

1 S.181

2 Introduced by Senator White

3 Referred to Committee on Government Operations

4 Date: January 4, 2022

5 Subject: Municipal government; regulatory provisions; police power of
6 municipalities; miscellaneous regulatory powers

7 Statement of purpose of bill as introduced: This bill proposes to make
8 miscellaneous amendments related to the regulatory authority of municipal
9 corporations to:

10 (1) authorize the legislative body of a municipality to adopt ordinances
11 governing: the installation of sidewalks; the implementation of traffic-calming
12 measures; the location and installation of storm drains; property management
13 standards; the maintenance of vacant or blighted property; and the removal of
14 damaged or leaking boats from bodies of water;

15 (2) authorize municipalities to vote by Australian ballot to revert from
16 charter-specific authority to authority delegated in later-enacted general law;
17 elect nonresidents to town offices; add members to the municipal legislative
18 body; eliminate the office of constable; recall local officials; adopt a one
19 percent local options tax on sales, meals and alcoholic beverages, and rooms;
20 change the number of members that serve on an appropriate municipal panel;

1 and authorize the legislative body to appoint a moderator, trustees of public
2 funds, or cemetery commissioners;

3 (3) authorize the legislative body of a municipality to establish the
4 speed limits on municipal highways; deem the office of a legislative body
5 member vacant if the member fails to attend the minimum number of meetings
6 established in an annual attendance policy; expend town cemetery funds for
7 the purpose of improvements on cemetery property; and require compliance
8 with other municipal permits prior to the final issuance of a building permit;
9 and

10 (4) establish statutory provisions that may be used for the operation of
11 government in cases of emergency.

12 An act relating to authorizing miscellaneous regulatory authority for
13 municipal governments

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

15 ~~*** Ordinance Authority Subject to Permissive Referendum ***~~

16 Sec. 1. 24 V.S.A. § 2291 is amended to read:

17 § 2291. ENUMERATION OF POWERS

18 For the purpose of promoting the public health, safety, welfare, and
19 convenience, a town, city, or incorporated village shall have the following
20 powers.

1 (1) To set off portions of public highways of the municipality for
2 sidewalks and bicycle paths and to regulate their installation and use.

3 * * *

4 (4) To regulate the operation and use of vehicles of every kind including
5 the power: to erect traffic signs and signals; to regulate the speed of vehicles
6 subject to 23 V.S.A. chapter 13, subchapter 12; to implement traffic-calming
7 regulations, to regulate or exclude the parking of all vehicles; and to provide
8 for waiver of the right of appearance and arraignment in court by persons
9 charged with parking violations by payment of specified fines within a stated
10 period of time.

11 * * *

12 (6) To regulate the location, installation, maintenance, repair, and
13 removal of utility poles, wires and conduits, water pipes or mains, storm
14 drains, or gas mains and sewers, upon, under, or above public highways or
15 public property of the municipality.

16 * * *

17 (13) To compel the cleaning or repair of any premises that in the
18 judgment of the legislative body is dangerous to the health or safety of the
19 public and to establish property management standards applicable to all
20 premises within the municipality.

21

1 ~~(24) Upon the determination by a municipal building inspector, health~~
2 ~~officer, or fire marshal that a building within the boundaries of the town, city,~~
3 ~~or incorporated village is uninhabitable, vacant, or blighted, to recover all~~
4 ~~expenses incident to the maintenance of the uninhabitable, vacant, or blighted~~
5 ~~building with the expenses to constitute a lien on the property in the same~~
6 ~~manner and to the same extent as taxes assessed on the grand list, and all~~
7 ~~procedures and remedies for the collection of taxes shall apply to the collection~~
8 ~~of those expenses; provided, however, that the town, city, or incorporated~~
9 ~~village has adopted rules to determine the habitability of a building, including~~
10 ~~provisions for notice in accordance with 32 V.S.A. § 5252(3) to the building's~~
11 ~~owner prior to incurring expenses and including provisions for an~~
12 ~~administrative appeals process.~~

13 * * *

14 ~~(30) To remove abandoned or damaged and leaking boats from bodies~~
15 ~~of water, provided that the boat is located within 100 feet of a shoreline within~~
16 ~~the territorial limits of the municipality, and to seek damages against the owner~~
17 ~~of the boat for the actual cost of removing the boat from the body of water.~~

18 * * * Municipal Authority Subject to Voter Approval * * *

19 Sec. 2. 17 V.S.A. § 2645a is added to read:

20 § 2645a. CHARTERED MUNICIPALITIES; VOTE TO REVERT TO

21 ~~AUTHORITY PROVIDED BY GENERAL LAW~~

1 ~~(a) A municipality may propose to cede specific authority granted by~~
2 charter and instead use municipal authority delegated in later-enacted general
3 law, provided that the proposal is approved by the voters at any annual or
4 special meeting warned for that purpose according to the procedures
5 established in this section.

6 (b) The proposal may be made by the legislative body of the municipality
7 or by petition of five percent of the voters of the municipality. The proposal
8 shall specifically identify and contain the later-enacted general law that the
9 municipality proposes to use in lieu of the charter provision.

10 (c) The proposal shall be filed as a public record in the office of the clerk
11 of the municipality at least 10 days before the first public hearing and be
12 available for public inspection or copying upon request.

13 (d) The legislative body of the municipality shall hold at least two public
14 hearings prior to the meeting to vote on the charter proposal. Notice of each
15 public hearing and of the annual or special meeting shall be given in
16 accordance with section 2641 of this chapter.

17 ~~(e) Voting on a proposal shall be by Australian ballot.~~

1 ~~Sec. 3. 17 V.S.A. § 2646a is added to read:~~

2 § 2646a. TOWN OFFICERS; TOWN VOTE TO ALLOW ELECTION OF
3 NONRESIDENTS

4 (a) Notwithstanding section 2646 of this subchapter, a municipality may
5 propose to allow nonresidents to be elected as town officers. The proposal
6 must be approved by the voters at any annual or special meeting warned for
7 that purpose.

8 (b) The proposal may be made by the legislative body of the municipality
9 or by petition of five percent of the voters of the municipality. The proposal
10 shall identify the town office that may be filled by a nonresident. Voting on a
11 proposal shall be by Australian ballot.

12 Sec. 4. 17 V.S.A. § 2650 is amended to read:

13 § 2650. ADDITIONAL LISTERS AND SELECTBOARD MEMBERS

14 * * *

15 (b) Additional selectboard members.

16 (1)(A) A town may vote at a special or annual town meeting to elect
17 two additional selectboard members for terms of either one or two years each.

18 * * *

19 (2)(A) If two or more additional selectboard member positions are
20 created, they shall be for terms of the same length, but if the terms of the new
21 positions are to be for two years, when the additional selectboard members are

1 ~~first elected, one shall be elected the terms of the members shall be staggered~~
2 with a member or members elected for one year and the other selectboard
3 member or members elected for two years.

