

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 503 entitled “An act relating to approval of
4 amendments to the charter of the Town of St. Johnsbury” respectfully reports
5 that it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. CHARTER AMENDMENT APPROVAL

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

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

13 CHAPTER 151. TOWN OF ST. JOHNSBURY

14 Subchapter 1. Powers of the Town

15 * * *

16 ~~§ 2A. TAXATION FOR BONDS AND NOTES~~

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

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

2 ~~The officers of the Village of St. Johnsbury shall, prior to the date when~~
3 ~~1957 Acts and Resolves No. 345, as amended, goes into effect, settle, so far as~~
4 ~~possible, the pecuniary affairs of the Village of St. Johnsbury, and shall, except~~
5 ~~as hereinafter provided, on said date turn over and deliver to the Clerk of the~~
6 ~~Town of St. Johnsbury, all the records, books, and documents of the Village of~~
7 ~~St. