Introduced by Senator White

Referred to Committee on

Date:

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

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

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

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

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

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

An act relating to authorizing miscellaneous regulatory authority for
municipal governments

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

* * * 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 regulations, 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 property management standards applicable to all premises within the municipality.

* * *
(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, vacant, or blighted, to recover all
expenses incident to the maintenance of the uninhabitable, vacant, 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.

* * *

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

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

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

§ 2645a. CHARTERED MUNICIPALITIES; VOTE TO REVERT TO

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

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

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

(e) Voting on a proposal shall be by Australian ballot.
Sec. 3. 17 V.S.A. § 2646a is added to read:

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

(a) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow nonresidents to be elected as town officers. 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. Voting on a proposal shall be by Australian ballot.

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

§ 2650. ADDITIONAL LISTERS AND SELECTBOARD MEMBERS

* * *

(b) Additional selectboard members.

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

* * *

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

with a member or members elected for one year and the other selectboard

member or members elected for two years.

* * *

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

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION

OF OFFICE

* * *

(d)(1) A town may vote by Australian ballot at an annual meeting to

eliminate the office of constable.

(2)(A) If a town votes to eliminate the office of constable, the

selectboard shall appoint a qualified law enforcement officer, who need not be

a resident of the town.

(B) The law enforcement officer appointed by the selectboard shall

have the same powers, discharge the same duties subject to 24 V.S.A. § 1936a,

proceed in the discharge thereof in the same manner, and be subject to the

same liabilities as are prescribed 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 15 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 a majority of the ballots cast 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 shall be effective beginning on the next tax quarter following 90 days’ notice to the Department of Taxes of the imposition; 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. [Repealed.]

(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
terms 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. Voting on a proposal shall be by Australian ballot.

(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.

* * * Voter-Approved Authority to Appoint Moderator, Trustees of Public Funds, and Cemetery Commissioners * * *

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

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

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

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

* * *

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

When a town votes for a two-year term for the offices of first and second
constable, the two-year terms shall remain in effect until the town rescinds them by a majority vote of the legal voters voting at an annual meeting, duly warned for that purpose.

* * *

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

* * *

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

* * *

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

§ 2651g. MODERATOR; APPOINTMENT; REMOVAL

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

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

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

purpose.

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

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

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

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

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

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

(b) A vote to authorize the legislative body to appoint the trustees of public
funds shall remain in effect until rescinded by the majority vote of the
registered voters present and voting at an annual or special meeting, duly
warned for that purpose.

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

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

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

§ 2651i. CEMETERY COMMISSIONERS; APPOINTMENT; REMOVAL

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

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

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

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

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

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

Sec. 13. 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 miles per hour.

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

* * *

Sec. 14. 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 member’s office shall
become vacant. However, the member’s office shall not be deemed vacant
pursuant to an attendance policy until the legislative body of the municipality
has warned a regular meeting for that purpose and affords 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. 15. 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. 16. 24 V.S.A. § 3107 is amended to read:

§ 3107. CERTIFICATE OF PERMIT; FILING

(a) Before the construction or alteration of a building, the owner, builder, or architect shall submit to the building inspector a comprehensive statement in writing of the material to be used and the mode of construction of the proposed building or alteration, with plans and specifications, if there are any. Work thereon shall not be begun until the owner has received from the inspector a certificate of permission specifying the material of which the outer walls and other covering of the roof of such building are to be composed, the street upon which, and the distance therefrom at which such building is to be placed. A copy of such certificate shall be filed in the office of the inspector under the date of its issue.
(b) Such certificate shall not be granted until the inspector is satisfied that the structure when completed will be properly built, and insofar as practicable of a fireproof construction; provided, however, that in those municipalities that have adopted the provisions of chapter 81 of this title, relating to municipal zoning, the building inspector, before issuing said building certificate, shall be satisfied that by the issuance of such certificate the zoning ordinance of said municipality will not be violated:

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

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

Sec. 1. 7 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. 18. 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 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. 19. 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 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. 20. 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)(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. 21. 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. 22. REPEAL

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

* * * Effective Date * * *

Sec. 23. EFFECTIVE DATE

This act shall take effect on July 1, 2022.