lost or destroyed
21 during the tax year;

1 (6) the exemption amount available under 32 V.S.A. § 3802(11) to
2 persons otherwise eligible for exemption who file a claim on or after May 1
3 but before October 1 due to the claimant’s sickness or disability or other good
4 cause as determined by the board of abatement; but that exemption amount
5 shall be reduced by 20 percent of the total exemption for each month or portion
6 of a month the claim is late filed;

7 (7), (8) [Repealed.]

8 (9) taxes or charges upon a mobile home moved from the town during
9 the tax year as a result of a change in use of the mobile home park land or parts
10 thereof; or closure of the mobile home park in which the mobile home was
11 sited, pursuant to 10 V.S.A. § 6237.

12 (b) The board’s abatement of an amount of tax or charge shall
13 automatically abate any uncollected interest and fees relating to that amount.

14 (c) The board shall, in any case in which it abates taxes or charges, interest,
15 or collection fees accruing to the town; or denies an application for abatement,
16 state in detail in writing the reasons for its decision.

17 (d)(1) The board may order that any abatement as to an amount or amounts
18 already paid be in the form of a refund or in the form of a credit against the tax
19 or charge for the next ensuing tax year; or charge billing cycle and for
20 succeeding tax years or billing cycles if required to use up the amount of the
21 credit.

1 spouse of such the town treasurer, or any person acting in the capacity of clerk
2 for the town treasurer.

3 § 1623. SIGNING ORDERS

4 (a) The selectboard may do either of the following:

5 (1) Authorize one or more members of the board to examine and allow
6 claims against the town for town expenses and draw orders for such claims to
7 the party entitled to payment.

8 (A) Orders shall state definitely the purpose for which ~~they are~~ each
9 is drawn and shall serve as full authority to the treasurer to make the payments.

10 (B) The selectboard shall be provided with a record of orders drawn
11 under this subdivision (1) whenever orders are signed by less than a majority
12 of the board; ~~or~~.

13 (2) Submit to the town treasurer a certified copy of those portions of the
14 selectboard minutes, properly signed by the clerk and chair or by a majority of
15 the board, showing to whom and for what purpose each payment is to be made
16 by the treasurer. The certified copy of the minutes shall serve as full authority
17 to the treasurer to make the approved payments.

18 (b) This section shall apply to all municipal public bodies authorized by
19 law to draw orders on the municipal treasurer.

20 * * *

1 Subchapter. 5. Auditors and Audits

2 * * *

3 § 1684. TRUST ASSETS; INDEBTEDNESS

4 The auditors shall make a detailed statement showing:

5 (1) ~~The~~ the condition of all trust funds in which the town is interested
6 ~~with~~ and a list of the assets of such funds, including the account of receipts and
7 disbursements for the preceding year;

8 (2) ~~What~~ what bonds of the town ~~or town school district~~
9 ~~with~~ and the rate of interest and the amount thereof; and

10 (3) ~~What interest bearing~~ what interest-bearing notes or orders of the
11 town ~~or town school district~~ are outstanding ~~with~~ and the serial number, date,
12 amount, payee, and rate of interest of each; and the total amount thereof.

13 * * * Penalties for Municipal Violations * * *

14 Sec. 14. 24 V.S.A. § 1974 is amended to read:

15 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

16 (a)(1) The violation of a criminal ordinance or rule adopted by a
17 municipality under this chapter shall be a misdemeanor.

18 (2) The criminal ordinance or rule may provide for a fine or
19 imprisonment, but no fine ~~may~~ shall exceed ~~\$500.00~~ \$800.00, nor may any
20 term of imprisonment exceed one year.

21 (3) Each day the violation continues shall constitute a separate offense.

22 * * *

1 Sec. 15. 24 V.S.A. § 2201 is amended to read:

2 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
3 REFUSE; PENALTY; SUMMONS AND COMPLAINT

4 (a)(1) Prohibition. Every person shall be responsible for proper disposal of
5 his or her own solid waste. A person shall not throw, dump, deposit, or cause,
6 or permit to be thrown, dumped, or deposited any solid waste as defined in
7 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on
8 lands or waters of the State outside a solid waste management facility certified
9 by the Agency of Natural Resources.

10 * * *

11 (b) Prosecution of violations. A person who violates a provision of this
12 section commits a civil violation and shall be subject to a civil penalty of not
13 more than ~~\$500.00~~ \$800.00.

14 (1) This violation shall be enforceable in the Judicial Bureau pursuant to
15 the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a
16 municipal attorney, a solid waste management district attorney, an
17 environmental enforcement officer employed by the Agency of Natural
18 Resources, a grand juror, ~~or~~ a designee of the legislative body of the
19 municipality, or ~~by~~ any duly authorized law enforcement officer.

20 (2) If the throwing, placing, or depositing was done from a snowmobile,
21 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable

1 presumption that the throwing, placing, or depositing was done by the operator
2 of ~~such~~ the snowmobile, vessel, or motor vehicle.

3 (3) Nothing in this section shall be construed as affecting the operation
4 of an automobile graveyard or salvage yard as defined in section 2241 of this
5 title, nor shall anything in this section be construed as prohibiting the
6 installation and use of appropriate receptacles for solid waste provided by the
7 State or towns.