4 * * *

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

6 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION
7 OF OFFICE

8 * * *

9 (d)(1) A town may vote by Australian ballot at an annual meeting to
10 eliminate the office of constable.

11 (2)(A) If a town votes to eliminate the office of constable, the
12 selectboard shall appoint a qualified law enforcement officer, who need not be
13 a resident of the town.

14 (B) The law enforcement officer appointed by the selectboard shall
15 have the same powers, discharge the same duties subject to 24 V.S.A. § 1936a,
16 proceed in the discharge thereof in the same manner, and be subject to the
17 same liabilities as are prescribed for constables.

18 (3) A vote to eliminate the office of constable shall remain in effect
19 until rescinded by majority vote of the registered voters present and voting at
20 an annual meeting warned for that purpose.

1 ~~(4) The term of office of any constable in office on the date a town~~
2 votes to eliminate that office shall expire on the 45th day after the vote or on
3 the date upon which the selectboard appoints a law enforcement officer under
4 this subsection, whichever occurs first.

5 Sec. 6. 17 V.S.A. § 2668 is added to read:

6 § 2668. RECALL OF LOCAL OFFICIALS

7 (a) Any elected municipal officer may be removed from office subject to
8 the procedure for voter-initiated petition contained in this section.

9 (b) A petition for a vote on the question of recalling an elected municipal
10 officer shall be signed by not less than 15 percent of the active registered
11 voters of the municipality and presented to the legislative body or the clerk of
12 the municipality.

13 (c) When a petition is submitted in accordance with subsection (b) of this
14 section, the legislative body shall call a special meeting within 60 days from
15 the date of receipt of the petition, or include an article in the warning for the
16 next annual meeting of the municipality if the annual meeting falls within the
17 60-day period, to determine whether the voters will remove the elected
18 municipal officer.

19 (d) When the petition is approved by a majority of the ballots cast at the
20 special or annual meeting, the elected municipal officer named in the petition
21 shall cease to hold the office.

1 ~~(e) A vacancy resulting from the recall of an elected municipal officer shall~~
2 ~~be filled pursuant to 24 V.S.A. chapter 33, subchapter 6.~~

3 ~~(f) A recall petition shall not be brought against an individual elected~~
4 ~~municipal officer more than once within any 12-month period.~~

5 Sec. 7. 24 V.S.A. § 138 is amended to read:

6 § 138. LOCAL OPTION TAXES

7 ~~(a) Local option taxes are authorized under this section for the purpose of~~
8 ~~affording municipalities an alternative method of raising municipal revenues to~~
9 ~~facilitate the transition and reduce the dislocations in those municipalities that~~
10 ~~may be caused by reforms to the method of financing public education under~~
11 ~~the Equal Educational Opportunity Act of 1997. Accordingly:~~

12 ~~(1) the local option taxes authorized under this section may be imposed~~
13 ~~by a municipality;~~

14 ~~(2) a municipality opting to impose a local option tax may do so prior to~~
15 ~~July 1, 1998 to be effective beginning January 1, 1999, and anytime after~~
16 ~~December 1, 1998 a local option tax shall be effective beginning on the next~~
17 ~~tax quarter following 90 days' notice to the Department of Taxes of the~~
18 ~~imposition; and~~

19 ~~(3) a local option tax may only be adopted by a municipality in which:~~

20 ~~(A) the education property tax rate in 1997 was less than \$1.10 per~~
21 ~~\$100.00 of equalized education property value, or~~

1 ~~(B) the equalized grand list value of personal property, business~~
2 ~~machinery, inventory, and equipment is at least ten percent of the equalized~~
3 ~~education grand list as reported in the 1998 Annual Report of the Division of~~
4 ~~Property Valuation and Review; or~~

5 ~~(C) the combined education tax rate of the municipality will increase~~
6 ~~by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of~~
7 ~~the combined education property tax in the previous fiscal year. [Repealed.]~~

8 (b) If the legislative body of a municipality by a majority vote
9 recommends, the voters of a municipality may, at an annual or special meeting
10 warned for that purpose, by a majority vote of those present and voting, assess
11 any or all of the following:

- 12 (1) a one percent sales tax;
- 13 (2) a one percent meals and alcoholic beverages tax;
- 14 (3) a one percent rooms tax.

15 * * *

16 Sec. 8. 24 V.S.A. § 4460 is amended to read:

17 § 4460. APPROPRIATE MUNICIPAL PANELS

18 * * *

19 (c) In the case of an urban municipality or of a rural town where the
20 planning commission does not serve as the board of adjustment or the
21 ~~development review board, members of the board of adjustment or the~~

1 ~~development review board shall be appointed by the legislative body, the~~
2 number and terms of office of which shall be determined by the legislative
3 body subject to the provisions of subsection (a)(b) of this section. The
4 municipal legislative body may appoint alternates to a planning commission, a
5 board of adjustment, or a development review board for a term to be
6 determined by the legislative body. Alternates may be assigned by the
7 legislative body to serve on the planning commission, the board of adjustment,
8 or the development review board in situations when one or more members of
9 the board are disqualified or are otherwise unable to serve. Vacancies shall be
10 filled by the legislative body for the unexpired terms and upon the expiration
11 of such terms. Each member of a board of adjustment or a development
12 review board may be removed for cause by the legislative body upon written
13 charges and after public hearing. If a development review board is created,
14 provisions of this subsection regarding removal of members of the board of
15 adjustment shall not apply.

16 * * *

17 (f) Notwithstanding subsections (b) and (c) of this section, a municipality
18 may vote at an annual or special meeting to change the number of members
19 that may be appointed to a board of adjustment or development review board.

1 ~~(1) The proposal to change the number of members serving on a board~~
2 ~~may be brought by the legislative body or by petition of five percent of the~~
3 ~~voters of the municipality. Voting on a proposal shall be by Australian ballot.~~

4 ~~(2) If the number of members on a board is reduced, the legislative body~~
5 ~~shall determine which of the appointed members shall remain in office.~~

6 * * * Voter-Approved Authority to Appoint Moderator, Trustees of Public

7 Funds and Cemetery Commissioners * * *

8 Sec. 9. 17 V.S.A. § 2646 is amended to read:

9 § 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

10 At the annual meeting, a town shall choose from among its registered voters
11 the following town officers, who shall serve until the next annual meeting and
12 until successors are chosen, unless otherwise provided by law:

13 (1) A moderator, unless the town has voted to authorize the selectboard
14 to appoint the moderator as provided in section 2651g of this chapter.

15 * * *

16 (7) A first constable, and if needed a second constable, unless the town
17 has voted to authorize the selectboard to appoint constables or has eliminated
18 the office as provided in section 2651a of this chapter. The terms of office of
19 the first and second constable elected or appointed shall be for one year unless
20 a town votes that they shall be elected or appointed for terms of two years.

