

1 H.745

2 Introduced by Representative Leffler of Enosburgh

3 Referred to Committee on

4 Date:

5 Subject: Municipalities; charter adoption

6 Statement of purpose of bill as introduced: This bill proposes to approve the

7 adoption of the charter of the Town of Montgomery, which would:

8 (1) organize the town government of the Town of Montgomery;

9 (2) adopt all general law that is not contradicted by this Charter; and

10 (3) initiate the use of a Local Options Tax on a contingent basis.

11 An act relating to the approval of the adoption of the charter of the Town of
12 Montgomery

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

14 ~~Sec. 1. CHARTER ADOPTION AND REPEAL AND MERGER~~

15 ~~APPROVAL~~

16 ~~The General Assembly approves the adoption of the Town of Montgomery~~

17 ~~charter, as set forth in this act. The voters approved these charters' adoption~~

18 ~~and repeal and the merger on March 1, 2022.~~

1 Sec. 2, 24 App. V.S.A., chapter 163 is added to read:

2 CHAPTER 163. TOWN OF MONTGOMERY

3 § 1. STATEMENT OF PURPOSE

4 Under the authority granted by the General Assembly of the State of
5 Vermont, this charter establishes certain guidelines with respect to organization
6 and functioning of local Town government in the Town of Montgomery,
7 Vermont.

8 § 2. GENERAL LAW; APPLICATION

9 Except when changed by the provisions of this charter, all provisions of the
10 State of Vermont relating to municipalities shall apply to the Town of
11 Montgomery.

12 § 3. LOCAL OPTIONS TAX

13 (a) The Selectboard is authorized to impose a one percent sales tax, a one
14 percent meals and alcoholic beverages tax, and a one percent rooms tax upon
15 the sales within the Town that are subject to the State of Vermont tax on sales,
16 meals, alcoholic beverages, and rooms.

17 (b) A tax imposed under the authority of this section shall be collected and
18 administered by the Vermont Department of Taxes in accordance with State
19 law governing the State tax on sales, meals, alcoholic beverages, and rooms.

20 (1) The amount of 70 percent of the taxes collected shall be paid to the
21 Town, and the remaining amount of the taxes collected shall be remitted to the

1 ~~State Treasurer for deposit in the Pilot Special Fund first established in 1997.~~

2 Act and Resolves No. 60, Sec. 89.

3 (2) The cost of the administration and collection of this tax shall be paid
4 70 percent by the Town and 30 percent by the State from the Pilot Special
5 Fund.

6 (c) The tax to be paid to the Town, less its obligation for the 70 percent of
7 the costs of administration and collection, shall be paid to the Town on a
8 quarterly basis and shall be set aside in the Sewer Reserve Fund to assist in the
9 repayment of debt obligations related to the construction of a Municipal
10 Wastewater System in Montgomery Center and Village.

11 § 4. SEPERABILITY

12 If any provision of this charter is held invalid, the other provisions of the
13 charter shall not be affected by that holding. If the application of the charter
14 or any of its provisions to any person or circumstances is held invalid, the
15 application of this charter and its provisions to other persons or circumstances
16 shall not be affected by that holding.

17 § 5. AMENDMENT

18 The amendment of this charter shall be as provided by law.

19 Sec. 3. EFFECTIVE DATE

20 ~~This act shall take effect on passage.~~

Sec. 1. CHARTER ADOPTION APPROVAL

The General Assembly approves the adoption of the charter of the Town of Montgomery as set forth in this act. The voters approved the adoption of the charter on March 1, 2022.

Sec. 2. 24 App. V.S.A. chapter 129B is added to read:

CHAPTER 129B. TOWN OF MONTGOMERY

§ 1. STATEMENT OF PURPOSE

Under the authority granted by the General Assembly of the State of Vermont, this charter establishes certain guidelines with respect to organization and functioning of local Town government in the Town of Montgomery.

§ 2. GENERAL LAW; APPLICATION

Except when changed by the provisions of this charter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Montgomery.

§ 3. LOCAL OPTIONS TAX

(a) The Selectboard is authorized to impose a one percent sales tax, a one percent meals and alcoholic beverages tax, and a one percent rooms tax upon the sales within the Town that are subject to the State of Vermont tax on sales, meals, alcoholic beverages, and rooms.

(b) A tax imposed under the authority of this section may be rescinded and shall be collected and administered pursuant to 24 V.S.A. § 138, provided that the Town shall:

(1) receive on a quarterly basis not less than 70 percent of the tax collected, less the per-return fee; and

(2) pay not more than 70 percent of the per-return fee.

(c) The tax to be paid to the Town shall be set aside in the Sewer Reserve Fund to assist in the repayment of debt obligations related to the construction of a Municipal Wastewater System in Montgomery Center and Village.

(d) The taxes authorized by this section shall expire 90 days after the date that the Town has fully repaid the debt obligations related to the construction of the Municipal Wastewater System in Montgomery Center and Village.

§ 4. SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected by that holding. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to other persons or circumstances shall not be affected by that holding.

§ 5. AMENDMENT

The amendment of this charter shall be as provided by law.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.