

1 H.503

2 Introduced by Representatives Beck of St. Johnsbury and Campbell of

3 St. Johnsbury

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; municipal charters; Town of St. Johnsbury;

7 amendments

8 Statement of purpose of bill as introduced: This bill proposes to approve
9 amendments to the charter of the Town of St. Johnsbury to amend the powers
10 of the Town and Select Board; provide for the appointment, removal, and
11 duties of the Town Manager; amend the provisions governing the Town's
12 Downtown District; and reorganize the charter generally.

13 An act relating to approval of amendments to the charter of the Town of
14 St. Johnsbury

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

16 ~~Sec. 1. CHARTER AMENDMENT APPROVAL~~

17 ~~The General Assembly approves the amendments to the charter of the Town~~
18 ~~of St. Johnsbury as set forth in this act. Voters approved the proposals of~~
19 ~~amendment on November 8, 2022.~~

1 ~~Sec. 24 App. V.S.A., chapter 151 is amended to read:~~

2 CHAPTER 151. TOWN OF ST. JOHNSBURY

3 Subchapter 1. Powers of the Town

4 * * *

5 ~~§ 2A. TAXATION FOR BONDS AND NOTES~~

6 Notwithstanding subsection 2(b) of this charter, all taxable property in the
7 Town of St. Johnsbury shall be subject to the levy of unlimited ad valorem
8 taxes to pay bonds and notes authorized by the voters of the Town for water
9 purposes.

10 ~~§ 3. SETTLEMENT OF VILLAGE AFFAIRS~~

11 The officers of the Village of St. Johnsbury shall, prior to the date when
12 1957 Acts and Resolves No. 345, as amended, goes into effect, settle, so far as
13 possible, the pecuniary affairs of the Village of St. Johnsbury, and shall, except
14 as hereinafter provided, on said date turn over and deliver to the Clerk of the
15 Town of St. Johnsbury, all the records, books, and documents of the Village of
16 St. Johnsbury, and to the proper officers of the said Town all other property of
17 the said Village.

18 ~~§ 4. AUTHORITY; ANNUAL MEETING~~

19 (a) Said Town shall have and is hereby granted the authority to exercise all
20 powers relating to municipal affairs and no enumeration of powers in this
21 ~~charter shall be deemed to limit or restrict the general grant of authority hereby~~

1 ~~conferred; but this grant of authority shall not be deemed to limit the authority~~
2 ~~of the Legislature to alter, amend, or repeal this charter; or to limit the right to~~
3 ~~hereafter pass general laws applicable alike to this and all other municipal~~
4 ~~corporations of the State; nor shall this grant of authority be deemed to limit~~
5 ~~the patronage or control of the State with respect to said Town.~~

6 (b) ~~The Town shall start its annual meeting at 7:30 o'clock in the afternoon~~
7 ~~of the day before the first Tuesday of March and may transact at that time any~~
8 ~~business not involving voting by Australian ballot or voting required by law to~~
9 ~~be by ballot and to be held on the first Tuesday of March. Discussion shall be~~
10 ~~permitted at such meetings on all articles contained in the warning for the~~
11 ~~annual meeting. A meeting so started shall be adjourned until the following~~
12 ~~day.~~

13 ~~§ 5. POWERS~~

14 ~~Under the general grant of authority contained in and conferred upon the~~
15 ~~town by section 4 of this charter, the Town of St. Johns may exercise the~~
16 ~~following powers and functions:~~

17 (1) ~~To levy, assess, and collect taxes in order to carry out its powers to~~
18 ~~appropriate and to borrow money within the limits prescribed by the general~~
19 ~~laws, and to collect special assessments for benefits conferred.~~

20 (2) ~~To furnish all local public services, including without limiting the~~
21 ~~generality of the foregoing a water system, electric light and power system,~~

1 ~~and a sewage system and disposal plant; to purchase, hire, construct, own,~~
2 ~~maintain, and operate or lease local public utilities subject to chapter 411 of~~
3 ~~V.S. 47, to acquire, by condemnation or otherwise, within or without the limits~~
4 ~~of said Town, property necessary for any such purpose, subject to restrictions~~
5 ~~imposed by the general law for the protection of other communities.~~

6 (3) ~~To make local public improvements and to acquire, by condemnation~~
7 ~~or otherwise, property within its corporate limits necessary for such~~
8 ~~improvements; and also to acquire an excess over that needed for any such~~
9 ~~improvement, and to sell or lease such excess property with restrictions, in~~
10 ~~order to protect and preserve the improvement.~~

11 (4) ~~To acquire by gift or purchase, sell, convey, lease, assign, maintain,~~
12 ~~and service real and personal property as may be necessary or incidental to the~~
13 ~~exercise of its municipal powers, duties, and functions and to exercise in~~
14 ~~connection therewith any incidental powers as may be necessary to preserve~~
15 ~~and maintain the value of any such property once lawfully acquired.~~

16 (5) ~~To issue and sell bonds on the security of any such property, or of~~
17 ~~any public utility owned by the Town, or of the revenues thereof, or of both,~~
18 ~~including in the case of a public utility, if deemed desirable by the Town, a~~
19 ~~franchise stating the terms upon which, in case of foreclosure, the purchase~~
20 ~~may operate such utility.~~

1 ~~(6) To purchase or lease lands within or without the corporate limits of~~
2 ~~the Town, to lay out or widen streets, highways, lanes, commons, alleys, and~~
3 ~~walks, to provide places of healthy recreation in summer or in winter such as a~~
4 ~~skating rink, a swimming pool, a playing field, a public park; to provide for~~
5 ~~tourist camping sites, and aviation landing field, and a municipal forest~~
6 ~~reserve; and for any municipal purposes whatever.~~

7 ~~(7) To adopt and enforce within its limits local police, sanitary, zoning,~~
8 ~~Town planning, and other similar regulations, not in conflict with the laws of~~
9 ~~this State.~~

10 ~~(8) To establish and maintain a fire department.~~

11 ~~(9) To establish and maintain a police department, to provide for the~~
12 ~~appointment of police officers, who shall be sworn and who shall have the~~
13 ~~same powers as constables in the service of civil and criminal process, and~~
14 ~~such further special authority as may be provided in the bylaws or ordinances~~
15 ~~of said Town enacted under authority of law. Such fire and police departments~~
16 ~~may be consolidated into one department if the Town shall so vote.~~

17 ~~(10) To appropriate annually money for the maintenance, care,~~
18 ~~improvement, and support of Fairbanks Museum, so long as the same shall~~
19 ~~remain a nonprofit institution for the promotion of education.~~

20

1 ~~§ 7. BYLAWS~~

2 ~~At meetings duly warned for the purpose, the Town of St. Johnsbury shall~~
3 ~~have power to make, alter, repeal, or amend bylaws that, together with the~~
4 ~~ordinances and regulations adopted by the Selectboard, shall regulate its affairs~~
5 ~~and shall carry into effect the provisions and intent of this charter.~~

6 ~~§ 8. ORDINANCES AND REGULATIONS~~

7 ~~The Selectboard of the Town of St. Johnsbury, consistent with the~~
8 ~~Constitution and laws of the United States and of this State, shall have the~~
9 ~~power and authority to make, establish, impose, alter, amend, or repeal~~
10 ~~ordinances and regulations and to enforce the same by fine, penalty, forfeiture,~~
11 ~~injunction, restraining order, or any proper remedy, with respect to the~~
12 ~~inspection, regulation, licensing, or suppression of the following affairs,~~
13 ~~establishments, employments, enterprises, uses, undertakings, and businesses,~~
14 ~~viz:~~

15 ~~(1) The sale and measurement of wood, coal, oil, and all other fuels; hay~~
16 ~~scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses;~~
17 ~~groceries; restaurants, lunch carts, and other eating establishments; all places~~
18 ~~where beverages are manufactured, processed, bottled, or sold; manufacturing~~
19 ~~establishments; saloons; taverns; innkeepers; hotels; motels; rooming houses;~~
20 ~~junk businesses; advertising billboards; overhanging signs and awnings;~~
21 ~~billiard rooms, pool rooms, bowling alleys, public halls, dance halls, theaters,~~

1 ~~moving picture houses; all places where tobacco, cigars, and cigarettes are~~
2 ~~manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops;~~
3 ~~public garages; the transportation, storage, and sale of propane gas, naphtha,~~
4 ~~gasoline, kerosene, fuel oil, and other inflammable oils; the breeding, raising,~~
5 ~~and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing, and~~
6 ~~other domestic animals; coal sheds; wood yards; creameries, dairies; dyeing~~
7 ~~establishments; garbage plants; gas works; livery stables; skating rinks; sewers;~~
8 ~~cesspools; privies; cow stables; barns; wells; and public dumps; oil and~~
9 ~~gasoline storage tanks, and gasoline filling stations.~~

10 (2) ~~Processions, parades, traveling showmen, shows, circuses,~~
11 ~~menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists,~~
12 ~~mediums, itinerant vendors, peddlers, auctioneers, pawnbrokers, professional~~
13 ~~and amateur sports.~~

14 (3) ~~The use of streets and highways; the regulation of traffic, both~~
15 ~~vehicular and pedestrian; taxicabs and all vehicles, exclusive of motor buses,~~
16 ~~used in the conveyance for hire of persons or goods; the parking, operation,~~
17 ~~and speed of vehicles; guide posts, street signs, and street safety devices; milk~~
18 ~~and cream businesses and routes.~~

19 (4) ~~Cruelty to animals; fast driving; the going at large of animals; and~~
20 ~~the keeping of bees.~~

1 ~~(5) The erection of poles, and the placing of wires, cables, and pipes,~~
2 ~~subject to the provision of chapter 409 V.S. 47; the laying of water mains and~~
3 ~~sewers; the excavating of streets; the disposal of refuse, filth, and animal~~
4 ~~carcasses; the throwing or dumping of ashes, waste paper, handbills, circulars,~~
5 ~~or rubbish of any sort; the planting, preservation, or destruction of shade trees.~~

6 ~~(6) The transportation, manufacture, storage, and sale of gunpowder,~~
7 ~~ashes, lime, matches, fireworks, explosives, acids, and other dangerous or~~
8 ~~combustible materials.~~

9 ~~(7) The cleaning of public sidewalks and gutters, and the removal~~
10 ~~therefrom of snow, ice, litter, garbage, stands, tables, boxes, and other~~
11 ~~materials encumbering or obstructing any public sidewalk, street, or way.~~