21 ~~when a town votes for a two-year term for the offices of first and second~~

1 ~~constable, the two year terms shall remain in effect until the town rescinds~~
2 them by a majority vote of the legal voters voting at an annual meeting, duly
3 warned for that purpose.

4 * * *

5 (12) A trustee of public funds if the town so votes, unless the town has
6 voted to authorize the selectboard to appoint the trustee of public funds as
7 provided in section 2651h of this chapter.

8 * * *

9 (14) A cemetery commissioner if the town so votes, unless the town has
10 voted to authorize the selectboard to appoint the cemetery commissioner as
11 provided in section 2651i of this chapter.

12 * * *

13 Sec. 10. 17 V.S.A. § 2651g is added to read:

14 § 2651g. MODERATOR; APPOINTMENT; REMOVAL

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

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

19 (b) A vote to authorize the legislative body to appoint the moderator shall
20 remain in effect until rescinded by the majority vote of the registered voters

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

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

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

13 Sec. 11. 17 V.S.A. § 2651h is added to read:

14 § 2651h. TRUSTEES OF PUBLIC FUNDS; APPOINTMENT; REMOVAL

15 (a)(1) A municipality may vote at an annual meeting to authorize the
16 legislative body to appoint the trustees of public funds.

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

19 (b) A vote to authorize the legislative body to appoint the trustees of public
20 funds shall remain in effect until rescinded by the majority vote of the

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

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

13 Sec. 12. 17 V.S.A. § 2651i is added to read:

14 § 2651i. CEMETERY COMMISSIONERS; APPOINTMENT; REMOVAL

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

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

19 (b) A vote to authorize the legislative body to appoint the cemetery

20 ~~commissioners shall remain in effect until rescinded by the majority vote of~~

1 ~~the 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 cemetery commissioner in office on the date a~~
4 ~~municipality votes to allow the legislative body to appoint the cemetery~~
5 ~~commissioners shall expire 45 calendar days after the vote or on the date upon~~
6 ~~which the legislative body appoints a commissioner under this section,~~
7 ~~whichever occurs first, unless a petition for reconsideration or rescission is~~
8 ~~filed in accordance with section 2661 of this title.~~

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

13 * * * Authority of Legislative Body without Voter Approval * * *

14 Sec. 13. 23 V.S.A. § 1007 is amended to read:

15 § 1007. LOCAL SPEED LIMITS

16 (a)(1) The legislative body of a municipality may establish, on the basis of
17 an engineering and traffic investigation, a speed limit on all or a part of any
18 city, town, or village highway within its jurisdiction, which:

19 (A) ~~is not more than 50 miles per hour; however, after considering~~
20 ~~neighborhood character, abutting land use, bicycle and pedestrian use, and~~
21 ~~physical characteristics of the highways, the legislative body of a municipality~~

1 ~~may vote to set the maximum speed limit, without an engineering and traffic~~
2 ~~investigation, at not more than 50 miles per hour nor less than 35 miles per~~
3 ~~hour, on all or a portion of unpaved town highways within its boundaries,~~
4 ~~unless otherwise posted in accordance with the provisions of this section; or~~
5 ~~(B) is not less than 25 miles per hour.~~

6 (2) If the legislative body of a municipality votes to set the speed limit
7 on all unpaved town highways in its boundaries at no more than 50 miles per
8 hour nor less than 35 miles per hour as provided for in subdivision (a)(1) of
9 this section, signs shall be located at points of change from one speed limit to
10 another.

11 * * *

12 Sec. 14. 24 V.S.A. § 961 is amended to read:

13 § 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES

14 * * *

15 (e) When a member of a municipal legislative body fails to attend within a
16 one-year period the minimum number of meetings established by the
17 legislative body in an annual attendance policy, the member's office shall
18 become vacant. However, the member's office shall not be deemed vacant
19 pursuant to an attendance policy until the legislative body of the municipality
20 has warned a regular meeting for that purpose and affords the member the
21 opportunity to demonstrate that the absences were due to a reasonable basis

1 ~~established in the attendance policy. An annual attendance policy may only be~~
2 established by unanimous resolution of the legislative body and shall be
3 renewed by the legislative body annually.

4 Sec. 15. 18 V.S.A. § 5361 is amended to read:

5 § 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

6 A town may vote sums of money necessary for purchasing, holding,
7 improving, and keeping in repair suitable grounds and other conveniences for
8 burying the dead. The selectboard may make necessary regulations concerning
9 public burial grounds and for fencing and keeping the same in proper order.

10 Sec. 16. 24 V.S.A. § 3107 is amended to read:

11 § 3107. CERTIFICATE OF PERMIT; FILING

12 (a) Before the construction or alteration of a building, the owner, builder, or
13 architect shall submit to the building inspector a comprehensive statement in
14 writing of the material to be used and the mode of construction of the proposed
15 building or alteration, with plans and specifications, if there are any. Work
16 thereon shall not be begun until the owner has received from the inspector a
17 certificate of permission specifying the material of which the outer walls and
18 other covering of the roof of such building are to be composed, the street upon
19 which, and the distance therefrom at which such building is to be placed. A
20 copy of such certificate shall be filed in the office of the inspector under the
21 ~~date of its issue.~~

1 ~~(b) Such The certificate shall not be granted until the inspector is satisfied~~
2 ~~that such the structure when completed will be properly built, and insofar as~~
3 ~~practicable of a fireproof construction; provided. Provided, however, that in~~
4 ~~those municipalities that have adopted the provisions of chapter 81 of this title,~~
5 ~~relating to municipal zoning, the building inspector, before issuing said~~
6 ~~building certificate, shall be satisfied that by the issuance of such certificate~~
7 ~~the zoning ordinance of said municipality will not be violated.~~

8 ~~(1) the issuance of the certificate or the building of the structure will not~~
9 ~~violate a bylaw adopted by the municipality pursuant to chapter 117 of this~~
10 ~~title; and~~

11 ~~(2) the owner, builder, or architect has acquired any necessary municipal~~
12 ~~permit or certificate related to sidewalks, water supply, sewer, building codes,~~
13 ~~or signage.~~

14 Sec. 17. 1 V.S.A. § 312a is added to read:

15 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

16 (a) As used in this section:

17 (1) "Affected public body" means a public body:

18 (A) whose regular meeting location is located in an area affected by a
19 hazard; and

20 (B) that cannot meet in a designated physical meeting location due to
21 a declared state of emergency pursuant to 20 V.S.A. Chapter 1.

