1	H.518
2	Introduced by Representatives Dodge of Essex, Black of Essex, and Garofano
3	of Essex
4	Referred to Committee on
5	Date:
6	Subject: Municipal government; municipal charters; Town of Essex;
7	amendments
8	Statement of purpose of bill as introduced: This bill proposes to amend the
9	charter of the Town of Essex to authorize the Town Selectboard to adopt
10	ordinances governing eviction without just cause, allow the Town to adopt fees
11	for certain licenses, establish a procedure for the recall of Selectboard
12	members, replace the Zoning Board of Adjustment with a Development
13	Review Board, and generally reorganize the charter.
14 15	An act relating to the approval of amendments to the charter of the Town of Essex
16	It is hereby enacted by the General Assembly of the State of Vermont:
17	Sec. 1. 24 App. V.S.A. chapter 117 is amended to read:
18	CHAPTER 117. TOWN OF ESSEX
19	* * *

1	§ 103. POWERS OF THE TOWN
2	* * *
3	(e) The Selectboard shall have the power to provide, by ordinance,
4	protections for residential tenants, as defined in 9 V.S.A. chapter 137, from
5	eviction without just cause.
6	* * *
7	<u>§ 107. LICENSE FEES</u>
8	In addition to powers otherwise conferred upon the Town by law and this
9	charter, the Town is authorized to adopt and enforce ordinances for the purpose
10	of regulating, licensing, and fixing reasonable and necessary fees for the
11	following:
12	(1) places of public resort, accommodation, assemblage, or amusement,
13	whether indoor or outdoor;
14	(2) places dispensing food and drink to the public, such as restaurants,
15	bars, or inns;
16	(3) theaters;
17	(4) displays of fireworks;
18	(5) public dances and musical performances;
19	(6) itinerant vendors;
20	(7) the exclusive occupancy of any specified portion of a public street or
21	right-of-way;

1	(8) the keeping of dogs or other pets; and
2	(9) other activities that the Town has the power to regulate or license by
3	virtue of general law or this charter.
4	* * *
5	§ 210. RECALL OF SELECTBOARD MEMBERS
6	(a) A petition signed by 15 percent of the registered voters of the
7	municipality, based upon the total number of registered voters at the last
8	preceding municipal election, demanding the recall of the Selectboard member
9	or members cited in the petition, shall be filed with the Town Clerk.
10	(b) Within 60 days after receiving a valid petition, the Selectboard shall
11	call a special meeting or, if annual meeting is within 60 days, include a
12	question on the annual Town meeting ballot to vote on whether the elected
13	officer shall be removed. The vote shall be held by Australian ballot.
14	(c) The Selectboard member shall be removed only if at least as many
15	registered voters of the Town vote as voted in the election wherein the officer
16	was elected or at least one-third of the registered voters of the Town vote,
17	whichever is greater, and a majority of that number vote for removal. The
18	Selectboard member or members shall be removed from office immediately,
19	and the Selectboard shall then name a successor in accordance with the
20	replacement provisions of this charter.

1	(d) A recall petition shall not be brought against an individual more than
2	once within 12 months.
3	* * *
4	Subchapter 3. Town Meeting — Amendment of Charter Ordinances
5	* * *
6	Subchapter 4. Planning Town Manager
7	* * *
8	Subchapter 5. Department of Real Estate Appraisal Personnel
9	* * *
10	Subchapter 6. Town Manager Meeting; Amendment of Charter
11	* * *
12	§ 701. FISCAL YEAR
13	The fiscal year of the Town shall begin on the first day of July and end on
14	the last day of June of each calendar year. The fiscal year shall constitute the
15	budget and accounting year as used in this charter. In the event of a
16	consolidation between the Essex Town School District and the Village of
17	Essex Junction Graded School District, the consolidated entity shall adopt the
18	same fiscal year as the Town.
19	* * *
20	Subchapter 9. Personnel Planning
21	* * *

1	Subchapter 10. Amendment of Charter Department of Real Estate Appraisal
2	* * *
3	Subchapter 11. Severability Amendment of Charter
4	* * *
5	Subchapter 12. Severability
6	* * *
7	Sec. 2. REDESIGNATIONS
8	In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date),
9	108 (filing), 109 (annual Town report), 110 (reservation of powers to the
10	Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207
11	(jurisdiction over other officers or employees), 208 (compensation of
12	Selectboard), 209 (powers and duties), 301 (application of general law), 302
13	(time of holding), 303 (budget), 401 (Board established), 501 (creation of
14	Department), 502 (appraisal of property), 503 (appraisal of business personal
15	property), 504 (duties of Department), 505 (purpose), 601 (appointment of
16	Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning
17	and budget), 901 (appointment and removal), 902 (personnel rules and
18	regulations), 903 (prohibitions), 1001 (laws governing), and 1101
19	(severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206,
20	209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402,
21	603, 501, 502, 503, 1101, and 1201 respectively.

1	Sec. 3. 24 App. V.S.A. chapter 117, § 105 is redesignated and amended to
2	read:
3	§ 105 106. ORDINANCES—METHOD OF ADOPTION AND
4	ENFORCEMENT
5	(a) The Selectboard may provide penalties for the breach of any ordinance
6	authorized by general law or this charter, may prosecute any person violating
7	the same through the Town Grand Juror or police officers who for such
8	purposes shall be informing officers, and may maintain actions to restrain
9	actual or threatened violations of the same; the establishment of any fine or
10	penalty shall be by ordinance.
11	(b) Ordinance-making authority granted to the Town by this charter and
12	general law shall be exercised pursuant to the provisions of sections 106
13	through 109 subchapter 3 of this charter.
14	Sec. 4. 24 App. V.S.A. chapter 117, § 206 is redesignated and amended to
15	read:
16	§ 206 208. APPOINTMENTS BY SELECTBOARD
17	(a) The Selectboard shall appoint the members of the following permanent
18	Commissions and positions:
19	* * *
20	(4) Town Manager; and
21	(5) Development Review Board.

1	* * *
2	Sec. 5. TRANSITIONAL PROVISION; ZONING BOARD OF
3	ADJUSTMENT AND DEVELOPMENT REVIEW BOARD
4	On or before January 1, 2025, the Zoning Board of Adjustment in the Town
5	of Essex shall be replaced by the Development Review Board appointed by the
6	Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.
7	Sec. 6. REPEAL
8	24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard;
9	Zoning Board of Adjustment) is repealed on January 1, 2025.
10	Sec. 7. EFFECTIVE DATE
11	This act shall take effect on passage.