12 ~~(8) A building code; the construction, repair, and alteration of chimneys,~~
13 ~~flues, stovepipes, furnaces, fireplaces, and heating apparatus and plumbing~~
14 ~~facilities of all kinds.~~

15 ~~(9) Nuisances, bawdyhouses, gaming houses; racing pools; gambling~~
16 ~~instruments of all kinds; noisome and offensive places and occupations;~~
17 ~~loafing, obscenity, and ribaldry upon the Town streets and highways;~~
18 ~~vagrancy; riots, disturbances, disorderly assemblies, and all breaches of the~~
19 ~~peace, pollution of the public water supply.~~

~~§ 9. PUBLICATION OF BYLAWS AND ORDINANCES~~

~~The bylaw adopted by the Town and the ordinances and regulations passed by the Selectboard, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in said Town at least 20 days before the effective date thereof, and all such enactments shall thereupon be recorded at length by the Town Clerk in a book kept for that purpose in the office of the Town Clerk, and the Town Clerk's certificate that such bylaws, ordinances, and regulations were duly adopted and passed at an annual meeting of said Town or at a special meeting thereof lawfully called for that purpose or were duly enacted and adopted by the Selectboard of the Town under authority of law or under authority of a vote of the Town shall be prima facie evidence of such fact in any court in this State; and certified copies of said bylaws, ordinances, and regulations and the Clerk's certificates shall be received as evidence in all the courts of the State.~~

~~§ 10. PENALTIES~~

~~(a) Fines, penalties, and forfeitures up to and including \$200.00, for each breach of an ordinance or bylaw, may be established by the Selectboard, or by a properly warned Town meeting. These fines, penalties, and forfeitures may be recovered in an action of tort brought in the name of the Town, and in any such action a general complaint relying on the ordinance or the bylaw shall be sufficient. The process may issue either against the body or the property of the~~

1 ~~defendant, and if the defendant is found guilty, and if it is found by the court~~
2 ~~that the cause of action arose from his or her willful or malicious act or~~
3 ~~neglect, it shall so adjudge, and may further adjudge that he or she be confined~~
4 ~~in close jail, and may issue execution against his or her body with a certificate~~
5 ~~of such finding, endorsed thereon; and such execution with such certificate~~
6 ~~thereon shall have the same effect as an execution issued on a judgment~~
7 ~~founded upon tort having a like certificate endorsed thereon.~~

8 ~~(b) Any person refusing to comply with any Town ordinance or bylaw,~~
9 ~~relating to his or her business may be enjoined by a proper action in chancery~~
10 ~~brought in the name of the Town, from continuing such business in violation~~
11 ~~of such ordinance or bylaw, and in any such action a bill relying on the~~
12 ~~ordinance or bylaw shall be sufficient.~~

13 ~~(c) Nothing in this section shall be construed to prevent the Town from~~
14 ~~having and exercising such other powers as may be proper to enforce~~
15 ~~obedience to its ordinances and bylaws and to punish violations thereof.~~

16 ~~§ 11. PROSECUTION OF VIOLATIONS~~

17 ~~All violations of ordinances or bylaws may be prosecuted in behalf of the~~
18 ~~Town by its attorney, or police officers, or by any other duly authorized~~
19 ~~prosecuting officer, before the Caledonia Municipal Court; and all fines,~~
20 ~~penalties, or forfeitures recovered by the said Town for violations of such~~
21 ~~ordinances or bylaws shall be paid into the Town Treasury.~~

1 ~~§ 12. OFFICERS~~

2 ~~The elective officers of the Town shall be those authorized by the general~~
3 ~~laws of this State, except that notwithstanding the provisions of section 3509~~
4 ~~of the Vermont Statutes, Revision of 1947, the listers shall be appointed~~
5 ~~annually by the Selectboard, unless the Town at an annual or special meeting~~
6 ~~duly warned for that purpose shall vote otherwise.~~

7 ~~§ 12a. COMPENSATION AND FEES~~

8 ~~(a) The Selectboard shall annually consider, and from time to time set, the~~
9 ~~compensation of the following officers:~~

10 ~~(1) Town Manager;~~

11 ~~(2) Constable;~~

12 ~~(3) members of the Board of Assessment.~~

13 ~~(b) The Town Clerk and the Selectboard shall jointly set the compensation~~
14 ~~of the Town Clerk each year. The Town Treasurer and the Selectboard shall~~
15 ~~jointly set the compensation of the Town Treasurer each year. If the~~
16 ~~Selectboard and the Town Clerk or Town Treasurer are unable to agree on the~~
17 ~~amount of either officer's compensation, that officer's compensation shall be~~
18 ~~set by vote of the Town and the Selectboard shall include an article or articles~~
19 ~~in the annual meeting warning to that effect. The article or articles shall be~~
20 ~~adopted or modified by the vote of the majority of those eligible to vote who~~

1 ~~are present at the meeting. The article or articles shall not be voted on by~~
2 ~~Australian ballot.~~

3 (e) ~~The Town Manager, with the approval of the Selectboard, shall set the~~
4 ~~compensation of all other town officers and employees.~~

5 * * *

6 § 13. EXPIRATION OF TERMS OF SELECTBOARD MEMBERS UPON
7 MERGER

8 ~~Upon such effective date of the merger of the Village of St. Johnsbury and~~
9 ~~the Town of St. Johnsbury the Selectboard members shall continue in office~~
10 ~~for the remainder of their respective terms and the other officers of the Town~~
11 ~~of St. Johnsbury shall continue in office until the first Tuesday in March next~~
12 ~~following, and their successors shall have been elected or appointed; and the~~
13 ~~ordinances of the Village of St. Johnsbury then in force shall remain of full~~
14 ~~force and effect, following the effective date of this act for a period of one year~~
15 ~~only, so far as such ordinances shall continue to be applicable and appropriate,~~
16 ~~except as repealed, amended, altered, or modified by the Selectboard of the~~
17 ~~Town of St. Johnsbury, and as respects only that part of the Town of S.~~
18 ~~Johnsbury comprised within the limits of the Village of St. Johnsbury, as~~
19 ~~defined by 1927 Acts and Resolves NO. 179.~~

~~§ 14. AUTHORITY TO MERGE; EXPIRATION~~

~~The authority granted by this charter to the Village of St. Johnsbury and the Town of St. Johnsbury to merge shall expire 20 years from the date of the passage and adoption of this charter unless all of the municipalities mentioned herein shall have voted to adopt the provisions hereof within such period~~

~~* * *~~

~~§ 18. BOARD OF ASSESSMENT~~

~~(a) Creation. There is hereby created a Board of Assessment composed of the three listers.~~

~~(b) Duties. The Board of Assessment shall exercise all powers and duties with respect to grievances, otherwise imposed upon the listers or a board of listers under the laws of the State of Vermont, except as otherwise provided in this charter.~~

~~* * *~~

~~§ 20. UNDESIGNATED RESERVE FUND~~

~~The Selectboard may annually reserve any surplus in the essential services budget, not to exceed five percent of the budget, for the purpose of establishing an undesignated reserve fund. The reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for purposes as may be authorized by a majority of the voters present and voting at an annual or special meeting duly warned.~~

1 § 101. GENERAL LAW APPLIES

2 (a) All provisions of the Constitution and laws of the State relating to
3 towns and villages shall apply to the Town of St. Johnsbury, except as
4 modified by this charter.

5 (b) The Town shall have all the powers and functions conferred upon
6 towns and villages by the Constitution and laws of the State and shall also
7 have all implied powers necessary to implement those powers and functions.

8 (c) The powers and functions conferred upon the Town by this charter shall
9 be in addition to the powers and functions conferred upon the Town by the
10 laws of the State. Nothing in this charter shall be construed as a limitation
11 upon those powers and functions.

12 § 102. ADDITIONAL TOWN POWERS

13 In addition to powers otherwise conferred by law, the Town of St.
14 Johnsbury is authorized to adopt, amend, repeal, and enforce ordinances:

15 (1) relating to collection and removal of garbage, ashes, rubbish, refuse,
16 waste, and scrap by the Town and establishment of rates to be paid to the
17 Town for such service;

18 (2) relating to construction and alteration of public and private buildings
19 and the use thereof, including establishment of minimum standards for
20 plumbing, heating, and wiring, so as to prevent hazardous and dangerous
21 conditions, fires, and explosions by precautionary regulations and inspection,

1 ~~(3) relating to the use of firearms in settled areas;~~

2 ~~(4) relating to the packaging, marketing, and handling of produce and~~
3 ~~other foodstuffs;~~

4 ~~(5) relating to the prevention of pollution of streams, ponds, and other~~
5 ~~waterways within the Town.~~

6 § 103. INITIATIVE; ADVISORY VOTES

7 The voters of the Town have the power to petition for a nonbinding
8 advisory vote to reflect public sentiment. The petition shall be signed by at
9 least five percent of the voters of the Town and shall state that it is advisory
10 only. The Select Board, upon receipt of the petition, shall place the article on
11 the warning for the next Town meeting or any other Town election.

12 Subchapter 2. Town Officers

13 § 201. ELECTIVE OFFICERS

14 (a) The elective officers of the Town shall be five Select Board members
15 elected from the Town at large at a duly warned annual town meeting; a Town
16 Clerk; a Treasurer; and a Moderator, unless by a majority vote of the Town the
17 Moderator becomes an appointed position.

18 (b) Select Board terms shall include three positions with a three-year term
19 and two positions with a one-year term. All other elective officers shall hold
20 office for a three-year term. The term shall expire the first day following the
21 annual Town meeting.

1 § 202. APPOINTIVE OFFICERS

2 (a) The Select Board members shall annually appoint a Constable and other
3 officers required by law or this charter, the appointments to be made as
4 vacancies occur in the elected positions.

5 (b) The Select Board members may create appointive officers not provided
6 for by this charter or required by law as they deem to be in the best interests of
7 the Town.

8 § 203. COMPENSATION

9 (a) Compensation paid to the Select Board members shall be set by the
10 voters at Town meeting.

11 (b) Subject to subsection (a) of this section, the Select Board shall fix the
12 compensation of all elective officers and of all officers appointed by the Select
13 Board.

14 (c) The Town Manager, under policies approved by the Select Board, shall
15 fix the compensation of all other officers and employees whose compensation
16 is not fixed by the Select Board pursuant to subsection (b) of this section.

17 Subchapter 3. Select Board

18 § 301. SELECT BOARD; LEGISLATIVE BODY

19 The Select Board shall constitute the legislative body of the Town of and
20 shall have all powers and authority necessary for the performance of the
21 legislative function.

1 § 302. ADDITIONAL POWERS OF THE SELECT BOARD

2 In addition to powers otherwise conferred by law, the Select Board is
3 authorized to adopt, amend, repeal, and enforce ordinances:

4 (1) regulating the parking and operation of motor vehicles; including,
5 despite any contrary provisions of law, the establishment of speed zones
6 wherein the limit is less than 20 miles per hour, all as may be required by the
7 safety and welfare of the inhabitants of the Town;

8 (2) relating to regulation, licensing, and prohibition of the storage and
9 accumulation of junk cars, garbage, ashes, rubbish, refuse, waste, and scrap
10 and the collection, removal, and disposal of such materials;

11 (3) relating to registration and regulation of bicycles; and

12 (4) relating to the keeping of dogs, cats, and other domestic animals in
13 settled areas.

14 § 303. FURTHER POWERS OF THE SELECT BOARD

15 In addition to powers otherwise conferred by law, the Select Board
16 members shall also have the power to:

17 (1) create, consolidate, or dissolve departments as necessary or relevant
18 for the performance of municipal services;

19 (2) create, consolidate, or dissolve commissions and committees as
20 necessary or relevant and appoint the commission and committee members,

1 ~~(3) provide on an annual basis an independent audit of all Town~~
2 ~~financial records by a certified public accountant;~~

3 ~~(4) inquire into the conduct of any officer, commission, or department~~
4 ~~and investigate any and all municipal affairs; and~~

5 ~~(5) discharge all duties devolving on the Town Agent by general law~~
6 ~~and hire attorneys on behalf of the Town.~~

7 § 304. ORGANIZATION OF THE SELECT BOARD

8 (a) Forthwith after the annual meeting of the town, the Select Board
9 members shall organize and elect a Chair and Vice Chair.

10 (b) The Chair of the Board, or in the Chair's absence, the Vice Chair, shall
11 preside at all meetings of the Board and the presiding officer shall be a voting
12 member of the Board.

13 (c) When a vacancy occurs on the Select Board, the remaining members
14 may fill the vacancy by appointment of a registered voter of the Town, such
15 appointment to be for the period until the next annual meeting, when the voters
16 of the Town shall fill the vacancy.

17 (d) The Board shall fix the time and place of its regular meetings to be held
18 at least twice a month.

19 ~~(e) The presence of three members shall constitute a quorum.~~

1 Subchapter 4. Town Manager

2 § 401. APPOINTED BY THE SELECT BOARD

3 The Select Board members shall appoint a Town Manager for an indefinite
4 term and upon such conditions as they may determine.

5 § 402. TOWN MANAGER NONPARTISAN

6 (a) The Town Manager shall be chosen solely on the basis of the
7 individual's executive, administrative, and professional qualifications.

8 (b) The Town Manager shall not take part in the organization or direction
9 of a political party or serve as a member of a party committee, nor be a
10 candidate for election to any public office.

11 § 403. OATH AND BOND

12 Before entering upon the Manager's duties, the Town Manager shall be
13 sworn to the faithful performance of the Manager's duties by the Town Clerk
14 and shall be bonded in an amount and with sureties as the Select Board may
15 require.

16 § 404. DUTIES FOR MANAGER

17 (a) The Town Manager shall be the Chief Executive Officer of the Town
18 and shall:

19 (1) Carry out the policies established by the Select Board, to whom the
20 Town Manager shall be accountable.

1 ~~(2) Attend all meetings of the Select Board, except when the Manager's~~
2 ~~compensation or removal is being considered; keep the Select Board informed~~
3 ~~of the financial condition and future needs of the Town; and make any other~~
4 ~~reports that may be required by law, requested by the Select Board, or deemed~~
5 ~~by the Manager to be advisable.~~

6 ~~(3) Perform all other duties prescribed by this charter or required by law~~
7 ~~or by resolution of the Select Board.~~

8 ~~(4) Be an ex-officio member of all standing committees except the~~
9 ~~Development Review Board, and shall not vote.~~

10 ~~(5) Prepare an annual budget, submit it to the Select Board, and be~~
11 ~~responsible for its administration after adoption.~~

12 ~~(6) Compile for general distribution at the end of each fiscal year a~~
13 ~~complete report on the finances and administrative activities of the Town for~~
14 ~~the year.~~

15 ~~(7) Provide to the Select Board a monthly financial statement, with a~~
16 ~~copy to the Town Treasurer.~~

17 ~~(8) Perform all duties now conferred by law on the Road Commissioner~~
18 ~~within all areas of the Town, except within villages that vote not to surrender~~
19 ~~their charters under this charter, notwithstanding the provisions of 24 V.S.A.~~
20 ~~§ 1236(3).~~

1 ~~(9) Perform all duties now conferred by law on the Collector of~~
2 ~~Delinquent Taxes.~~

3 ~~(10) Under policies approved by the Select Board, be the General~~
4 ~~Purchasing Agent of the Town and purchase all equipment and supplies and~~
5 ~~contract for services for every department pursuant to the purchasing and bid~~
6 ~~policies approved by the Select Board.~~

7 ~~(11) Be responsible for the system of accounts.~~

8 ~~(12) Be responsible for the operation of all departments, including the~~
9 ~~Police and Fire Departments.~~

10 ~~(13) Under policies approved by the Select Board, have exclusive~~
11 ~~authority to appoint, fix the salaries of, suspend, and remove, all officers and~~
12 ~~employees except those who are elected or who are appointed by the Select~~
13 ~~Board. When the Town Manager position is vacant, this authority shall be~~
14 ~~exercised by the Select Board.~~

15 ~~(b) The Town Manager may, when advisable or proper, delegate to~~
16 ~~subordinate officers and employees of the Town any duties conferred upon the~~
17 ~~Manager.~~

18 § 405. COMPENSATION

19 The Town Manager shall receive such compensation as may be fixed by the
20 Select Board.

1 § 406. APPOINTMENTS

2 Except for those appointments made by the Select Board as provided for in
3 this chapter, the Town Manager shall appoint and remove all Town employees,
4 including Chief of the Fire Department, Chief of Police, Director of Public
5 Works, Assistant Town Manager, Finance Director, Zoning Administrator,
6 Assessor, Code Compliance Officer, Health Officer, Parks Director and Tree
7 Warden, Recreation Director, and all other officers and employees as may be
8 required by general law of the State, by this chapter, or by the Select Board.

9 § 407. REMOVAL OF THE TOWN MANAGER

10 (a) The Town Manager may be removed from office for cause, by a
11 majority vote of the Select Board at a duly warned meeting for that purpose, as
12 provided by general law or employment contract. At least 30 days prior to the
13 effective date of the removal, the Select Board shall by majority vote of its
14 members adopt a resolution stating the reason for the removal, and cause a
15 copy of such resolution to be given to the Manager. The Select Board may by
16 such resolution immediately suspend the Town Manager from active duty but
17 shall continue the Manager's salary until final dismissal, unless otherwise
18 contracted between the Select Board and the Town Manager.

19 (b) Town Manager appointments shall continue until removed by the Town
20 Manager. Removals by the Town Manager shall be in accordance with any
21 personnel policy or plan adopted.

Subchapter 5. Taxation

§ 501. TAXES

Taxes shall be assessed by the Town based on the fair market value of real property, in accordance with State law.

§ 502. FAIR MARKET VALUE OF REAL ESTATE

(a) In the event that the fair market value of real estate is materially changed because of total or partial destruction of or damage to the property or because of alterations, additions, or other capital improvements, the taxpayer may appeal as provided by law.

(b) When the fair market value of real estate is finally determined by appeal to the Board of Civil Authority, then the value so fixed shall be the fair market value of the real estate for the year in which the appeal is taken.

(c) When the fair market value of real estate is finally determined by the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of the real estate for the year for which such appeal is taken and for the ensuing two years unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete revaluation of all taxable real estate, in the event of which, such fair market value may be changed.

§ 503. SPECIAL ASSESSMENTS

Despite any contrary provision in general law, the Select Board may in its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, the special assessment to be the proportion of the total cost of the improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

§ 504. CREATION OF ST. JOHNSBURY DOWNTOWN DISTRICT

There is hereby created in the Town of St. Johnsbury a special district to be known as the St. Johnsbury Downtown Improvement District which shall be that area set forth on a map approved by the voters of St. Johnsbury and filed with the Town Clerk. The area of the District may be changed upon a majority vote of the legal voters at an annual or special meeting duly warned.

§ 505. DOWNTOWN DISTRICT; PURPOSE AND POWERS

(a) The District is created for the general purpose of maintaining and improving the economic, social, cultural, and environmental vitality and quality of the Town of St. Johnsbury, in particular, the District created by section 506 of this charter, to promote the Town and the District as a regional retail, commercial, and service center and to serve as an advocate for the orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.

1 ~~(b) The rights, powers, and duties of the District shall be exercised by the~~
2 Select Board and shall be broadly construed to accomplish the purposes set
3 forth above and shall include the following:
4 (1) to advertise and promote the Improvement District;
5 (2) to represent the interests of the District;
6 (3) to receive and expend contributions, grants, and income;
7 (4) to expend funds as provided for in the budget or as otherwise
8 approved;
9 (5) to manage and maintain public spaces and to assume or supplement
10 the services and maintenance heretofore provided to the District by the Town
11 as recommended to and approved by the Select Board;
12 (6) to acquire and dispose of property on behalf of the Town;
13 (7) to install and make public improvements;
14 (8) to improve, manage, and regulate public parking facilities and
15 vehicular traffic within the District;
16 (9) to enter into contracts as may be necessary or convenient to carry out
17 the purpose of this charter;
18 (10) to regulate, lease, license, establish rules and fees, and otherwise
19 manage the use of public spaces within the District;
20 (11) to plan for the orderly development of the District in cooperation
21 with the Town Planning Commission,

1 ~~(12) to do all other things necessary or convenient to carry out the~~
2 purposes for which this District was created; and

3 ~~(13) to appropriate annually money for the maintenance, care,~~
4 improvement, and support of Fairbanks Museum, provided the same shall
5 remain a nonprofit institution for the promotion of education.