1 ~~(2) "Hazard" means an "all hazards" as defined in 20 V.S.A. § 2(1).~~

2 ~~(b) Notwithstanding subdivisions 312(a)(2)(D) and (c)(2) of this title,~~
3 ~~during a declared state of emergency under 20 V.S.A. chapter 1:~~

4 ~~(1) A quorum or more of an affected public body may attend a regular,~~
5 ~~special, or emergency meeting by electronic or other means without~~
6 ~~designating a physical meeting location where the public may attend.~~

7 ~~(2) The members and staff of an affected public body shall not be~~
8 ~~required to be physically present at a designated meeting location.~~

9 ~~(3) An affected public body of a municipality may post any meeting~~
10 ~~agenda or notice of a special meeting in two publicly accessible designated~~
11 ~~electronic locations in lieu of the two designated public places in the~~
12 ~~municipality, or in a combination of a designated electronic location and a~~
13 ~~designated public place.~~

14 ~~(c) When an affected public body meets electronically under subsection (b)~~
15 ~~of this section, the affected public body shall:~~

16 ~~(1) use technology that permits the attendance and participation of the~~
17 ~~public through electronic or other means;~~

18 ~~(2) whenever feasible, allow the public to access the meeting by~~
19 ~~telephone, and~~

1 ~~(2) post information that enables the public to directly access and~~
2 participate in meetings electronically and shall include this information in the
3 published agenda for each meeting.

4 (d) Unless unusual circumstances make it impossible for them to do so, the
5 legislative body of each municipality and each school board shall record any
6 meetings held pursuant to this section.

7 (e) An affected public body of a municipality shall continue to post notices
8 and agendas in or near the municipal clerk's office pursuant to
9 subdivision 312(c)(2) of this title and shall provide a copy of each notice or
10 agenda to the newspapers of general circulation for the municipality.

11 Sec. 18. 32 V.S.A. § 4404 is amended to read:

12 § 4404. APPEALS FROM LISTERS AS TO GRAND LIST

13 * * *

14 (c)(1) The board shall meet at the time and place so designated, and on that
15 day and from day to day thereafter shall hear and determine such appeals until
16 all questions and objections are heard and decided. Each property, the
17 appraisal of which is being appealed, shall be inspected by a committee of not
18 less than three members of the board who shall report to the board within 30
19 days from the hearing on the appeal and before the final decision pertaining to
20 the property is given. If, after notice, the appellant refuses to allow an
21 inspection of the property as required under this subsection, including the

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

19 (2) During a declared state of emergency under 20 V.S.A. chapter 1, a
20 board of civil authority within a municipality affected by an all-hazards event
21 shall not be required to physically inspect any property that is the subject of an

1 ~~appeal. If the appellant requests in writing that the property be inspected for~~
2 purposes of the appeal, a member or members of the board shall conduct the
3 inspection through electronic means. If the appellant does not facilitate the
4 inspection through electronic means, then the appeal shall be deemed
5 withdrawn.

6 (3) As used in this subsection, “electronic means” means the transmittal
7 of video or photographic evidence by the appellant at the direction of the
8 board members conducting the inspection.

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

16 Sec. 19. 32 V.S.A. § 4467 is amended to read:

17 § 4467. DETERMINATION OF APPEAL

18 (a) Upon appeal to the Director or the court, the hearing officer or court
19 shall proceed de novo and determine the correct valuation of the property as
20 promptly as practicable and to determine a homestead and a housesite value if
21 ~~a homestead has been declared with respect to the property for the year in~~

1 ~~which the appeal is taken. The hearing officer or court shall take into account~~
2 the requirements of law as to valuation, and the provisions of Chapter I,
3 Article 9 of the Constitution of Vermont and the 14th Amendment to the
4 Constitution of the United States.

5 (b) If the hearing officer or court finds that the listed value of the property
6 subject to appeal does not correspond to the listed value of comparable
7 properties within the town, the hearing officer or court shall set ~~said~~ the
8 property in the list at a corresponding value. The findings and determinations
9 of the hearing officer shall be made in writing and shall be available to the
10 appellant.

11 (c)(1) If the appeal is taken to the Director, the hearing officer may inspect
12 the property prior to making a determination, unless one of the parties requests
13 an inspection, in which case the hearing officer shall inspect the property prior
14 to making a determination. Within 10 days of the appeal being filed with the
15 Director, the Director shall notify the property owner in writing of ~~his or her~~
16 the Director's option to request an inspection under this section.

17 (2) During a declared state of emergency under 20 V.S.A. chapter 1, a
18 hearing officer shall not be required to physically inspect any property that is
19 the subject of an appeal. If the appellant requests in writing that the property
20 be inspected for purposes of the appeal, the hearing officer shall conduct the
21 inspection through electronic means. If the appellant does not facilitate the

1 ~~inspection through electronic means, then the appeal shall be deemed~~
2 ~~withdrawn.~~

3 ~~(d) As used in this subsection, "electronic means" means the transmittal~~
4 ~~of video or photographic evidence by the appellant at the direction of the~~
5 ~~hearing officer conducting the inspection.~~

6 Sec. 20. 24 V.S.A. § 5152 is added to read:

7 § 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

8 (a) Notwithstanding this chapter or any provision of law to the contrary, a
9 municipality; a person who is permitted as a public water system pursuant to
10 10 V.S.A. chapter 56 and who provides another person water as a part of the
11 operation of that public water system; or a company engaged in the collecting,
12 sale, and distribution of water for domestic, industrial, business, or fire
13 protection purposes that is regulated by the Public Utility Commission under
14 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from
15 services during a declared state of emergency under 20 V.S.A. chapter 1,
16 provided that:

17 (1) the state of emergency is declared in response to an all-hazards event
18 that will cause financial hardship and the inability of ratepayers to pay for
19 water or sewer services; and

20 (2) the all-hazards event does not require the water or sewer service
21 provider to disconnect services to protect the health and safety of the public.

1 ~~(b)(1) A violation of subsection (a) of this section by a municipality or a~~
2 ~~person who is permitted as a public water system pursuant to 10 V.S.A.~~
3 ~~chapter 56 may be enforced by the Agency of Natural Resources pursuant to~~
4 ~~10 V.S.A. chapter 201.~~

5 (2) A violation of subsection (a) of this section by a company engaged
6 in the collecting, sale, and distribution of water for domestic, industrial,
7 business, or fire protection purposes that is regulated by the Public Utility
8 Commission under 30 V.S.A. § 203(3) may be enforced by the Public Utility
9 Commission pursuant to 30 V.S.A. § 30.

10 (c) A ratepayer shall remain obligated for any amounts due to a water or
11 sewer service provider subject to this section. The ratepayer shall have a
12 minimum of 90 days after the end of the declared state of emergency to pay
13 the amounts due.

14 Sec. 21. 20 V.S.A. § 47 is added to read:

15 § 47. MUNICIPAL DEADLINES, PLANS, AND LICENSES; EXTENSION

16 (a) During a state of emergency declared under this chapter, a municipal
17 corporation may:

18 (1) extend any statutory deadline applicable to municipal corporations,
19 provided that the deadline does not relate to a license, permit, program, or plan
20 issued or administered by the State or federal government, and

1 ~~(2) extend or waive deadlines applicable to licenses, permits, programs,~~
2 ~~or plans that are issued by the municipal corporation.~~

3 ~~(b) During a state of emergency declared under this chapter, any expiring~~
4 ~~license, permit, program, or plan issued by a municipal corporation that is due~~
5 ~~for renewal or review shall remain valid for 90 days after the date that the~~
6 ~~declared state of emergency ends.~~

7 * * * Repeal * * *

8 Sec. 22. REPEAL

9 19 V.S.A. § 312 (use of town highway funds) is repealed.

