

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 An act relating to the approval of amendments to the charter of the Town of
15 Essex

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

17 ~~§ 1. 24 App. V.S.A. chapter 117 is amended to read:~~

18 CHAPTER 117. TOWN OF ESSEX

19

1 § 105. 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 § 107. LICENSE FEES

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
10 purpose of regulating, licensing, and fixing reasonable and necessary fees for
11 the 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

~~Subchapter 10. Amendment of Charter Department of Real Estate Appraisal~~

~~* * *~~

~~Subchapter 11. Severability Amendment of Charter~~

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~~Subchapter 12. Severability~~

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Sec. 2. REDESIGNATIONS

In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date), 108 (filing), 109 (annual Town report), 110 (reservation of powers to the Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207 (jurisdiction over other officers or employees), 208 (compensation of Selectboard), 209 (powers and duties), 301 (application of general law), 302 (time of holding), 303 (budget), 401 (Board established), 501 (creation of Department), 502 (appraisal of property), 503 (appraisal of business personal property), 504 (duties of Department), 505 (purpose), 601 (appointment of Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning and budget), 901 (appointment and removal), 902 (personnel rules and regulations), 903 (prohibitions), 1001 (laws governing), and 1101 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206, 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402, 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.~~

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~~Sec. 5. TRANSITIONAL PROVISION; ZONING BOARD OF
ADJUSTMENT AND DEVELOPMENT REVIEW BOARD
On or before January 1, 2025, the Zoning Board of Adjustment in the Town
of Essex shall be replaced by the Development Review Board appointed by the
Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.
Sec. 6. REPEAL
24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard;
Zoning Board of Adjustment) is repealed on January 1, 2025.
Sec. 7. EFFECTIVE DATE
~~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 Essex as set forth in this act. The voters approved the proposals of amendment on March 7, 2023.

Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

CHAPTER 117. TOWN OF ESSEX

** * **

§ 107. LICENSE FEES

In addition to powers otherwise conferred upon the Town by law and this charter, the Town is authorized to adopt and enforce ordinances for the

purpose of regulating, licensing, and fixing reasonable and necessary fees for the following:

(1) places of public resort, accommodation, assemblage, or amusement, whether indoor or outdoor;

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(7) the exclusive occupancy of any specified portion of a public street or right-of-way;

(8) the keeping of dogs or other pets; and

(9) other activities that the Town has the power to regulate or license by virtue of general law or this charter.

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§ 210. RECALL OF SELECTBOARD MEMBERS

(a) A petition signed by 15 percent of the registered voters of the municipality, based upon the total number of registered voters at the last preceding municipal election, demanding the recall of the Selectboard member or members cited in the petition, shall be filed with the Town Clerk.

(b) Within 60 days after receiving a valid petition, the Selectboard shall call a special meeting or, if annual meeting is within 60 days, include a question on the annual Town meeting ballot to vote on whether the elected officer shall be removed. The vote shall be held by Australian ballot.

(c) The Selectboard member shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal. The Selectboard member or members shall be removed from office immediately, and the Selectboard shall then name a successor in accordance with the replacement provisions of this charter.

(d) A recall petition shall not be brought against an individual more than once within 12 months.

* * *

Subchapter 3. Town Meeting—Amendment of Charter Ordinances

* * *

Subchapter 4. Planning Town Manager

* * *

Subchapter 5. Department of Real Estate Appraisal Personnel

* * *

Subchapter 6. Town Manager Meeting; Amendment of Charter

* * *

§ 701. FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter. ~~In the event of a consolidation between the Essex Town School District and the Village of Essex Junction Graded School District, the consolidated entity shall adopt the same fiscal year as the Town.~~

* * *

Subchapter 9. Personnel Planning

* * *

Subchapter 10. Amendment of Charter Department of Real Estate Appraisal

* * *

Subchapter 11. Severability Amendment of Charter

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Subchapter 12. Severability

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(jurisdiction over other officers or employees), 208 (compensation of Selectboard), 209 (powers and duties), 301 (application of general law), 302 (time of holding), 303 (budget), 401 (Board established), 501 (creation of Department), 502 (appraisal of property), 503 (appraisal of business personal property), 504 (duties of Department), 505 (purpose), 601 (appointment of Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning and budget), 901 (appointment and removal), 902 (personnel rules and regulations), 903 (prohibitions), 1001 (laws governing), and 1101 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206, 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402, 603, 501, 502, 503, 1101, and 1201 respectively.

Sec. 4. 24 App. V.S.A. chapter 117, § 105 is redesignated and amended to read:

~~§ 105~~ 106. ORDINANCES—METHOD OF ADOPTION AND

ENFORCEMENT

(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the Town Grand Juror or police officers who for such purposes shall be informing officers, and may maintain actions to restrain actual or threatened violations of the same; the establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections ~~106 through 109~~ subchapter 3 of this charter.

Sec. 5. 24 App. V.S.A. chapter 117, § 206 is redesignated and amended to read:

§ ~~206~~ 208. APPOINTMENTS BY SELECTBOARD

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

** * **

(4) Town Manager; and

(5) Development Review Board.

** * **

Sec. 6. TRANSITIONAL PROVISION; ZONING BOARD OF

ADJUSTMENT AND DEVELOPMENT REVIEW BOARD

On or before January 1, 2025, the Zoning Board of Adjustment in the Town of Essex shall be replaced by the Development Review Board appointed by the Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.

Sec. 7. REPEAL

24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard; Zoning Board of Adjustment) is repealed on January 1, 2025.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.