6 § 506. DOWNTOWN DISTRICT; ANNUAL BUDGET

7 The Town Manager shall submit each year an operating budget of
8 anticipated expenditures and revenues to the Select Board for approval for the
9 next fiscal year. In the event the Select Board does not approve the budget as
10 submitted, the Select Board shall immediately return the budget to the Town
11 Manager with its recommendations for the Town Manager's reconsideration.

12 Appropriations other than from contributions, grants, and income shall be
13 raised solely through District taxes that shall be assessed and collected as a tax
14 on property as provided for in section 508 of this charter. The Select Board
15 may borrow money in anticipation of District taxes.

16 § 507. DOWNTOWN DISTRICT; TAXES

17 (a) District taxes are charges levied upon the owners of taxable properties
18 located in the District, excepting properties used exclusively for residential
19 purposes, which taxes shall be used to defray the expenses incurred in
20 connection with the operation, maintenance, and repair of the District.

1 ~~(b) The District tax for each property in the District subject to the tax shall~~
2 ~~be based upon a rate on each \$100.00 of listed value of the property as~~
3 ~~adjusted under subsection (c) of this section. The tax rate shall be determined~~
4 ~~by dividing the amount to be raised by taxes by the total value of the taxable~~
5 ~~properties on the grand list as adjusted located in the District that are subject to~~
6 ~~the District tax under this subchapter.~~

7 (c) The District tax shall be set by the Select Board upon approval of the
8 budget by the Select Board and notice in writing thereof shall be given to
9 owners of record as of April 1 of each year of property so assessed, or to their
10 agents or attorneys , stating therein the amount of such District taxes, and such
11 taxes shall be due and payable to the Town Treasurer when normal Town and
12 school taxes are due. The Town Treasurer shall collect unpaid District taxes as
13 provided for the collection of taxes in the charter. District taxes shall be a lien
14 on the properties when assessed and until the tax is paid or the lien is otherwise
15 discharged by operation of law.

16 (d) In the case of any property used for both residential and nonresidential
17 purposes within the District as of April 1, the Board of Listers shall adjust the
18 listed value for the purposes of determining the District tax under this section
19 to exclude the value of that portion of the property used for residential
20 purposes. The Board of Listers shall determine the adjusted grand list value of
21 the business portion of the property and give notice of the same as provided

1 ~~under 32 V.S.A. chapter 131. Any property owner may file a grievance with~~
2 ~~the Board and appeal the decision of the Board as provided for under 32~~
3 ~~V.S.A. chapter 131; however, the filing of an appeal of the determination of~~
4 ~~the Board and pendency of the appeal shall not vacate the lien on the property~~
5 ~~assessed, and the District taxes must be paid and continue to be paid as they~~
6 ~~become due.~~

7 Subchapter 7. Water and Wastewater Systems

8 § 701. TOWN POWERS

9 The Town may make, alter, and repeal ordinances relating to management,
10 operation, maintenance, replacement, and extension of a Town water and
11 wastewater systems and may fix, and from time to time alter, water and
12 wastewater rates.

13 Subchapter 8. Miscellaneous

14 § 801. CHARTER REVIEW COMMITTEE

15 At least once every five years, the Select Board shall appoint a Charter
16 Review Committee of not fewer than five nor more than nine members from
17 among the residents of the Town. The Committee shall review the charter and
18 recommend any changes it finds necessary or advisable for the purpose of
19 improving the operation of Town government. The Committee shall prepare a
20 written report of its recommendations in time for those recommendations to be
21 submitted to the Select Board for review not later than one year after the

1 ~~appointment of the Committee. At the discretion of the Select Board, the~~
2 ~~recommendations may be warned for ballot vote at an annual or special Town~~
3 ~~meeting to be held not later than one year after the submission of the report.~~
4 ~~The Select Board shall provide in its budget for any year when a Charter~~
5 ~~Review Committee is appointed funding for the Committee.~~

6 § 802. CHARTER BORROWING

7 The Town shall have the authority to adopt any charter provision approved
8 for any other municipality, without seeking approval from the General
9 Assembly.

10 Sec. 3. REDESIGNATIONS

11 In 24 App. V.S.A. chapter 151, §§ 1, 12b, 15, 16, and 21 are redesignated
12 as §§ 803, 204, 809, 806, and 104 respectively.

13 Sec. 4. 24 App. V.S.A. chapter 151, § 2 is redesignated and amended to read:

14 § 2 804. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL
15 SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

16 * * *

17 ~~(e) A special district to be known as the St. Johnsbury Downtown~~
18 ~~Improvement District (District) is created. The District shall be that area~~
19 ~~consisting of properties with frontage on either side of Railroad Street from~~
20 ~~Cross Street to Maple Street and seven additional properties on Eastern~~
21 ~~Avenue and Pearl Street. The District is more precisely shown on the Plan St.~~

1 ~~Johnsbury Downtown Improvement District, Revised January 3, 1997" and~~
2 ~~recorded with the Town Clerk in the Town of St. Johnsbury.~~

3 ~~(1) Commission—Creation; Membership. A St. Johnsbury Downtown~~
4 ~~Improvement District Commission (Commission) is created consisting of~~
5 ~~seven members appointed by the Selectboard. Five members shall be, at the~~
6 ~~time of appointment and during their terms, natural persons who are owners of~~
7 ~~property, managers, proprietors, operators, officers, or directors of businesses~~
8 ~~located within the District who shall be appointed to serve for a term of five~~
9 ~~years and until their successors are appointed and qualified, except that the~~
10 ~~terms of the first five commissioners shall be from the date of appointment~~
11 ~~until one year, two years, three years, four years, and five years after April 1,~~
12 ~~1997, respectively. One member shall be a member at large who shall be, at~~
13 ~~the time of appointment and during his or her term, a legal resident of the~~
14 ~~Town of St. Johnsbury, who shall be appointed to serve for the term of five~~
15 ~~years commencing the first day of April and until the member's successor is~~
16 ~~appointed and qualified. One member shall be a Selectboard member, or an~~
17 ~~employee of the Town of St. Johnsbury, who shall be appointed to serve for a~~
18 ~~term of one year commencing the first day of April and until the member's~~
19 ~~successor is appointed and qualified. The Commission shall have a Chair and~~
20 ~~vice Chair elected by the Commission members. Any vacancy shall be filled~~

1 ~~by the appointing authority for the remainder of the unexpired term~~

2 ~~Commissioners may be removed by unanimous vote of the Selectboard.~~

3 ~~(2) Purposes and Powers. The Commission is created for the general~~
4 ~~purpose of maintaining and improving the economic, cultural, and~~
5 ~~environmental vitality and quality of the Town of St. Johnsbury and, in~~
6 ~~particular, the District created by this subsection; to promote the Town and the~~
7 ~~District as a regional retail, commercial, and service center; and to serve as an~~
8 ~~advocate for orderly development of the District in order to encourage~~
9 ~~expansion of the retail, commercial, and service base of the District and the~~
10 ~~Town by attracting new business and investment.~~

11 ~~The rights, powers, and duties of the Commission acting on its own~~
12 ~~authority or acting through the Town of St. Johnsbury Selectboard, as set forth~~
13 ~~in this section, shall be broadly construed to accomplish the purposes set forth~~
14 ~~within the District and shall include the following:~~

15 ~~(A) to prepare a budget (the "budget") for the District in accordance~~
16 ~~with subdivision (1) of this subsection;~~

17 ~~(B) to advertise and promote the District;~~

18 ~~(C) to represent the interests of the District;~~

19 ~~(D) to hire and remove personnel as provided for in the budget or as~~
20 ~~otherwise approved by the Selectboard;~~

1 ~~(E) to apply for available governmental grants in aid and economic~~
2 ~~and in-kind incentives when approved by the Selectboard;~~
3 ~~(F) to receive and expend contributions, grants, and income;~~
4 ~~(G) to apply for an allocation of the State's private activity bond~~
5 ~~volume cap under 26 U.S.C. § 141, as amended, when approved by the~~
6 ~~Selectboard;~~
7 ~~(H) to expend funds as provided for in the budget or as otherwise~~
8 ~~approved by the Selectboard;~~
9 ~~(I) to manage and maintain in public spaces and to assume or~~
10 ~~supplement the services and maintenance heretofore provided the District by~~
11 ~~the Town as recommended to and approved by the Selectboard;~~
12 ~~(J) to acquire and dispose of property as recommended to and~~
13 ~~approved by the Selectboard;~~
14 ~~(K) to install and make public improvements as recommended to and~~
15 ~~approved by the Selectboard;~~
16 ~~(L) to cooperate with the Town in the use, management, and~~
17 ~~improvement of public parking facilities and to undertake such management or~~
18 ~~improvements and to regulate vehicular traffic within the district as~~
19 ~~recommended by the Selectboard;~~
20 ~~(M) to enter into contracts;~~

1 ~~(N) to regulate, lease, license, establish rules and fees, and otherwise~~
2 ~~manage the use of public spaces within the District;~~

3 ~~(O) to plan for the orderly development of the District in cooperation~~
4 ~~with the Town Planning Commission and as recommended to and approved by~~
5 ~~the Selectboard;~~

6 ~~(P) to do all other things necessary or convenient to carry out the~~
7 ~~purposes of this subsection except that the Commission may not assume~~
8 ~~authority over any subject matter or activity under the jurisdiction of another~~
9 ~~Town official, department, or board as of the effective date of this subsection~~
10 ~~or contrary to any order or ordinance in effect as of such date other than to hire~~
11 ~~and remove personnel under contract or employed by the Commission, unless~~
12 ~~and until the Selectboard, by order, transfers such jurisdiction to the~~
13 ~~Commission, notwithstanding section 8 of the charter, or amends the order or~~
14 ~~ordinance.~~

15 ~~(3) Annual Budget. Annually the Commission shall submit to the~~
16 ~~Selectboard for approval for the next fiscal year a capital and operating budget~~
17 ~~of revenues and expenditures that shall be used exclusively to repay debt on~~
18 ~~capital improvements in the District and to defray the expenses incurred by the~~
19 ~~Commission in connection with the operation, maintenance, and repair of the~~
20 ~~District. In the event the Selectboard does not approve the budget as~~
21 ~~submitted, the Selectboard shall return the budget forthwith to the Commission~~