10 * * * Effective Date * * *

11 Sec. 23. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2022.~~

~~Ordinance Authority Subject to Permissive Referendum~~

Sec. 1. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(1) To set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their installation and use.

** * **

(4) To regulate the operation and use of vehicles of every kind including the power to erect traffic signs and signals; to regulate the speed of vehicles subject to 23 V.S.A. chapter 13, subchapter 12; to implement traffic-calming devices, to regulate or exclude the parking of all vehicles; and to provide for waiver of the right of appearance and arraignment in court by persons charged with parking violations by payment of specified fines within a stated

~~period of time~~

~~***~~

~~(6) To regulate the location, installation, maintenance, repair, and removal of utility poles, wires and conduits, water pipes or mains, storm drains, or gas mains and sewers, upon, under, or above public highways or public property of the municipality.~~

~~***~~

~~(13) To compel the cleaning or repair of any premises that in the judgment of the legislative body is dangerous to the health or safety of the public and to establish standards for the maintenance of all premises within the municipality to protect the health and safety of the public or to prevent injury to other properties in the vicinity.~~

~~***~~

~~(24) Upon the determination by a municipal building inspector, health officer, or fire marshal that a building within the boundaries of the town, city, or incorporated village is uninhabitable or blighted, to recover all expenses incident to the maintenance of the uninhabitable or blighted building with the expenses to constitute a lien on the property in the same manner and to the same extent as taxes assessed on the grand list, and all procedures and remedies for the collection of taxes shall apply to the collection of those expenses; provided, however, that the town, city, or incorporated village has adopted rules to determine the habitability of a building, including provisions for notice in accordance with 32 V.S.A. § 5252(3) to the building's owner prior to incurring expenses and including provisions for an administrative appeals process.~~

~~***~~

~~Sec. 2. 10 V.S.A. § 1420 is amended to read:~~

~~§ 1420. VESSELS; ABANDONMENT PROHIBITED; REMOVAL AND DISPOSITION OF ABANDONED VESSELS~~

~~***~~

~~(c) Abandonment of vessels prohibited.~~

~~(1) Civil violation. A person shall not abandon a vessel on public waters or immediately adjacent land. A person who violates this subdivision shall be subject to civil enforcement under chapters 201 and 211 of this title and, in any such enforcement action, the Secretary or municipality may obtain an order to recover costs specified in subdivision (d)(1) of this section incurred by the Agency of Natural Resources or the municipality.~~

~~(d)(1)(A) Removal of abandoned vessel. Upon request from a law enforcement officer or at his or her the Secretary's own initiative, the Secretary shall promptly cause the removal and safe storage of a vessel that is abandoned as described in subdivision (a)(1) of this section, unless the vessel is to be removed by a federal agency. If removal is requested by a law enforcement officer, the Secretary shall make reasonable efforts to determine if the vessel qualifies as abandoned. In addition, the Secretary shall have the authority to take actions as may be necessary to eliminate risks to public health or safety caused by the condition of the vessel.~~

~~(B) A municipality shall have the authority granted to the Secretary in subdivision (A) of this subdivision (d)(1) and may remove a damaged and leaking vessel from public waters, provided that:~~

~~(i) the municipality reports the presence of the abandoned vessel to the Secretary; and~~

~~(ii) the municipality reports the presence of the abandoned vessel to the owner of the vessel, if possible.~~

~~(C) A municipality shall have the authority to issue civil penalties and impound a vessel when exercising the authority granted pursuant to subdivision (B) of this subdivision (d)(1).~~

~~***~~

~~*** Municipal Authority Subject to Voter Approval ***~~

~~Sec. 3. 17 V.S.A. § 2645a is added to read:~~

~~§ 2645a. CHARTERED MUNICIPALITIES; VOTE TO SUSPEND
CHARTER AUTHORITY AND RELY ON GENERAL
MUNICIPAL LAW~~

~~(a) A municipality may propose to suspend for 3 years specific authority granted in the municipality's charter and instead use later-enacted general municipal authority granted to all Vermont municipalities by the General Assembly, provided that the proposal is approved by the voters at any annual or special meeting warned for that purpose.~~

~~(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall specifically identify and contain the later-enacted general law that the municipality proposes to use in lieu of the charter provision.~~

~~(c) If the proposal is approved by a majority of voters at an annual or special meeting warned for that purpose, then the municipal clerk shall certify~~

~~the results of the vote to the House and Senate Committees on Government Operations.~~

~~(d) Annually on or before November 15, the Office of Legislative Counsel shall prepare a list of the charter provisions that are subject to a repeal review pursuant to this section.~~

~~Sec. 4. 17 V.S.A. § 2646a is added to read:~~

~~§ 2646a. TOWN OFFICERS; TOWN VOTE TO ALLOW ELECTION OF NONRESIDENTS~~

~~(a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow nonresidents to be elected or appointed town officers, except for members of the legislative body of the municipality. For all of the municipality's boards, commissions, and other public bodies, the majority of the members of the municipal bodies shall be residents of the municipality.~~

~~(2) The proposal must be approved by the voters at any annual or special meeting warned for that purpose.~~

~~(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall identify the town office that may be filled by a nonresident.~~

~~Sec. 5. 17 V.S.A. § 2651a is amended to read:~~

~~§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION OF OFFICE~~

~~* * *~~

~~(d)(1) A town may vote at an annual meeting to eliminate the office of constable.~~

~~(2) If a town votes to eliminate the office of constable, the selectboard shall appoint a town officer to discharge the constable's duties, if any, subject to 24 V.S.A. § 1936a. The town officer shall proceed in the discharge of the constable's duties in the same manner and be subject to the same liabilities as are established by law for constables.~~

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

~~(4) The term of office of any constable in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints a law enforcement officer under this subsection, whichever occurs first.~~

~~Sec. 6. 17 V.S.A. § 2668 is added to read:~~

~~§ 2668. RECALL OF LOCAL OFFICIALS~~

~~(a) Any elected municipal officer may be removed from office subject to the procedure for voter-initiated petition contained in this section.~~

~~(b) A petition for a vote on the question of recalling an elected municipal officer shall be signed by not less than 25 percent of the active registered voters of the municipality and presented to the legislative body or the clerk of the municipality.~~

~~(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will remove the elected municipal officer.~~

~~(d) When the petition is approved by the voters at the special or annual meeting, the elected municipal officer named in the petition shall cease to hold the office.~~

~~(e) A vacancy resulting from the recall of an elected municipal officer shall be filled pursuant to 24 V.S.A. chapter 33, subchapter 6.~~

