

1 H.154

2 Introduced by Representatives Donovan of Burlington, Bissonnette of
3 Winooski, Cina of Burlington, Colburn of Burlington, Gonzalez
4 of Winooski, Krowinski of Burlington, McCormack of
5 Burlington, Ode of Burlington, O’Sullivan of Burlington,
6 Rachelson of Burlington, Sullivan of Burlington, and Wright of
7 Burlington

8 Referred to Committee on

9 Date:

10 Subject: Municipal government; municipal charters; City of Burlington;
11 amendments

12 Statement of purpose of bill as introduced: This bill proposes to approve
13 amendments to the charter of the City of Burlington.

14 An act relating to approval of amendments to the charter of the City of
15 Burlington

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

17 Sec. 1. CHARTER AMENDMENT APPROVAL

18 The General Assembly approves the amendments to the charter of the City
19 of Burlington as set forth in this act. Proposals of amendments were approved
20 by the voters on November 8, 2016.

1 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

2 CHAPTER 3. CITY OF BURLINGTON

3 * * *

4 § 48. ENUMERATED

5 The City Council shall have power:

6 * * *

7 (58)(A) To acquire and hold by lease, purchase, gift, condemnation
8 under the provisions of 24 V.S.A. §§ 2805 through 2812, inclusive of the
9 Vermont Statutes Annotated, as amended, or otherwise, and to maintain and
10 operate within the limits of Chittenden County, a municipal parking lot or lots,
11 ~~and~~ a municipal parking garage or garages, and any other municipal parking
12 structure(s), and to alter, improve, extend, add to, construct, and reconstruct
13 such lots or garages, subject, however, to the provisions hereinafter contained
14 in this subdivision. In exercising the foregoing power, and notwithstanding the
15 preceding sentence, the City Council shall not, except pursuant to subdivision
16 (50) of this section and section 276 of this charter, have authority to acquire
17 any property outside the limits of the City of Burlington through the use of the
18 power of eminent domain or condemnation. The City Council shall not be
19 exempt from the responsibility for securing all applicable permits from any
20 community within Chittenden County outside the limits of Burlington in which
21 it desires to construct a parking lot or garage. Any parking lot or garage

1 constructed by the City outside the corporate limits of Burlington shall be
2 subject to the ad valorem property tax of the community in which it is located.

3 (B) The Board of Public Works Commissioners shall have general
4 control, management, and supervision of all municipal parking lots and
5 garages. ~~Said~~ The Board shall have power to make regulations with respect to
6 the use of all such municipal parking lots and garages, including reasonable
7 terms, conditions, and charges, and shall also have the power to regulate the
8 parking, operation, and speed of vehicles and pedestrian and vehicular traffic
9 on the public highways of the City, including such ways, streets, alleys, lanes,
10 or other places as may be open to the public, to erect, maintain, and operate
11 ~~coin-operated parking meters~~ equipment and systems for the ~~regulations~~
12 regulation of parking of vehicles, to govern and control the erection of
13 guideposts, street signs, and street safety devices on ~~said~~ the highways, and to
14 prescribe regulations and penalties for violation of the same in respect to all of
15 ~~said~~ the matters and to remove and impound as a public nuisance, at the
16 expense of the owner, any vehicle found parking on a public highway or in a
17 municipal parking lot or garage in violation of any City ordinance or any
18 regulation hereunder, and to prescribe the terms and conditions upon which the
19 owner may redeem such vehicle from the pound, which regulations, when
20 published in the manner provided in section 49 for the publication of
21 ordinances, shall have the force and effect of ordinances of the City, and

1 violations of which shall be subject to the penalties provided in section 50 of
2 this charter. All ordinances of the City, and all regulations of the Board of
3 Parking Commissioners, in effect prior to July 1, 1959, shall remain in full
4 force and effect notwithstanding that the subject matter thereof shall be within
5 the jurisdiction of the Board of Public Works Commissioners, unless and until
6 such Board shall, by regulation duly adopted and published, alter, amend, or
7 repeal the same.