8 * * *

9 Sec. 16. 24 V.S.A. § 2297a is amended to read:

10 § 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,
11 CITY, OR INCORPORATED VILLAGE

12 (a) Solid waste order. A legislative body may issue and enforce a solid
13 waste order in accordance with this section. A solid waste order may include a
14 directive that the respondent take actions necessary to achieve compliance with
15 the ordinance, to abate hazards created as a result of noncompliance, or to
16 restore the environment to the condition existing before the violation and may
17 include a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and
18 in the case of a continuing violation, not more than \$100.00 for each
19 succeeding day. In determining the amount of civil penalty to be ordered, the
20 legislative body shall consider the following:

21 (1) the degree of actual or potential impact on public health, safety,
22 welfare, and the environment resulting from the violation;

- 1 (2) whether the respondent has cured the violation;
- 2 (3) the presence of mitigating circumstances;
- 3 (4) whether the respondent knew or had reason to know the violation
- 4 existed;
- 5 (5) the respondent's record of compliance;
- 6 (6) the economic benefit gained from the violation;
- 7 (7) the deterrent effect of the penalty;
- 8 (8) the costs of enforcement;
- 9 (9) the length of time the violation has existed.

10 * * *

11 (e) Contents of proposed order. A proposed order shall include:

12 * * *

13 (5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for
14 each violation and in the case of a continuing violation, not more than \$100.00
15 for each succeeding day.

16 * * * Road Commissioner Compensation * * *

17 Sec. 17. 32 V.S.A. § 1225 is amended to read:

18 § 1225. TOWN ROAD COMMISSIONER

19 The compensation of a town road commissioner shall be fixed by the
20 selectboard, ~~shall not be less than \$2.00 per day for time actually spent, and~~
21 ~~shall be paid out of the Transportation Fund.~~

1 (2)(A) Each property, the appraisal of which is being appealed, shall be
2 inspected by a committee of not less than three members of the board ~~who~~. At
3 least one lister shall be allowed to attend the inspection. The committee shall
4 report to the board within 30 days from the hearing on the appeal and before
5 the final decision pertaining to the property is given.

6 (B) If, after notice, the appellant refuses to allow an inspection of the
7 property or attendance of at least one lister as required under this subsection,
8 including the interior and exterior of any structure on the property, the appeal
9 shall be deemed withdrawn.

10 (3) The board shall, within 15 days from the time of the report, certify in
11 writing its notice of decision, with reasons, in the premises, and shall file ~~such~~
12 the notice with the town clerk, who shall thereupon record the same in the
13 book wherein the appeal was recorded and forthwith notify the appellant in
14 writing of the action of ~~such~~ the board, by certified mail.

15 (4)(A) If the board does not substantially comply with the requirements
16 of this subsection and if the appeal is not withdrawn by filing written notice of
17 withdrawal with the board or deemed withdrawn as provided in this
18 subsection, the grand list of the appellant for the year for which appeal is being
19 made shall remain at the amount set before the appealed change was made by
20 the listers; except, if there has been a complete reappraisal, the grand list of the
21 appellant for the year for which appeal is being made shall be set at a value

1 ~~which~~ that will produce a tax liability equal to the tax liability for the
2 preceding year.

3 (B) The town clerk shall immediately record the same in the book
4 wherein the appeal was recorded and forthwith notify the appellant in writing
5 of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined
6 pursuant to this subsection shall become a part of the grand list of such person.

7 (d) Listers and agents to prosecute and defend suits wherein a town is
8 interested shall not be eligible to serve as members of the board while
9 convened to hear and determine ~~such~~ those appeals nor shall an appellant, or
10 his or her servant, agent, or attorney be eligible to serve as a member of the
11 ~~Board~~ board while convened to hear and determine any appeals. However,
12 listers and agents to prosecute and defend suits wherein a town is interested
13 shall be given the opportunity to defend the appraisals in question.

14 * * * State Holidays * * *

15 Sec. 19. 1 V.S.A. § 371 is amended to read:

16 § 371. LEGAL HOLIDAYS

17 (a) The following shall be legal holidays:

18 New Year's Day, January 1;

19 Martin Luther King, Jr.'s Birthday, the third Monday in January;

20 ~~Lincoln's Birthday, February 12;~~

21 ~~Washington's Birthday~~ Presidents' Day, the third Monday in February;

22 Town Meeting Day, the first Tuesday in March;

- 1 Memorial Day, the last Monday in May;
- 2 Independence Day, July 4;
- 3 Bennington Battle Day, August 16;
- 4 Labor Day, the first Monday in September;
- 5 Columbus Day, the second Monday in October;
- 6 Veterans' Day, November 11;
- 7 Thanksgiving Day, the fourth Thursday in November;
- 8 Christmas Day, December 25.

9 * * *

10 * * * Effective Date * * *

11 Sec. 20. EFFECTIVE DATE

12 This act shall take effect on July 1, 2018.

13

14

15

16

17

18 (Committee vote: _____)

19

20

Representative _____

21

FOR THE COMMITTEE