~~(f) A recall petition shall not be brought against an individual elected municipal officer more than once within any 12-month period.~~

~~Sec. 7. 24 V.S.A. § 138 is amended to read:~~

~~§ 138. LOCAL OPTION TAXES~~

~~(a) Local option taxes are authorized under this section for the purpose of affording municipalities an alternative method of raising municipal revenues to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998; a local option tax adopted pursuant to this section shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition of the tax; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year.~~

~~(b) If the legislative body of a municipality by a majority vote recommends, the voters of a municipality may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess any or all of the following:~~

- ~~(1) a one percent sales tax;~~
- ~~(2) a one percent meals and alcoholic beverages tax;~~
- ~~(3) a one percent rooms tax.~~

~~***~~

~~Sec. 8. 24 V.S.A. § 4460 is amended to read:~~

~~§ 4460. APPROPRIATE MUNICIPAL PANELS~~

~~***~~

~~(c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection (a)(b) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment~~

~~shall not apply.~~

~~***~~

~~(f) Notwithstanding subsections (b) and (c) of this section, a municipality may vote at an annual or special meeting to change the number of members that may be appointed to a board of adjustment or development review board.~~

~~(1) The proposal to change the number of members serving on a board may be brought by the legislative body or by petition of five percent of the voters of the municipality.~~

~~(2) If the number of members on a board is reduced, the legislative body shall determine which of the appointed members shall remain in office the legislative body shall use a lottery system to determine the members that remain in office.~~

~~Sec. 8a. 24 V.S.A. § 4322 is amended to read:~~

~~§ 4322. PLANNING COMMISSION; MEMBERSHIP~~

~~(a) A planning commission shall have not less than three nor more than nine voting members. All members may be compensated and reimbursed by the municipality for necessary and reasonable expenses. At least a majority of the members of a planning commission shall be residents of the municipality.~~

~~(b) The selectboard legislative body of a rural town, or not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission. If a municipality has an energy coordinator under chapter 33, subchapter 12 of this title, the energy coordinator may be a nonvoting ex officio member of the planning commission.~~

~~(c) Notwithstanding subsection (a) of this section:~~

~~(1) for an appointed planning commission, the legislative body may change the number of members that may be appointed to the commission; and~~

~~(2) for an elected planning commission, a municipality may vote at an annual or special meeting to change the number of members that may be elected to the commission.~~

~~(d) Notwithstanding subsection 4323(c) of this subchapter, if the number of members on an appointed or elected planning commission is reduced, the legislative body shall use a lottery system to determine the members that remain in office.~~

~~*** Authority of Legislative Body without Voter Approval ***~~

~~Sec. 9. 18 V.S.A. § 5361 is amended to read:~~

~~§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS~~

~~A town may vote sums of money necessary for purchasing, holding, improving, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.~~

~~Sec. 10. 23 V.S.A. § 1007 is amended to read:~~

~~§ 1007. LOCAL SPEED LIMITS~~

~~(a)(1) The legislative body of a municipality may establish, on the basis of an engineering and traffic investigation, a speed limit on all or a part of any city, town, or village highway within its jurisdiction, which:~~

~~(A) is not more than 50 miles per hour; however, after considering neighborhood character, abutting land use, bicycle and pedestrian use, and physical characteristics of the highways, the legislative body of a municipality may vote to set the maximum speed limit, without an engineering and traffic investigation, at not more than 50 miles per hour nor less than 35 miles per hour, on all or a portion of unpaved town highways within its boundaries, unless otherwise posted in accordance with the provisions of this section; or~~

~~(B) is not less than ~~25~~ 15 miles per hour.~~

~~***~~

~~Sec. 11. 24 V.S.A. § 961 is amended to read:~~

~~§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES~~

~~***~~

~~(e) When a member of a municipal legislative body fails to attend within a one-year period the minimum number of meetings established by the legislative body in an annual attendance policy, the legislative body may deem the member's office vacant. The legislative body shall afford the member the opportunity to demonstrate that the absences were due to a reasonable basis established in the attendance policy. An annual attendance policy may only be established by unanimous resolution of the legislative body and shall be renewed by the legislative body annually.~~

~~Sec. 12. 18 V.S.A. § 5361 is amended to read:~~

~~§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS~~

~~A town may vote sums of money necessary for purchasing, holding, improving, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.~~

~~Sec. 12. [Deleted.]~~

~~Sec. 13. 24 V.S.A. § 4414 is amended to read:~~

~~§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS~~

~~(a) Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.~~

~~* * *~~

~~(b) A municipality may adopt a bylaw that:~~

~~(1) prohibits the initiation of construction under a zoning permit unless and until all required municipal permits have been issued; or~~

~~(2) establishes an application process for a zoning or subdivision permit, under which an applicant may submit a permit application for municipal review, and the municipality may condition the issuance of a final permit upon the issuance of all other required municipal permits.~~

~~* * * Emergency Provisions for the Operation of Government * * *~~

~~Sec. 14. 1 V.S.A. § 312a is added to read.~~

~~§ 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY~~

~~(a) As used in this section:~~

~~(1) "Affected public body" means a public body:~~

~~(A) whose regular meeting location is located in an area affected by a hazard; and~~

~~(B) that cannot meet in a designated physical meeting location due to a declared state of emergency pursuant to 20 V.S.A. chapter 1.~~

~~(2) "Hazard" means an "all-hazards" as defined in 20 V.S.A. § 2(1).~~

~~(b) Notwithstanding subdivisions 312(a)(2)(D) and (c)(2) of this title, during a declared state of emergency under 20 V.S.A. chapter 1:~~

~~(1) A quorum or more of an affected public body may attend a regular, special, or emergency meeting by electronic or other means without designating a physical meeting location where the public may attend.~~

~~(2) The members and staff of an affected public body shall not be required to be physically present at a designated meeting location.~~

~~(3) An affected public body of a municipality may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place.~~

~~(c) When an affected public body meets electronically under subsection (b) of this section, the affected public body shall:~~

~~(1) use technology that permits the attendance and participation of the public through electronic or other means;~~

~~(2) whenever feasible, allow the public to access the meeting by telephone; and~~

~~(3) post information that enables the public to directly access and participate in meetings electronically and shall include this information in the published agenda for each meeting.~~

~~(d) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any meetings held pursuant to this section.~~

~~(e) An affected public body of a municipality shall continue to post notices and agendas in or near the municipal clerk's office pursuant to subdivision 312(c)(2) of this title and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality.~~

~~Sec. 15. 32 V.S.A. § 4404 is amended to read:~~

~~§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST~~

~~* * *~~

~~(c)(1) The board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine such appeals until all questions and objections are heard and decided. Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board who shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given. If, after notice, the appellant refuses to allow an inspection of the property as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn. The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises,~~

~~and shall file such the notice with the town clerk who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of such board; by certified mail. If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value that will produce a tax liability equal to the tax liability for the preceding year. The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action; by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of ~~such~~ the person.~~