8 (C) ~~Said~~ The Board shall also from time to time recommend to the
9 City Council the acquisition or construction of municipal parking lots or
10 garages, and the City Council shall not authorize such acquisition or
11 construction without such recommendation, nor shall the City Council dispose
12 of or lease to others for operation any municipal parking lot or garage without
13 the recommendation of ~~said~~ the Board.

14 (D) All receipts from the operation or lease of ~~said~~ municipal parking
15 lots and garages shall be kept by the City Treasurer in a separate fund, ~~which~~
16 ~~shall not at the end of any fiscal year become a part of the General Fund of the~~
17 ~~City under the provisions of section 65 of this Charter, except as hereinafter~~
18 ~~provided. Expenditures from said fund may be authorized by said Board to be~~
19 known as the Parking Facilities Fund and shall be used for the purpose of
20 paying any and all ~~operating~~ expenses of said related to operating, maintaining,
21 acquiring, constructing, or expanding the lots and garages, including salaries

1 ~~and rentals. any payments on any obligation incurred for construction or repair~~
2 ~~of those lots or garages. Any amounts unused at the end of a fiscal year shall~~
3 ~~be carried over to the next fiscal year. All revenues generated from on-street~~
4 ~~parking equipment and systems shall be used by the City Council for traffic~~
5 ~~regulation and control, including acquisition or maintenance of parking~~
6 ~~facilities; proper repair or construction of streets, sidewalks, and bridges;~~
7 ~~traffic or parking demand management facilities, planning, or services; traffic~~
8 ~~calming measures; and other transportation-related activities. In addition, the~~
9 ~~City Council may vote to place any such revenues in the Parking Facilities~~
10 ~~Fund, at its discretion. There shall also be credited to said fund by the City~~
11 ~~Treasurer such portion of the receipts of traffic meter installations on the~~
12 ~~public streets of the City as is not appropriated by the City Council for the~~
13 ~~purpose of purchasing and operating said traffic meter installations or~~
14 ~~controlling or regulating traffic. At the close of each fiscal year, the City~~
15 ~~Treasurer shall credit to the General Fund of the City such portion of the~~
16 ~~balance of said Fund, after the payment of operating expenses, as may be~~
17 ~~required to meet interest payments on any obligations issued for the purpose of~~
18 ~~acquiring, altering, improving, extending, adding to, constructing, or~~
19 ~~reconstructing such parking lots or garages, and shall further credit to the~~
20 ~~sinking fund of the City such further portion of said balance as may be~~
21 ~~required to meet principal payments on any obligations issued for said purpose,~~

1 ~~provided, however, that any pledge, assignment, or hypothecation of net~~
2 ~~revenues under paragraph (E) shall be complied with before making such~~
3 ~~credits.~~

4 (E) If it shall reasonably appear to ~~said~~ the Board of Public Works
5 commissioners at any time that the receipts from ~~said~~ the existing municipal
6 parking lots or garages are in excess of the amounts required for the purposes
7 enumerated in ~~the preceding paragraph~~ subdivision (D) of this subdivision
8 (58), and that the acquisition of further lots or garages is not required, they
9 shall cause rates and charges for the use of ~~said~~ the lots and garages, or some
10 of them, to be reduced.

11 (F) ~~Subject~~ If the Board of Public Works commissioners, pursuant to
12 the provisions of paragraph subdivision (C) of this subdivision (58), has
13 recommended the acquisition or construction of a new parking lot or garage,
14 the City Council may from time to time pledge, assign, or otherwise
15 hypothecate the net revenues from ~~said~~ the lots or garages, after the payment of
16 operating expenses, and may mortgage any part or all of ~~said~~ the lots or
17 garages, including personal property located therein, to secure the payment of
18 the cost of purchasing, acquiring, leasing, altering, improving, extending,
19 adding to, constructing, or reconstructing ~~said~~ the lots or garages, but the City
20 Council shall not pledge the credit of the City for any of ~~said~~ the purposes
21 except in accordance with the provisions of section 62 of this charter.

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Sec. 3. EFFECTIVE DATE

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This act shall take effect on passage.