1 ~~with its recommendations for the Commission's reconsideration.~~

2 ~~Appropriations other than from contributions, grants, and income for the~~
3 ~~Commission shall be raised through common area fees that shall be assessed~~
4 ~~and collected as tax on property as provided for in this subsection. The~~
5 ~~Commission may, upon adoption of the annual budget and upon approval of~~
6 ~~the Selectboard, borrow money in anticipation of common area fees.~~

7 ~~(4) Common Area Fees.~~

8 ~~(A) Common area fees are charges levied upon the owners of taxable~~
9 ~~properties located in the District, excepting such portions of properties used for~~
10 ~~owner-occupied residential purposes.~~

11 ~~(B)(i) The District shall have the authority to assess common area~~
12 ~~fees for taxable real estate in the district based upon one of the following~~
13 ~~assessment methods:~~

14 ~~(I) A flat fee per taxable parcel identifiable on the grand list.~~

15 ~~(II) A flat fee per taxable parcel plus a formula based on any~~
16 ~~one, or combination thereof, of square footages of commercial space, number~~
17 ~~of apartments, square footage of lot size, linear footage of frontage, number of~~
18 ~~parking spaces provided, number of parking spaces that would be needed to~~
19 ~~conform to the Town's existing zoning bylaws for new construction, or any~~
20 ~~equation that raises fees adequate to meet an annual Commission budget with a~~

1 ~~method that reasonably apportion costs to property owners in relation to the~~
2 ~~benefit that accrues to them.~~

3 ~~(ii) The Commission shall only raise common area fees sufficient~~
4 ~~to meet the budget regardless of the assessment method.~~

5 ~~(iii) The common area fees shall be established by the Commission~~
6 ~~upon approval of the Commission budget by the Selectboard and shall be~~
7 ~~assessed annually by the Selectboard to be collected at the same time and in~~
8 ~~the same manner as the Town votes to have its taxes collected, and such~~
9 ~~common area assessment shall be a lien thereon with the same priority as taxes~~
10 ~~lawfully assessed thereon.~~

11 ~~(C) Consistent with the charter for the Town of St. Johnsbury and the~~
12 ~~laws of the United States and of this State, the Commission, with the approval~~
13 ~~of the Selectboard, may substitute any local option taxes permitted by law in~~
14 ~~lieu of common area fees that exist to meet the budget.~~

15 ~~(D) Appeals. Persons aggrieved by any decision of the Commission~~
16 ~~involving the assessment or levy of common area fees may appeal the decision~~
17 ~~to the Selectboard by filing a written notice of appeal with the Town Clerk~~
18 ~~within 30 days of the date of such decision, and furnishing a copy of the notice~~
19 ~~of appeal to the Commission. The Selectboard shall set a date and place for a~~
20 ~~hearing on the appeal within 60 days of the filing of the notice of appeal. The~~
21 ~~Selectboard shall give the appellant and the Commission at least 15 days~~

1 ~~notice prior to the hearing date. Any person entitled to take an appeal may~~
2 ~~appear and be heard in person or be represented by agent or attorney at such~~
3 ~~hearing. Any hearing held under this subsection may be adjourned by the~~
4 ~~Selectboard from time to time; provided, however, that the date and place of~~
5 ~~adjourned hearing shall be announced at that hearing or 15 days' notice thereof~~
6 ~~is furnished to the appellant and the Commission. The Selectboard shall render~~
7 ~~its decision, which shall include findings of fact, within 45 days after~~
8 ~~completing the hearing, and shall within that period send the appellant, and the~~
9 ~~Commission, by certified mail, a copy of the decision. An aggrieved person~~
10 ~~may appeal a decision of the Selectboard to the Caledonia County Superior~~
11 ~~Court. The appeal shall be taken in such manner as the Supreme Court may by~~
12 ~~rule provide for appeals from State agencies, governed by 3 V.S.A. §§ 801~~
13 ~~through 816. Notice of appeal shall be sent by mail to the Commission.~~

14 Sec. 5. 24 App. V.S.A. chapter 151, § 6 is redesignated and amended to read:

15 § 6 807. FIRE DISTRICT; PROCESS FOR ABOLITION

16 The St. Johnsbury Center Fire District No. 1 is abolished when a majority
17 of the legal voters of said Fire District present and voting on the question at a
18 regular or special meeting of said Fire District warned for said purpose so vote
19 and shall thereupon cease to exist as a political entity and body corporate. All
20 the property and funds of said Fire District shall on such date be vested in the
21 ~~Town of St. Johnsbury and the Town of St. Johnsbury shall thereupon assume~~

1 ~~all indebtedness and obligations of said Fire District unless said liabilities and~~
2 obligations exceed said assets in which case said Fire District shall continue to
3 exist until such excess is paid unless the Town of St. Johnsbury votes
4 otherwise at a regular or special meeting warned for said purpose. Any
5 existing debt service shall be assessed as a special assessment to those
6 properties within the Fire District.

7 Sec. 6. 24 App. V.S.A. chapter 151, § 17 is redesignated and amended to read:

8 § 17 808. DEPARTMENT OF ASSESSMENT

9 * * *

10 (c) Powers. The Department of Assessment shall have the same powers,
11 discharge the same duties, proceed in the same manner, and be subject to the
12 same liabilities as those prescribed for listers or a board of listers under
13 applicable provisions of Vermont law with respect to drawing up the grand list,
14 except as otherwise provided in this charter and grievances.

15 Sec. 7. 24 App. V.S.A. chapter 151, § 19 is redesignated and amended to read:

16 § 19 809. APPEALS

17 A person aggrieved by the final decision of the ~~Board~~ Department of
18 Assessment under the provisions of section ~~18~~ 808 of this charter may appeal
19 in writing under the provisions of 32 V.S.A. chapter 131.

20 Sec. 8. EFFECTIVE DATE

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of St. Johnsbury as set forth in this act. Voters approved the proposals of amendment on November 8, 2022.

Sec. 2. 24 App. V.S.A. chapter 151 is amended to read:

CHAPTER 151. TOWN OF ST. JOHNSBURY

Subchapter 1. Powers of the Town

** * **

~~*§ 2A. TAXATION FOR BONDS AND NOTES*~~

~~*Notwithstanding subsection 2(b) of this charter, all taxable property in the Town of St. Johnsbury shall be subject to the levy of unlimited ad valorem taxes to pay bonds and notes authorized by the voters of the Town for water purposes.*~~

~~*§ 3. SETTLEMENT OF VILLAGE AFFAIRS*~~

~~*The officers of the Village of St. Johnsbury shall, prior to the date when 1957 Acts and Resolves No. 345, as amended, goes into effect, settle, so far as possible, the pecuniary affairs of the Village of St. Johnsbury, and shall, except as hereinafter provided, on said date turn over and deliver to the Clerk of the Town of St. Johnsbury, all the records, books, and documents of the Village of St. Johnsbury, and to the proper officers of the said Town all other property of the said Village.*~~

~~§ 4. AUTHORITY; ANNUAL MEETING~~

~~(a) Said Town shall have and is hereby granted the authority to exercise all powers relating to municipal affairs and no enumeration of powers in this charter shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit the authority of the Legislature to alter, amend, or repeal this charter; or to limit the right to hereafter pass general laws applicable alike to this and all other municipal corporations of the State; nor shall this grant of authority be deemed to limit the patronage or control of the State with respect to said Town.~~

~~(b) The Town shall start its annual meeting at 7:30 o'clock in the afternoon of the day before the first Tuesday of March and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot and to be held on the first Tuesday of March. Discussion shall be permitted at such meetings on all articles contained in the warning for the annual meeting. A meeting so started shall be adjourned until the following day.~~

~~§ 5. POWERS~~

~~Under the general grant of authority contained in and conferred upon the town by section 4 of this charter, the Town of St. Johnsbury may exercise the following powers and functions:~~

~~(1) To levy, assess, and collect taxes in order to carry out its powers to appropriate and to borrow money within the limits prescribed by the general laws, and to collect special assessments for benefits conferred.~~

~~(2) To furnish all local public services, including without limiting the generality of the foregoing a water system, electric light and power system, and a sewage system and disposal plant; to purchase, hire, construct, own, maintain, and operate or lease local public utilities subject to chapter 411 of V.S. 47; to acquire, by condemnation or otherwise, within or without the limits of said Town, property necessary for any such purpose, subject to restrictions imposed by the general law for the protection of other communities.~~

~~(3) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.~~

~~(4) To acquire by gift or purchase, sell, convey, lease, assign, maintain, and service real and personal property as may be necessary or incidental to the exercise of its municipal powers, duties, and functions and to exercise in connection therewith any incidental powers as may be necessary to preserve and maintain the value of any such property once lawfully acquired.~~

~~(5) To issue and sell bonds on the security of any such property, or of any public utility owned by the Town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the Town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.~~

~~(6) To purchase or lease lands within or without the corporate limits of the Town, to lay out or widen streets, highways, lanes, commons, alleys, and walks, to provide places of healthy recreation in summer or in winter such as a skating rink, a swimming pool, a playing field, a public park; to provide for tourist camping sites, and aviation landing field, and a municipal forest reserve; and for any municipal purposes whatever.~~

~~(7) To adopt and enforce within its limits local police, sanitary, zoning, Town planning, and other similar regulations, not in conflict with the laws of this State.~~

~~(8) To establish and maintain a fire department.~~

~~(9) To establish and maintain a police department, to provide for the appointment of police officers, who shall be sworn and who shall have the same powers as constables in the service of civil and criminal process, and such further special authority as may be provided in the bylaws or ordinances of said Town enacted under authority of law. Such fire and police departments may be consolidated into one department if the Town shall so vote.~~

~~(10) To appropriate annually money for the maintenance, care, improvement, and support of Fairbanks Museum, so long as the same shall remain a nonprofit institution for the promotion of education.~~

* * *

~~§ 7. BYLAWS~~

~~In meetings duly warned for the purpose, the Town of St. Johnsbury shall have power to make, alter, repeal, or amend bylaws that, together with the ordinances and regulations adopted by the Selectboard, shall regulate its affairs and shall carry into effect the provisions and intent of this charter.~~

~~§ 8. ORDINANCES AND REGULATIONS~~

~~The Selectboard of the Town of St. Johnsbury, consistent with the Constitution and laws of the United States and of this State, shall have the power and authority to make, establish, impose, alter, amend, or repeal ordinances and regulations and to enforce the same by fine, penalty, forfeiture, injunction, restraining order, or any proper remedy, with respect to the inspection, regulation, licensing, or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings, and businesses, viz:~~

