

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 181 entitled “An act relating to authorizing miscellaneous regulatory  
4 authority for municipal governments” respectfully reports that it has  
5 considered the same and recommends that the House propose to the Senate that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 \* \* \* Ordinance Authority Subject to Permissive Referendum \* \* \*

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

10 § 2291. ENUMERATION OF POWERS

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

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

16 \* \* \*

17 (4) To regulate the operation and use of vehicles of every kind including  
18 the power: to erect traffic signs and signals; to regulate the speed of vehicles  
19 subject to 23 V.S.A. chapter 13, subchapter 12; to implement traffic-calming  
20 devices, to regulate or exclude the parking of all vehicles; and to provide for  
21 waiver of the right of appearance and arraignment in court by persons charged

1 with parking violations by payment of specified fines within a stated period of  
2 time.

3 \* \* \*

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

8 \* \* \*

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

14 \* \* \*

15 (24) Upon the determination by a municipal building inspector, health  
16 officer, or fire marshal that a building within the boundaries of the town, city,  
17 or incorporated village is uninhabitable or blighted, to recover all expenses  
18 incident to the maintenance of the uninhabitable or blighted building with the  
19 expenses to constitute a lien on the property in the same manner and to the  
20 same extent as taxes assessed on the grand list, and all procedures and  
21 remedies for the collection of taxes shall apply to the collection of those

1 expenses; provided, however, that the town, city, or incorporated village has  
2 adopted rules to determine the habitability of a building, including provisions  
3 for notice in accordance with 32 V.S.A. § 5252(3) to the building’s owner  
4 prior to incurring expenses and including provisions for an administrative  
5 appeals process.

6 \* \* \*

7 \* \* \* Municipal Authority Subject to Voter Approval \* \* \*

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

9 § 2645a. CHARTERED MUNICIPALITIES; VOTE TO SUSPEND

10 CHARTER AUTHORITY AND RELY ON GENERAL

11 MUNICIPAL LAW

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

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

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

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

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

9        § 2646a. TOWN OFFICERS; TOWN VOTE TO ALLOW ELECTION OF

10                    NONRESIDENTS

11        (a)(1) Notwithstanding section 2646 of this subchapter, a municipality may  
12        propose to allow nonresidents to be elected or appointed town officers, except  
13        for members of the legislative body of the municipality or justices of the peace.

14        For all of the municipality's boards, commissions, and other public bodies, the  
15        majority of the members of the municipal bodies shall be residents of the  
16        municipality.

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

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

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

2 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION  
3 OF OFFICE

4 \* \* \*

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

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

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

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

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

20 § 4460. APPROPRIATE MUNICIPAL PANELS

21 \* \* \*



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

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

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

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

10       § 4322. PLANNING COMMISSION; MEMBERSHIP

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

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



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

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

10       Sec. 9. 1 V.S.A. § 312a is added to read:

11       § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

12       (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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



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

16 (2) During a declared state of emergency under 20 V.S.A. chapter 1, a  
17 board of civil authority within a municipality affected by an all-hazards event  
18 shall not be required to physically inspect any property that is the subject of an  
19 appeal. If the appellant requests in writing that the property be inspected for  
20 purposes of the appeal, a member or members of the board 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 (3) As used in this subsection, “electronic means” means the transmittal  
4 of video or photographic evidence by the appellant at the direction of the board  
5 members conducting the inspection.

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

13 Sec. 11. 32 V.S.A. § 4467 is amended to read:

14 § 4467. DETERMINATION OF APPEAL

15 (a) Upon appeal to the Director or the court, the hearing officer or court  
16 shall proceed de novo and determine the correct valuation of the property as  
17 promptly as practicable and to determine a homestead and a housesite value if  
18 a homestead has been declared with respect to the property for the year in  
19 which the appeal is taken. The hearing officer or court shall take into account  
20 the requirements of law as to valuation, and the provisions of Chapter I,

1 Article 9 of the Constitution of Vermont and the 14th Amendment to the  
2 Constitution of the United States.

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

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

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

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

4           Sec. 12. 24 V.S.A. § 5152 is added to read:

5           § 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

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

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

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

20           (b) A person or company that is subject to subsection (a) of this section  
21           may temporarily disconnect water or sewer services during the declared state

1 of emergency when the temporary disconnection is necessary for the  
2 maintenance or repair of the water or sewer system.

3 (c)(1) A violation of subsection (a) of this section by a municipality or a  
4 person who is permitted as a public water system pursuant to 10 V.S.A.  
5 chapter 56 may be enforced by the Agency of Natural Resources pursuant to  
6 10 V.S.A. chapter 201.

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

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

16 Sec. 13. 20 V.S.A. § 47 is added to read:

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

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



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2  
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9

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE