

No. M-6. An act relating to approval of amendments to the charter of the City of Burlington.

(H.544)

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City of Burlington as set forth in this act. The voters approved proposals of amendment on March 5, 2019.

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

CHAPTER 3. CITY OF BURLINGTON

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§ 48. ENUMERATED

The City Council shall have power:

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(63)(A) To establish and maintain a unified Department of Public Works, the superintendent of which will be designated Public Works Director, said Department to be managed and controlled by the Mayor and City Council ~~subject to the general laws of the State of Vermont pertaining to the inspection of buildings, plumbing, housing, and wiring.~~ The City Council may by resolution delegate any of its powers relating to the Public Works Department to the Board of Public Works commissioners.

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(E) Unless otherwise determined by resolution of the City Council, the Public Works Department shall, in addition to the Director, consist of a Streets Division, Water Division, Waste/Solid Waste Division, Traffic Division, Finance Division, Equipment Maintenance Division/Engineering Division, ~~Inspection Services Division~~, and Construction Division, each of which shall include a Manager who shall be hired as a City employee by the Director and shall serve subject to the direction of the Director.

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§ 81. TAX CLASSIFICATION; REPEAL OF INVENTORY TAX

(a) Except for the property of utilities subject to the provisions of 30 V.S.A. chapter 3, all personal and real property set out in the grand list which is not used as residential property, farmland, and vacant land zoned “recreation, conservation and open space (RCO)”, shall be classified as nonresidential property and shall be assessed at 120 percent of fair market value; and further provided that inventories and personal property belonging to an owner whose total personal property does not exceed the fair market value of ~~\$45,000.00~~ \$45,000.00 shall no longer be set out in the grand list of the City as taxable personal estate. Additionally, every owner whose total personal property does exceed the fair market value of \$45,000.00 shall be taxed only on the amount of that property that exceeds \$45,000.00. The amount of the exemption may be increased by the City Council prior to approval of the next fiscal year’s budget. Properties upon which in-lieu-of-tax payments are made shall be

likewise classified and assessed for the purposes of such payments. The tax on nonresidential personal property shall be eliminated effective July 1, 2026, or sooner by resolution of the City Council.

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§ 116. DUTIES GENERALLY

The Mayor shall be the Chief Executive Officer of the City. The Mayor shall use his or her best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Mayor shall take care that the funds of the City are properly expended, and shall recommend to the consideration of the City Council whatever measures the Mayor may deem necessary for the prudent and efficient management of the affairs of the City. The Mayor shall also be the Chief Conservator of the Peace and Safety of the City and as such is empowered to control and direct the police force, in case of riot, insurrection, or other emergency, when the Mayor may take command of the whole police force, including the Chief Executive thereof, and may for the occasion appoint and commission as many special policemen as the Mayor may deem necessary, who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The Mayor shall serve as a voting member of the Local Control Commissioners. The Mayor shall have those powers of a justice of the peace in the State of Vermont with respect to the performance of marriage

and/or civil unions. The Mayor, commencing on the first Monday in June 2002, shall appoint all City department heads who were heretofore appointed by City commissions, with the exception of the Superintendent of Schools, who shall continue to be appointed by the Board of School Commissioners, ~~and Planning Director who shall continue to be appointed by the Planning Commission.~~ Such appointments shall be subject to confirmation by a majority of the membership of the City Council. The appointment by the Mayor to the position of City officer or department head shall be on the basis of professional competency and/or meritorious performance relating to the duties of the position. In making department head appointments and in evaluating their performance, the Mayor shall consult with the applicable City commission. At least two applicable commissioners chosen by the chair shall be invited to participate in interviews for department head selection. The full applicable commission shall formally participate in the annual evaluation of a department head; and shall make a formal recommendation to the Mayor concerning the reappointment of a department head. Department heads shall have such administrative, personnel, and managerial authority as shall be delegated to them by the Mayor.

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§ 122. ENUMERATED

(a) On the first Monday in June 1998, the Mayor shall appoint a City Assessor and a Director of the Human Resources Department for a one-year