~~(2) During a declared state of emergency under 20 V.S.A. chapter 1, a board of civil authority within a municipality affected by an all-hazards event shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.~~

~~(3) As used in this subsection, "electronic means" means the transmittal of video or photographic evidence by the appellant at the direction of the board members conducting the inspection.~~

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

Sec. 16. 32 V.S.A. § 4467 is amended to read:

§ 4467. DETERMINATION OF APPEAL

~~(a) Upon appeal to the Director or the court, the hearing officer or court shall proceed de novo and determine the correct valuation of the property as promptly as practicable and to determine a homestead and a housesite value if a homestead has been declared with respect to the property for the year in~~

~~which the appeal is taken. The hearing officer or court shall take into account the requirements of law as to valuation, and the provisions of Chapter I, Article 9 of the Constitution of Vermont and the 14th Amendment to the Constitution of the United States.~~

~~(b) If the hearing officer or court finds that the listed value of the property subject to appeal does not correspond to the listed value of comparable properties within the town, the hearing officer or court shall set said the property in the list at a corresponding value. The findings and determinations of the hearing officer shall be made in writing and shall be available to the appellant.~~

~~(c)(1) If the appeal is taken to the Director, the hearing officer may inspect the property prior to making a determination, unless one of the parties requests an inspection, in which case the hearing officer shall inspect the property prior to making a determination. Within 10 days of the appeal being filed with the Director, the Director shall notify the property owner in writing of his or her the Director's option to request an inspection under this section.~~

~~(2) During a declared state of emergency under 20 V.S.A. chapter 1, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.~~

~~(3) As used in this subsection, "electronic means" means the transmittal of video or photographic evidence by the appellant at the direction of the hearing officer conducting the inspection.~~

~~Sec. 17. 24 V.S.A. § 5152 is added to read:~~

~~§ 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY~~

~~(a) Notwithstanding this chapter or any provision of law to the contrary, a municipality; a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system; or a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1, provided that:~~

~~(1) the state of emergency is declared in response to an all-hazard event that will cause financial hardship and the inability of ratepayers to pay~~

~~for water or sewer services, and~~

~~(2) the all-hazards event does not require the water or sewer service provider to disconnect services to protect the health and safety of the public.~~

~~(b)(1) A violation of subsection (a) of this section by a municipality or a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201.~~

~~(2) A violation of subsection (a) of this section by a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) may be enforced by the Public Utility Commission pursuant to 30 V.S.A. § 30.~~

~~(c) A ratepayer shall remain obligated for any amounts due to a water or sewer service provider subject to this section. The ratepayer shall have a minimum of 90 days after the end of the declared state of emergency to pay the amounts due.~~

~~Sec. 18. 20 V.S.A. § 47 is added to read:~~

~~§ 47. MUNICIPAL DEADLINES, PLANS, AND LICENSES; EXTENSION~~

~~(a) During a state of emergency declared under this chapter, a municipal corporation may:~~

~~(1) extend any statutory deadline applicable to municipal corporations, provided that the deadline does not relate to a license, permit, program, or plan issued or administered by the State or federal government; and~~

~~(2) extend or waive deadlines applicable to licenses, permits, programs, or plans that are issued by the municipal corporation.~~

~~(b) During a state of emergency declared under this chapter, any expiring license, permit, program, or plan issued by a municipal corporation that is due for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.~~

~~*** Repeal ***~~

~~Sec. 19. REPEAL~~

~~19 V.S.A. § 312 (use of town highway funds) is repealed.~~

~~*** Effective Date ***~~

~~Sec. 20. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2022.~~

** * * Ordinance Authority Subject to Permissive Referendum * * **

Sec. 1. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(1) To set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their installation and use.

** * **

(4) To regulate the operation and use of vehicles of every kind including the power to erect traffic signs and signals; to regulate the speed of vehicles subject to 23 V.S.A. chapter 13, subchapter 12; to implement traffic-calming devices, to regulate or exclude the parking of all vehicles; and to provide for waiver of the right of appearance and arraignment in court by persons charged with parking violations by payment of specified fines within a stated period of time.

** * **

(6) To regulate the location, installation, maintenance, repair, and removal of utility poles, wires and conduits, water pipes or mains, storm drains, or gas mains and sewers, upon, under, or above public highways or public property of the municipality.

** * **

(13) To compel the cleaning or repair of any premises that in the judgment of the legislative body is dangerous to the health or safety of the public and to establish health and safety standards for premises within the municipality in order to protect the public or prevent physical injury to other properties in the vicinity.

** * **

** * * Municipal Authority Subject to Voter Approval * * **

Sec. 2. 17 V.S.A. § 2645a is added to read:

*§ 2645a. CHARTERED MUNICIPALITIES; VOTE TO SUSPEND
CHARTER AUTHORITY AND RELY ON GENERAL
MUNICIPAL LAW*

(a) A municipality may propose to suspend for not more than three years specific authority granted in the municipality's charter and instead use later-enacted general municipal authority granted to all Vermont municipalities by

the General Assembly, provided that the proposal is approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall specifically identify and contain the later-enacted general law that the municipality proposes to use in lieu of the charter provision.

(c) If the proposal is approved by a majority of voters at an annual or special meeting warned for that purpose, then the municipal clerk shall certify the results of the vote to the House and Senate Committees on Government Operations.

(d) Annually on or before November 15, the Office of Legislative Counsel shall prepare a list of the charter provisions that are subject to a repeal review pursuant to this section.

Sec. 3. 17 V.S.A. § 2646a is added to read:

§ 2646a. TOWN OFFICERS; TOWN VOTE TO ALLOW ELECTION OF
NONRESIDENTS

(a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow individuals who are residents of the State, but not residents of the municipality, to be elected or appointed town officers. However, this section shall not apply to members of the legislative body of the municipality or justices of the peace. For the municipality's boards or commissions that are established by State law and are required to be composed of residents, the majority of the members of the boards or commissions shall be residents of the municipality.

(2) The proposal must be approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall identify the town office that may be filled by a nonresident.

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

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION
OF OFFICE

* * *

(d)(1) A town may vote at an annual meeting to eliminate the office of constable.

(2) If a town votes to eliminate the office of constable, the selectboard shall appoint a town officer to discharge the constable's duties, if any, subject to 24 V.S.A. § 1936a. The town officer shall proceed in the discharge of the constable's duties in the same manner and be subject to the same liabilities as are established by law for constables.

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

(4) The term of office of any constable in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints a town officer under this subsection, whichever occurs first.

Sec. 5. 24 V.S.A. § 4460 is amended to read:

§ 4460. APPROPRIATE MUNICIPAL PANELS

* * *

(c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection ~~(a)~~(b) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply.

* * *

(f) Notwithstanding subsections (b) and (c) of this section, a municipality may vote at an annual or special meeting to change the number of members that may be appointed to a board of adjustment or development review board.