~~(1) The sale and measurement of wood, coal, oil, and all other fuels; hay scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses; groceries; restaurants, lunch carts, and other eating establishments; all places~~

~~where beverages are manufactured, processed, bottled, or sold; manufacturing establishments; saloons; taverns; innkeepers; hotels; motels; rooming houses; junk businesses; advertising billboards; overhanging signs and awnings; billiard rooms; pool rooms; bowling alleys; public halls; dance halls; theaters; moving picture houses; all places where tobacco, cigars, and cigarettes are manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops; public garages; the transportation, storage, and sale of propane gas, naphtha, gasoline, kerosene, fuel oil, and other inflammable oils; the breeding, raising, and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing, and other domestic animals; coal sheds; wood yards; creameries, dairies; dyeing establishments; garbage plants; gas works; livery stables; skating rinks; sewers; cesspools; privies; cow stables, barns; wells; and public dumps; oil and gasoline storage tanks, and gasoline filling stations.~~

~~(2) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists, mediums, itinerant vendors, peddlers, auctioneers, pawnbrokers, professional and amateur sports.~~

~~(3) The use of streets and highways; the regulation of traffic, both vehicular and pedestrian; taxicabs and all vehicles, exclusive of motor buses, used in the conveyance for hire of persons or goods; the parking, operation,~~

~~and speed of vehicles; guide posts, street signs, and street safety devices; milk and cream businesses and routes.~~

~~(4) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.~~

~~(5) The erection of poles, and the placing of wires, cables, and pipes, subject to the provision of chapter 409 V.S. 47; the laying of water mains and sewers; the excavating of streets; the disposal of refuse, filth, and animal carcasses; the throwing or dumping of ashes, waste paper, handbills, circulars, or rubbish of any sort; the planting, preservation, or destruction of shade trees.~~

~~(6) The transportation, manufacture, storage, and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.~~

~~(7) The cleaning of public sidewalks and gutters, and the removal therefrom of snow, ice, litter, garbage, stands, tables, boxes, and other materials encumbering or obstructing any public sidewalk, street, or way.~~

~~(8) A building code; the construction, repair, and alteration of chimneys, flues, stovepipes, furnaces, fireplaces, and heating apparatus and plumbing facilities of all kinds.~~

~~(9) Nuisances, bawdyhouses, gaming houses; racing pools; gambling instruments of all kinds; noisome and offensive places and occupations; loafing, obscenity, and ribaldry upon the Town streets and highways;~~

~~vagrancy; riots, disturbances, disorderly assemblies, and all breaches of the peace; pollution of the public water supply.~~

~~§ 9. PUBLICATION OF BYLAWS AND ORDINANCES~~

~~The bylaw adopted by the Town and the ordinances and regulations passed by the Selectboard, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in said Town at least 20 days before the effective date thereof, and all such enactments shall thereupon be recorded at length by the Town Clerk in a book kept for that purpose in the office of the Town Clerk, and the Town Clerk's certificate that such bylaws, ordinances, and regulations were duly adopted and passed at an annual meeting of said Town or at a special meeting thereof lawfully called for that purpose or were duly enacted and adopted by the Selectboard of the Town under authority of law or under authority of a vote of the Town shall be prima facie evidence of such fact in any court in this State; and certified copies of said bylaws, ordinances, and regulations and the Clerk's certificates shall be received as evidence in all the courts of the State.~~

~~§ 10. PENALTIES~~

~~(a) Fines, penalties, and forfeitures up to and including \$200.00, for each breach of an ordinance or bylaw, may be established by the Selectboard, or by a properly warned Town meeting. These fines, penalties, and forfeitures may be recovered in an action of tort brought in the name of the Town, and in any such~~

~~action a general complaint relying on the ordinance or the bylaw shall be sufficient. The process may issue either against the body or the property of the defendant, and if the defendant is found guilty, and if it is found by the court that the cause of action arose from his or her willful or malicious act or neglect, it shall so adjudge, and may further adjudge that he or she be confined in close jail, and may issue execution against his or her body with a certificate of such findings endorsed thereon; and such execution with such certificate thereon shall have the same effect as an execution issued on a judgment founded upon tort having a like certificate endorsed thereon.~~

~~(b) Any person refusing to comply with any Town ordinance or bylaw, relating to his or her business may be enjoined by a proper action in chancery brought in the name of the Town, from continuing such business in violation of such ordinance or bylaw, and in any such action a bill relying on the ordinance or bylaw shall be sufficient.~~

~~(c) Nothing in this section shall be construed to prevent the Town from having and exercising such other powers as may be proper to enforce obedience to its ordinances and bylaws and to punish violations thereof.~~

~~§ 11. PROSECUTION OF VIOLATIONS~~

~~All violations of ordinances or bylaws may be prosecuted in behalf of the Town by its attorney, or police officers, or by any other duly authorized prosecuting officer, before the Caledonia Municipal Court; and all fines,~~

~~penalties, or forfeitures recovered by the said Town for violations of such ordinances or bylaws shall be paid into the Town Treasury.~~

~~§ 12. OFFICERS~~

~~The elective officers of the Town shall be those authorized by the general laws of this State, except that notwithstanding the provisions of section 3509 of the Vermont Statutes, Revision of 1947, the listers shall be appointed annually by the Selectboard, unless the Town at an annual or special meeting duly warned for that purpose shall vote otherwise.~~

~~§ 12a. COMPENSATION AND FEES~~

~~(a) The Selectboard shall annually consider, and from time to time set, the compensation of the following officers:~~

~~(1) Town Manager;~~

~~(2) Constable;~~

~~(3) members of the Board of Assessment.~~

~~(b) The Town Clerk and the Selectboard shall jointly set the compensation of the Town Clerk each year. The Town Treasurer and the Selectboard shall jointly set the compensation of the Town Treasurer each year. If the Selectboard and the Town Clerk or Town Treasurer are unable to agree on the amount of either officer's compensation, that officer's compensation shall be set by vote of the Town and the Selectboard shall include an article or articles in the annual meeting warning to that effect. The article or articles shall be~~

~~adopted or modified by the vote of the majority of those eligible to vote who are present at the meeting. The article or articles shall not be voted on by Australian ballot.~~

~~(e) The Town Manager, with the approval of the Selectboard, shall set the compensation of all other town officers and employees.~~

* * *

~~§ 13. EXPIRATION OF TERMS OF SELECTBOARD MEMBERS UPON MERGER~~

~~Upon such effective date of the merger of the Village of St. Johnsbury and the Town of St. Johnsbury the Selectboard members shall continue in office for the remainder of their respective terms and the other officers of the Town of St. Johnsbury shall continue in office until the first Tuesday in March next following, and their successors shall have been elected or appointed; and the ordinances of the Village of St. Johnsbury then in force shall remain of full force and effect, following the effective date of this act for a period of one year only, so far as such ordinances shall continue to be applicable and appropriate, except as repealed, amended, altered, or modified by the Selectboard of the Town of St. Johnsbury, and as respects only that part of the Town of St. Johnsbury comprised within the limits of the Village of St. Johnsbury, as defined by 1927 Acts and Resolves No. 179.~~

~~§ 14. AUTHORITY TO MERGE; EXPIRATION~~

~~The authority granted by this charter to the Village of St. Johnsbury and the Town of St. Johnsbury to merge shall expire 20 years from the date of the passage and adoption of this charter unless all of the municipalities mentioned herein shall have voted to adopt the provisions hereof within such period~~

~~* * *~~

~~§ 18. BOARD OF ASSESSMENT~~

~~(a) Creation.—There is hereby created a Board of Assessment composed of the three listers.~~

~~(b) Duties.—The Board of Assessment shall exercise all powers and duties with respect to grievances, otherwise imposed upon the listers or a board of listers under the laws of the State of Vermont, except as otherwise provided in this charter.~~

~~* * *~~

~~§ 20. UNDESIGNATED RESERVE FUND~~

~~The Selectboard may annually reserve any surplus in the essential services budget, not to exceed five percent of the budget, for the purpose of establishing an undesignated reserve fund.—The reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for purposes as may be authorized by a majority of the voters present and voting at an annual or special meeting duly warned.~~

§ 101. ADDITIONAL TOWN POWERS

In addition to powers otherwise conferred by law, the Town of St. Johnsbury is authorized to adopt, amend, repeal, and enforce ordinances:

(1) relating to collection and removal of garbage, ashes, rubbish, refuse, waste, and scrap by the Town and establishment of rates to be paid to the Town for such service; and

(2) relating to construction and alteration of public and private buildings and the use thereof, including establishment of minimum standards for plumbing, heating, and wiring, so as to prevent hazardous and dangerous conditions, fires, and explosions by precautionary regulations and inspection.

§ 102. INITIATIVE; ADVISORY VOTES

The voters of the Town have the power to petition for a nonbinding advisory vote to reflect public sentiment. The petition shall be signed by at least five percent of the voters of the Town and shall state that it is advisory only. The Select Board, upon receipt of the petition, shall place the article on the warning for the next Town meeting or any other Town election.

Subchapter 2. Town Officers

§ 201. ELECTIVE OFFICERS

(a) The elective officers of the Town shall be five Select Board members elected from the Town at large at a duly warned annual town meeting; a Town

Clerk; a Treasurer; and a Moderator, unless by a majority vote of the Town the Moderator becomes an appointed position.

(b) Select Board terms shall include three positions with a three-year term and two positions with a one-year term. All other elective officers shall hold office for a three-year term. The term shall expire the first day following the annual Town meeting.

§ 202. APPOINTIVE OFFICERS

(a) The Select Board members shall annually appoint a Constable and other officers required by law or this charter, the appointments to be made as vacancies occur in the elected positions.

(b) The Select Board members may create appointive officers not provided for by this charter or required by law as they deem to be in the best interests of the Town.

§ 203. COMPENSATION

(a) Compensation paid to the Select Board members shall be set by the voters at Town meeting.

(b) Subject to subsection (a) of this section, the Select Board shall fix the compensation of all elective officers and of all officers appointed by the Select Board.

(c) The Town Manager, under policies approved by the Select Board, shall fix the compensation of all other officers and employees whose compensation is not fixed by the Select Board pursuant to subsection (b) of this section.

