

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 health and safety standards for premises within the
12 municipality in order to protect the public or prevent physical injury to other
13 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 not more than 3 years
13 specific authority granted in the municipality’s charter and instead use later-
14 enacted general municipal authority granted to all Vermont municipalities by
15 the General Assembly, provided that the proposal is approved by the voters at
16 any annual 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 individuals who are residents of the State, but not residents of
13 the municipality, to be elected or appointed town officers. However, this
14 section shall not apply to members of the legislative body of the municipality
15 or justices of the peace. For the municipality's boards or commissions that are
16 established by State law and are required to be comprised of residents, the
17 majority of the members of the boards or commissions shall be residents of the
18 municipality.

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

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

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

5 § 2651a. **CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION**
6 **OF OFFICE**

7 * * *

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

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

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16 **rescinded by majority vote of the registered voters present and voting at an**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

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

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

2 § 4460. APPROPRIATE MUNICIPAL PANELS

3 * * *

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

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* * *

(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 their term and then that 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

1 coordinator under chapter 33, subchapter 12 of this title, the energy coordinator
2 may be a nonvoting ex officio member of the planning commission.

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

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

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

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

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

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

16 § 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

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

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

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

2 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

3 (a) As used in this section:

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

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

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

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

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

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

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

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

1 all questions and objections are heard and decided. Each property, the
2 appraisal of which is being appealed, shall be inspected by a committee of not
3 less than three members of the board who shall report to the board within 30
4 days from the hearing on the appeal and before the final decision pertaining to
5 the property is given. If, after notice, the appellant refuses to allow an
6 inspection of the property as required under this subsection, including the
7 interior and exterior of any structure on the property, the appeal shall be
8 deemed withdrawn. The board shall, within 15 days from the time of the
9 report, certify in writing its notice of decision, with reasons, in the premises,
10 and shall file ~~such~~ the notice with the town clerk who shall thereupon record
11 the same in the book wherein the appeal was recorded and forthwith notify the
12 appellant in writing of the action of such board, by certified mail. If the board
13 does not substantially comply with the requirements of this subsection and if
14 the appeal is not withdrawn by filing written notice of withdrawal with the
15 board or deemed withdrawn as provided in this subsection, the grand list of the
16 appellant for the year for which appeal is being made shall remain at the
17 amount set before the appealed change was made by the listers; except, if there
18 has been a complete reappraisal, the grand list of the appellant for the year for
19 which appeal is being made shall be set at a value that will produce a tax
20 liability equal to the tax liability for the preceding year. The town clerk shall
21 immediately record the same in the book wherein the appeal was recorded and

1 forthwith notify the appellant in writing of ~~such~~ the action; by certified mail.

2 Thereupon the appraisal so determined pursuant to this subsection shall

3 become a part of the grand list of ~~such~~ the person.

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

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

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

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

2 § 4467. DETERMINATION OF APPEAL

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

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

17 (c)(1) If the appeal is taken to the Director, the hearing officer may inspect
18 the property prior to making a determination, unless one of the parties requests
19 an inspection, in which case the hearing officer shall inspect the property prior
20 to making a determination. Within 10 days of the appeal being filed with the

1 Director, the Director shall notify the property owner in writing of ~~his or her~~
2 the Director's option to request an inspection under this section.

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

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

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

14 § 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

15 (a) Notwithstanding this chapter or any provision of law to the contrary, a
16 municipality; a person who is permitted as a public water system pursuant to
17 10 V.S.A. chapter 56 and who provides another person water as a part of the
18 operation of that public water system; or a company engaged in the collecting,
19 sale, and distribution of water for domestic, industrial, business, or fire
20 protection purposes that is regulated by the Public Utility Commission under
21 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from

1 services during a declared state of emergency under 20 V.S.A. chapter 1,
2 provided that:

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

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

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

12 (c)(1) A violation of subsection (a) of this section by a municipality or a
13 person who is permitted as a public water system pursuant to 10 V.S.A.
14 chapter 56 may be enforced by the Agency of Natural Resources pursuant to
15 10 V.S.A. chapter 201.

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

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

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

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

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

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

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

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

18 * * * Repeal * * *

19 Sec. 13. REPEAL

20 19 V.S.A. § 312 (use of town highway funds) is repealed.

21 * * * Effective Date * * *

1 Sec. 14. EFFECTIVE DATE

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

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8 (Committee vote: _____)

9

10

Representative _____

11

FOR THE COMMITTEE