term commencing July 1, 1998. Commencing on the first Monday in June 1999, and biannually thereafter, the Mayor shall appoint such City Assessor and Human Resources Director for a term of two years commencing on the first day of July following the appointment, and until their successors have been appointed and qualified. The Mayor shall appoint on the first Monday of June, 1998 and annually thereafter, and whenever a vacancy occurs, a Chief Administrative Officer, a City Attorney and one or more assistant City attorneys, a City Constable and a Second, Third, and Fourth Constable, a City Engineer and Surveyor, a City Grand Juror and Assistant City Grand Juror, a Harbor Master, a Poundkeeper or a firm or corporation to provide the services of such, a Director of the Community and Economic Development Office, a Director of Burlington City Arts, and Civil Defense Director. All of the above-referenced appointments shall require the approval of a majority of the City Council. Additionally, commencing on the first Monday in June 2002, and whenever a vacancy occurs, the Mayor shall appoint a Director of Aviation, a Cemetery Superintendent, an Executive Director of the Church Street Marketplace District, a General Manager/Superintendent of the Electric Department, a Chief Engineer of the Fire Department, a librarian(s) of the Fletcher Free Library, a Superintendent of the Parks and Recreation Department, a Police Chief, and a Superintendent/Director of the Public Works Department. The Mayor shall also appoint a Director of Permitting and Inspections, a Zoning Administrative

Officer, and a Director of Planning. The first two appointments of an individual to serve in any such position shall be for one-year terms. After an individual has served in a position for two successive years, the Mayor may thereafter appoint such person to serve terms of not more than three years, except that in no case shall an appointment be valid for more than 15 months following the election of a new Mayor. In all cases, such appointments shall continue until their successors have been appointed and qualified. The Mayor shall also have the authority to appoint the superintendent/director of any City department which may hereafter be created by the City Council.

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§ 130. MANNER OF FILLING VACANCY AND RESIDENCY
REQUIREMENT

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(c) Except as provided below, any person appointed by the Mayor and approved by the City Council for the position of City Assessor, City Attorney, Chief Administrative Officer, City Constable, Civil Defense Director, Director of the Office of Community and Economic Development, Harbor Master, Director of Planning, Director of Permitting and Inspections, or Human Resources Director, and any person appointed to be the superintendent or corresponding Chief Executive Officer of the Cemetery, Electric Light, Fire, Parks and Recreation, ~~Planning,~~ Police, Public Works, or School Departments shall, in order to be legally eligible to serve, either be a legal voter of the City

as of the date his or her term of office commences and at all times thereafter or, if not a legal voter as of the date his or her term of office commences, shall become a legal voter within the City within one year from the date such term of office commences and maintain such status at all times thereafter. In case of personal hardship found and declared to exist by the City Council with Mayor presiding, the time limit for an individual to become a legal voter of the City may be extended for a set period of time beyond one year.

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Subchapter 8. General Provisions

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Article 92A. Department of Permitting and Inspections

§ 370. CREATION OF DEPARTMENT OF PERMITTING AND INSPECTIONS

There is hereby created in the City of Burlington the Department of Permitting and Inspections that shall combine the permitting and inspection functions of the previously existing Planning and Zoning Department, Inspection Services Division of the Department of Public Works, and Code Enforcement Office.

§ 371. PURPOSES AND POWERS

(a) Subject to the orders and ordinances of the City Council, the Department of Permitting and Inspections shall provide a single location to

obtain permits and inspection services for all zoning, building, plumbing, electrical wiring, and minimum housing and rental unit matters.

(b) In furtherance of its purpose, the Department of Permitting and Inspections shall, subject to the orders and ordinances of the City Council, have the following rights, powers, and duties:

(1) to review development projects and ensure compliance with the City's building codes, land use bylaws, historic preservation guidelines, design, and subdivision standards;

(2) to issue permits, as provided in State law and local ordinances, for building, zoning, and related matters;

(3) to conduct inspections, as provided in State law and local ordinances, of buildings, plumbing systems, electrical wiring, and related matters;

(4) to conduct inspections to ensure compliance with zoning requirements and zoning, building, or related permits;

(5) to conduct inspections of rental housing units to ensure compliance with the Minimum Housing Code or other housing codes;

(6) to notice and enforce violations of building, zoning, minimum housing, and other laws, regulations, codes, or ordinances, as provided therein;

and

(7) to carry out the orders of the Board of Health.

§ 372. DEPARTMENT TO BE UNDER SUPERVISION OF DIRECTOR

The management, direction, and control of the Department of Permitting and Inspections shall be vested in the Director, subject to the orders and ordinances of the City Council.

§ 373. POWERS, DUTIES, AND RESPONSIBILITIES OF ZONING

ADMINISTRATIVE OFFICER

(a) The Zoning Administrative Officer shall have all of the powers, duties, and responsibilities as are provided in the Vermont Planning and Development Act to an administrative officer. The Director of Permitting and Inspections may also serve as the Zoning Administrative Officer.

(b) The Zoning Administrative Officer may delegate any or all of the Officer's authority under the Vermont Planning and Development Act to one or more assistant administrative officers as are qualified. Any such delegation must be made in writing and posted in the department offices.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 23, 2019