Subchapter 3. Select Board

§ 301. SELECT BOARD; LEGISLATIVE BODY

The Select Board shall constitute the legislative body of the Town of and shall have all powers and authority necessary for the performance of the legislative function.

§ 302. ADDITIONAL POWERS OF THE SELECT BOARD

In addition to powers otherwise conferred by law, the Select Board is authorized to adopt, amend, repeal, and enforce ordinances:

(1) regulating the parking and operation of motor vehicles; including, in accordance with any other provisions of law, the establishment of speed zones wherein the limit is less than 20 miles per hour, all as may be required by the safety and welfare of the inhabitants of the Town;

(2) relating to regulation, licensing, and prohibition of the storage and accumulation of junk cars, garbage, ashes, rubbish, refuse, waste, and scrap and the collection, removal, and disposal of such materials; and

(3) relating to restraining the running at large of dogs, cats, and other domestic animals, including any such animals as may be kept by residents of the town, whether classified as domestic, exotic, or otherwise.

§ 303. FURTHER POWERS OF THE SELECT BOARD

In addition to powers otherwise conferred by law, the Select Board members shall also have the power to:

(1) create, consolidate, or dissolve departments as necessary or relevant for the performance of municipal services;

(2) create, consolidate, or dissolve commissions and committees as necessary or relevant and appoint the commission and committee members;

(3) provide on an annual basis an independent audit of all Town financial records by a certified public accountant;

(4) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs; and

(5) discharge all duties devolving on the Town Agent by general law and hire attorneys on behalf of the Town.

§ 304. ORGANIZATION OF THE SELECT BOARD

(a) Forthwith after the annual meeting of the town, the Select Board members shall organize and elect a Chair and Vice Chair.

(b) The Chair of the Board, or in the Chair's absence, the Vice Chair, shall preside at all meetings of the Board and the presiding officer shall be a voting member of the Board.

(c) When a vacancy occurs on the Select Board, the remaining members may fill the vacancy by appointment of a registered voter of the Town, such

appointment to be for the period until the next annual meeting, when the voters of the Town shall fill the vacancy.

(d) The Board shall fix the time and place of its regular meetings to be held at least twice a month.

(e) The presence of three members shall constitute a quorum.

Subchapter 4. Town Manager

§ 401. APPOINTED BY THE SELECT BOARD

The Select Board members shall appoint a Town Manager for an indefinite term and upon such conditions as they may determine.

§ 402. TOWN MANAGER NONPARTISAN

(a) The Town's interests in preserving integrity and efficiency in the execution and management of its government are best served by a Town Manager who is prohibited from the fact and appearance of political partisanship in the operation of the office.

(b) The Town Manager shall be chosen solely on the basis of the individual's executive, administrative, and professional qualifications.

(c) The Town Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, or be a candidate for election to any partisan office.

§ 403. OATH AND BOND

Before entering upon the Manager's duties, the Town Manager shall be sworn to the faithful performance of the Manager's duties by the Town Clerk and shall be bonded in an amount and with sureties as the Select Board may require.

§ 404. DUTIES FOR MANAGER

(a) The Town Manager shall be the Chief Executive Officer of the Town and shall:

(1) Carry out the policies established by the Select Board, to whom the Town Manager shall be accountable.

(2) Attend all meetings of the Select Board, except when the Manager's compensation or removal is being considered; keep the Select Board informed of the financial condition and future needs of the Town; and make any other reports that may be required by law, requested by the Select Board, or deemed by the Manager to be advisable.

(3) Perform all other duties prescribed by this charter or required by law or by resolution of the Select Board.

(4) Be an ex-officio member of all standing committees except the Development Review Board and shall not vote.

(5) Prepare an annual budget, submit it to the Select Board, and be responsible for its administration after adoption.

(6) Compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town for the year.

(7) Provide to the Select Board a monthly financial statement, with a copy to the Town Treasurer.

(8) Perform all duties now conferred by law on the Road Commissioner within all areas of the Town, except within villages that vote not to surrender their charters under this charter, notwithstanding the provisions of 24 V.S.A. § 1236(5).

(9) Perform all duties now conferred by law on the Collector of Delinquent Taxes.

(10) Under policies approved by the Select Board, be the General Purchasing Agent of the Town and purchase all equipment and supplies and contract for services for every department pursuant to the purchasing and bid policies approved by the Select Board.

(11) Be responsible for the system of accounts.

(12) Be responsible for the operation of all departments, including the Police and Fire Departments.

(13) Under policies approved by the Select Board, have exclusive authority to appoint, fix the salaries of, suspend, and remove, all officers and employees except those who are elected or who are appointed by the Select

Board. When the Town Manager position is vacant, this authority shall be exercised by the Select Board.

(b) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town any duties conferred upon the Manager.

§ 405. COMPENSATION

The Town Manager shall receive such compensation as may be fixed by the Select Board.

§ 406. APPOINTMENTS

Except for those appointments made by the Select Board as provided for in this charter, the Town Manager shall appoint and remove all Town employees, including Chief of the Fire Department, Chief of Police, Director of Public Works, Assistant Town Manager, Finance Director, Zoning Administrator, Assessor, Code Compliance Officer, Health Officer, Parks Director and Tree Warden, Recreation Director, and all other officers and employees as may be required by general law of the State, by this chapter, or by the Select Board.

§ 407. REMOVAL OF THE TOWN MANAGER

(a) The Town Manager may be removed from office for cause, by a majority vote of the Select Board at a duly warned meeting for that purpose, as provided by general law or employment contract. At least 30 days prior to the effective date of the removal, the Select Board shall by majority vote of its

members adopt a resolution stating the reason for the removal and cause a copy of such resolution to be given to the Manager. The Select Board may by such resolution immediately suspend the Town Manager from active duty but shall continue the Manager's salary until final dismissal, unless otherwise contracted between the Select Board and the Town Manager.

(b) Town Manager appointments shall continue until removed by the Town Manager. Removals by the Town Manager shall be in accordance with any personnel policy or plan adopted.

Subchapter 5. Taxation

§ 501. TAXES

Taxes shall be assessed by the Town based on the fair market value of real property, in accordance with State law.

§ 502. FAIR MARKET VALUE OF REAL ESTATE

(a) In the event that the fair market value of real estate is materially changed because of total or partial destruction of or damage to the property or because of alterations, additions, or other capital improvements, the taxpayer may appeal as provided by law.

(b) When the fair market value of real estate is finally determined by appeal to the Board of Civil Authority, then the value so fixed shall be the fair market value of the real estate for the year in which the appeal is taken.

(c) When the fair market value of real estate is finally determined by the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of the real estate for the year for which such appeal is taken and for the ensuing two years unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete revaluation of all taxable real estate, in the event of which, such fair market value may be changed.

§ 503. SPECIAL ASSESSMENTS

Despite any contrary provision in general law, the Select Board may in its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, the special assessment to be the proportion of the total cost of the improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

§ 504. CREATION OF ST. JOHNSBURY DOWNTOWN DISTRICT

There is hereby created in the Town of St. Johnsbury a special district to be known as the St. Johnsbury Downtown Improvement District which shall be that area set forth on a map approved by the voters of St. Johnsbury and filed with the Town Clerk. The area of the District may be changed upon a majority vote of the legal voters at an annual or special meeting duly warned.

§ 505. DOWNTOWN DISTRICT; PURPOSE AND POWERS

(a) The District is created for the general purpose of maintaining and improving the economic, social, cultural, and environmental vitality and quality of the Town of St. Johnsbury, in particular, the District created by section 506 of this charter, to promote the Town and the District as a regional retail, commercial, and service center and to serve as an advocate for the orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.

(b) The rights, powers, and duties of the District shall be exercised by the Select Board and shall be broadly construed to accomplish the purposes set forth above and shall include the following:

(1) to advertise and promote the Improvement District;

(2) to represent the interests of the District;

(3) to receive and expend contributions, grants, and income;

(4) to expend funds as provided for in the budget or as otherwise approved;

(5) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided to the District by the Town as recommended to and approved by the Select Board;

(6) to acquire and dispose of property on behalf of the Town;

(7) to install and make public improvements;

(8) to improve, manage, and regulate public parking facilities and vehicular traffic within the District;

(9) to enter into contracts as may be necessary or convenient to carry out the purpose of this charter;

(10) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;

(11) to plan for the orderly development of the District in cooperation with the Town Planning Commission;

(12) to do all other things necessary or convenient to carry out the purposes for which this District was created; and

(13) to appropriate annually money for the maintenance, care, improvement, and support of Fairbanks Museum, provided the same shall remain a nonprofit institution for the promotion of education.

§ 506. DOWNTOWN DISTRICT; ANNUAL BUDGET

The Town Manager shall submit each year an operating budget of anticipated expenditures and revenues to the Select Board for approval for the next fiscal year. In the event the Select Board does not approve the budget as submitted, the Select Board shall immediately return the budget to the Town Manager with its recommendations for the Town Manager's reconsideration. Appropriations other than from contributions, grants, and income shall be

raised solely through District taxes that shall be assessed and collected as a tax on property as provided for in section 508 of this charter. The Select Board may borrow money in anticipation of District taxes.

§ 507. DOWNTOWN DISTRICT; TAXES

(a) District taxes are charges levied upon the owners of taxable properties located in the District, excepting properties used exclusively for residential purposes, which taxes shall be used to defray the expenses incurred in connection with the operation, maintenance, and repair of the District.

(b) The District tax for each property in the District subject to the tax shall be based upon a rate on each \$100.00 of listed value of the property as adjusted under subsection (c) of this section. The tax rate shall be determined by dividing the amount to be raised by taxes by the total value of the taxable properties on the grand list as adjusted located in the District that are subject to the District tax under this subchapter.

(c) The District tax shall be set by the Select Board upon approval of the budget by the Select Board and notice in writing thereof shall be given to owners of record as of April 1 of each year of property so assessed, or to their agents or attorneys, stating therein the amount of such District taxes, and such taxes shall be due and payable to the Town Treasurer when normal Town and school taxes are due. The Town Treasurer shall collect unpaid District taxes as provided for the collection of taxes in the charter. District taxes shall be a lien

on the properties when assessed and until the tax is paid or the lien is otherwise discharged by operation of law.