(1) The proposal to change the number of members serving on a board may be brought by the legislative body or by petition of five percent of the voters of the municipality.

(2) If the number of members on a board is reduced, the members with the nearest expiration of their term of office shall serve until the expiration of that term and then the office shall terminate.

Sec. 6. 24 V.S.A. § 4322 is amended to read:

§ 4322. PLANNING COMMISSION; MEMBERSHIP

(a) A planning commission shall have not less than three nor more than nine voting members. All members may be compensated and reimbursed by the municipality for necessary and reasonable expenses. At least a majority of the members of a planning commission shall be residents of the municipality.

(b) The ~~selectboard~~ legislative body of a rural town, or not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission. If a municipality has an energy coordinator under chapter 33, subchapter 12 of this title, the energy coordinator may be a nonvoting ex officio member of the planning commission.

(c) Notwithstanding subsection (a) of this section:

(1) for an appointed planning commission, the legislative body may change the number of members that may be appointed to the commission; and

(2) for an elected planning commission, a municipality may vote at an annual or special meeting to change the number of members that may be elected to the commission.

(d) Notwithstanding subsection 4323(c) of this subchapter, if the number of members on an appointed or elected planning commission is reduced, the members with the nearest expiration of their term of office shall serve until the expiration of that term and then the office shall terminate.

* * * Authority of Legislative Body without Voter Approval * * *

Sec. 7. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, improving, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations

concerning public burial grounds and for fencing and keeping the same in proper order.

** * * Emergency Provisions for the Operation of Government * * **

Sec. 8. 1 V.S.A. § 312a is added to read:

§ 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

(a) As used in this section:

(1) “Affected public body” means a public body:

(A) whose regular meeting location is located in an area affected by a hazard; and

(B) that cannot meet in a designated physical meeting location due to a declared state of emergency pursuant to 20 V.S.A. chapter 1.

(2) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

(b) Notwithstanding subdivisions 312(a)(2)(D) and (c)(2) of this title, during a declared state of emergency under 20 V.S.A. chapter 1:

(1) A quorum or more of an affected public body may attend a regular, special, or emergency meeting by electronic or other means without designating a physical meeting location where the public may attend.

(2) The members and staff of an affected public body shall not be required to be physically present at a designated meeting location.

(3) An affected public body of a municipality may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place.

(c) When an affected public body meets electronically under subsection (b) of this section, the affected public body shall:

(1) use technology that permits the attendance and participation of the public through electronic or other means;

(2) allow the public to access the meeting by telephone; and

(3) post information that enables the public to directly access and participate in meetings electronically and shall include this information in the published agenda for each meeting.

(d) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any meetings held pursuant to this section.

(e) An affected public body of a municipality shall continue to post notices and agendas in or near the municipal clerk's office pursuant to subdivision 312(c)(2) of this title and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality.

Sec. 9. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

* * *

(c)(1) The board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine such appeals until all questions and objections are heard and decided. Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board who shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given. If, after notice, the appellant refuses to allow an inspection of the property as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn. The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of such board, by certified mail. If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value that will produce a tax liability equal to the tax liability for the preceding year. The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of ~~such~~ the person.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a board of civil authority within a municipality affected by an all-hazards event shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the board shall conduct the inspection through electronic means. If the appellant does not facilitate the

inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, “electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the board members conducting the inspection.

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

Sec. 10. 32 V.S.A. § 4467 is amended to read:

§ 4467. DETERMINATION OF APPEAL

(a) Upon appeal to the Director or the court, the hearing officer or court shall proceed de novo and determine the correct valuation of the property as promptly as practicable and to determine a homestead and a housesite value if a homestead has been declared with respect to the property for the year in which the appeal is taken. The hearing officer or court shall take into account the requirements of law as to valuation, and the provisions of Chapter I, Article 9 of the Constitution of Vermont and the 14th Amendment to the Constitution of the United States.

(b) If the hearing officer or court finds that the listed value of the property subject to appeal does not correspond to the listed value of comparable properties within the town, the hearing officer or court shall set ~~said~~ the property in the list at a corresponding value. The findings and determinations of the hearing officer shall be made in writing and shall be available to the appellant.

(c)(1) If the appeal is taken to the Director, the hearing officer may inspect the property prior to making a determination, unless one of the parties requests an inspection, in which case the hearing officer shall inspect the property prior to making a determination. Within 10 days of the appeal being filed with the Director, the Director shall notify the property owner in writing of ~~his or her~~ the Director’s option to request an inspection under this section.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the

inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, “electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the hearing officer conducting the inspection.

Sec. 11. 24 V.S.A. § 5152 is added to read:

§ 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

(a) Notwithstanding this chapter or any provision of law to the contrary, a municipality; a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system; or a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1, provided that:

(1) the state of emergency is declared in response to an all-hazards event that will cause financial hardship and the inability of ratepayers to pay for water or sewer services; and

(2) the all-hazards event does not require the water or sewer service provider to disconnect services to protect the health and safety of the public.

(b) A person or company that is subject to subsection (a) of this section may temporarily disconnect water or sewer services during the declared state of emergency when the temporary disconnection is necessary for the maintenance or repair of the water or sewer system.

(c)(1) A violation of subsection (a) of this section by a municipality or a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201.

(2) A violation of subsection (a) of this section by a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) may be enforced by the Public Utility Commission pursuant to 30 V.S.A. § 30.

(d) A ratepayer shall remain obligated for any amounts due to a water or sewer service provider subject to this section. The ratepayer shall have a minimum of 90 days after the end of the declared state of emergency to pay the amounts due.

Sec. 12. 20 V.S.A. § 47 is added to read:

§ 47. MUNICIPAL DEADLINES, PLANS, AND LICENSES; EXTENSION

(a) During a state of emergency declared under this chapter, a municipal corporation may:

(1) extend any statutory deadline applicable to municipal corporations, provided that the deadline does not relate to a license, permit, program, or plan issued or administered by the State or federal government; and

(2) extend or waive deadlines applicable to licenses, permits, programs, or plans that are issued by the municipal corporation.

(b) During a state of emergency declared under this chapter, any expiring license, permit, program, or plan issued by a municipal corporation that is due for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

Sec. 12a. 1 V.S.A. § 316 is amended to read:

§ 316. ACCESS TO PUBLIC RECORDS AND DOCUMENTS

* * *

(i) If an agency maintains public records in an electronic format, nonexempt public records shall be available for copying in either the standard electronic format or the standard paper format, as designated by the party requesting the records. ~~An~~ If requested by the party requesting the records, an agency may, but is not required to, provide copies of public records in a nonstandard format, ~~to~~ create a public record, or ~~to~~ convert paper public records to electronic format.

* * *

* * * *Repeal* * * *

Sec. 13. REPEAL

19 V.S.A. § 312 (use of town highway funds) is repealed.

* * * *Effective Date* * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2022.