(d) In the case of any property used for both residential and nonresidential purposes within the District as of April 1, the Department of Assessment shall adjust the listed value for the purposes of determining the District tax under this section to exclude the value of that portion of the property used for residential purposes. The Department of Assessment shall determine the adjusted grand list value of the business portion of the property and give notice of the same as provided under 32 V.S.A. chapter 131. Any property owner may file a grievance with the Board and appeal the decision of the Board as provided for under 32 V.S.A. chapter 131; however, the filing of an appeal of the determination of the Board and pendency of the appeal shall not vacate the lien on the property assessed, and the District taxes must be paid and continue to be paid as they become due.

Subchapter 6. Water and Wastewater Systems

§ 601. TOWN POWERS

The Town may make, alter, and repeal ordinances relating to management, operation, maintenance, replacement, and extension of a Town water and wastewater systems and may fix, and from time to time alter, water and wastewater rates.

Subchapter 7. Miscellaneous

§ 701. CHARTER REVIEW COMMITTEE

At least once every five years, the Select Board shall appoint a Charter Review Committee of not fewer than five nor more than nine members from among the residents of the Town. The Committee shall review the charter and recommend any changes it finds necessary or advisable for the purpose of improving the operation of Town government. The Committee shall prepare a written report of its recommendations in time for those recommendations to be submitted to the Select Board for review not later than one year after the appointment of the Committee. At the discretion of the Select Board, the recommendations may be warned for ballot vote at an annual or special Town meeting to be held not later than one year after the submission of the report. The Select Board shall provide in its budget for any year when a Charter Review Committee is appointed funding for the Committee.

Sec. 3. REDESIGNATIONS

In 24 App. V.S.A. chapter 151, §§ 1, 12b, 15, 16, and 21 are redesignated as §§ 702, 204, 703, 704, and 205, respectively.

Sec. 4. 24 App. V.S.A. chapter 151, § 2 is redesignated and amended to read:

§ 2 508. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

* * *

~~(e) A special district to be known as the St. Johnsbury Downtown Improvement District (District) is created. The District shall be that area consisting of properties with frontage on either side of Railroad Street from Cross Street to Maple Street and seven additional properties on Eastern Avenue and Pearl Street. The District is more precisely shown on the Plan "St. Johnsbury Downtown Improvement District, Revised January 3, 1997" and recorded with the Town Clerk in the Town of St. Johnsbury.~~

~~(1) Commission Creation; Membership. A St. Johnsbury Downtown Improvement District Commission (Commission) is created consisting of seven members appointed by the Selectboard. Five members shall be, at the time of appointment and during their terms, natural persons who are owners of property, managers, proprietors, operators, officers, or directors of businesses located within the District who shall be appointed to serve for a term of five years and until their successors are appointed and qualified, except that the terms of the first five commissioners shall be from the date of appointment until one year, two years, three years, four years, and five years after April 1, 1997, respectively. One member shall be a member at large who shall be, at the time of appointment and during his or her term, a legal resident of the Town of St. Johnsbury, who shall be appointed to serve for the term of five years commencing the first day of April and until the member's successor is appointed and qualified. One member shall be a Selectboard member, or an~~

~~employee of the Town of St. Johnsbury, who shall be appointed to serve for a term of one year commencing the first day of April and until the member's successor is appointed and qualified. The Commission shall have a Chair and Vice Chair elected by the Commission members. Any vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Commissioners may be removed by unanimous vote of the Selectboard.~~

~~(2) Purposes and Powers. The Commission is created for the general purpose of maintaining and improving the economic, cultural, and environmental vitality and quality of the Town of St. Johnsbury and, in particular, the District created by this subsection; to promote the Town and the District as a regional retail, commercial, and service center; and to serve as an advocate for orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.~~

~~The rights, powers, and duties of the Commission acting on its own authority or acting through the Town of St. Johnsbury Selectboard, as set forth in this section, shall be broadly construed to accomplish the purposes set forth within the District and shall include the following:~~

~~(A) to prepare a budget (the "budget") for the District in accordance with subdivision (1) of this subsection;~~

~~(B) to advertise and promote the District;~~

~~(C) to represent the interests of the District;~~

~~(D) to hire and remove personnel as provided for in the budget or as otherwise approved by the Selectboard;~~

~~(E) to apply for available governmental grants in aid and economic and in kind incentives when approved by the Selectboard;~~

~~(F) to receive and expend contributions, grants, and income;~~

~~(G) to apply for an allocation of the State's private activity bond volume cap under 26 U.S.C. § 141, as amended, when approved by the Selectboard;~~

~~(H) to expend funds as provided for in the budget or as otherwise approved by the Selectboard;~~

~~(I) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided the District by the Town as recommended to and approved by the Selectboard;~~

~~(J) to acquire and dispose of property as recommended to and approved by the Selectboard;~~

~~(K) to install and make public improvements as recommended to and approved by the Selectboard;~~

~~(L) to cooperate with the Town in the use, management, and improvement of public parking facilities and to undertake such management or~~

~~improvements and to regulate vehicular traffic within the district as recommended by the Selectboard;~~

~~(M) to enter into contracts;~~

~~(N) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;~~

~~(O) to plan for the orderly development of the District in cooperation with the Town Planning Commission and as recommended to and approved by the Selectboard;~~

~~(P) to do all other things necessary or convenient to carry out the purposes of this subsection except that the Commission may not assume authority over any subject matter or activity under the jurisdiction of another Town official, department, or board as of the effective date of this subsection or contrary to any order or ordinance in effect as of such date other than to hire and remove personnel under contract or employed by the Commission, unless and until the Selectboard, by order, transfers such jurisdiction to the Commission, notwithstanding section 8 of the charter, or amends the order or ordinance.~~

~~(3) Annual Budget.—Annually the Commission shall submit to the Selectboard for approval for the next fiscal year a capital and operating budget of revenues and expenditures that shall be used exclusively to repay debt on capital improvements in the District and to defray the expenses~~

~~incurred by the Commission in connection with the operation, maintenance, and repair of the District. In the event the Selectboard does not approve the budget as submitted, the Selectboard shall return the budget forthwith to the Commission with its recommendations for the Commission's reconsideration. Appropriations other than from contributions, grants, and income for the Commission shall be raised through common area fees that shall be assessed and collected as tax on property as provided for in this subsection. The Commission may, upon adoption of the annual budget and upon approval of the Selectboard, borrow money in anticipation of common area fees.~~

~~(4) Common Area Fees.~~

~~(A) Common area fees are charges levied upon the owners of taxable properties located in the District, excepting such portions of properties used for owner-occupied residential purposes.~~

~~(B)(i) The District shall have the authority to assess common area fees for taxable real estate in the district based upon one of the following assessment methods:~~

~~(I) A flat fee per taxable parcel identifiable on the grand list.~~

~~(II) A flat fee per taxable parcel plus a formula based on any one, or combination thereof, of square footages of commercial space, number of apartments, square footage of lot size, linear footage of frontage, number of parking spaces provided, number of parking spaces that would be needed to~~

~~conform to the Town's existing zoning bylaws for new construction, or any equation that raises fees adequate to meet an annual Commission budget with a method that reasonably apportions costs to property owners in relation to the benefit that accrues to them.~~

~~(ii) The Commission shall only raise common area fees sufficient to meet the budget regardless of the assessment method.~~

~~(iii) The common area fees shall be established by the Commission upon approval of the Commission budget by the Selectboard and shall be assessed annually by the Selectboard to be collected at the same time and in the same manner as the Town votes to have its taxes collected, and such common area assessment shall be a lien thereon with the same priority as taxes lawfully assessed thereon.~~

~~(C) Consistent with the charter for the Town of St. Johnsbury and the laws of the United States and of this State, the Commission, with the approval of the Selectboard, may substitute any local option taxes permitted by law in lieu of common area fees that exist to meet the budget.~~

~~(D) Appeals. Persons aggrieved by any decision of the Commission involving the assessment or levy of common area fees may appeal the decision to the Selectboard by filing a written notice of appeal with the Town Clerk within 30 days of the date of such decision, and furnishing a copy of the notice of appeal to the Commission. The Selectboard shall set a date and place for a~~

~~hearing on the appeal within 60 days of the filing of the notice of appeal. The Selectboard shall give the appellant and the Commission at least 15 days' notice prior to the hearing date. Any person entitled to take an appeal may appear and be heard in person or be represented by agent or attorney at such hearing. Any hearing held under this subsection may be adjourned by the Selectboard from time to time; provided, however, that the date and place of adjourned hearing shall be announced at that hearing or 15 days' notice thereof is furnished to the appellant and the Commission. The Selectboard shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall within that period send the appellant, and the Commission, by certified mail, a copy of the decision. An aggrieved person may appeal a decision of the Selectboard to the Caledonia County Superior Court. The appeal shall be taken in such manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801 through 816. Notice of appeal shall be sent by mail to the Commission.~~

Sec. 5. 24 App. V.S.A. chapter 151, § 6 is redesignated and amended to read:

§ 6 705. FIRE DISTRICT; PROCESS FOR ABOLITION

The St. Johnsbury Center Fire District No. 1 is abolished when a majority of the legal voters of said Fire District present and voting on the question at a regular or special meeting of said Fire District warned for said purpose so

vote and shall thereupon cease to exist as a political entity and body corporate. All the property and funds of said Fire District shall on such date be vested in the Town of St. Johnsbury and the Town of St. Johnsbury shall thereupon assume all indebtedness and obligations of said Fire District unless said liabilities and obligations exceed said assets in which case said Fire District shall continue to exist until such excess is paid unless the Town of St. Johnsbury votes otherwise at a regular or special meeting warned for said purpose. Any existing debt service shall be assessed as a special assessment to those properties within the Fire District.

*Sec. 6. 24 App. V.S.A. chapter 151, § 17 is redesignated and amended to read:
§ ~~17~~ 706. DEPARTMENT OF ASSESSMENT*

** * **

(c) Powers. The Department of Assessment shall have the same powers, discharge the same duties, proceed in the same manner, and be subject to the same liabilities as those prescribed for listers or a board of listers under applicable provisions of Vermont law with respect to drawing up the grand list, except as otherwise provided in this charter and grievances.

*Sec. 7. 24 App. V.S.A. chapter 151, § 19 is redesignated and amended to read:
§ ~~19~~ 707. APPEALS*

A person aggrieved by the final decision of the ~~Board~~ Department of Assessment under the provisions of section ~~18~~ 706 of this charter may appeal in writing under the provisions of 32 V.S.A. chapter 131.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.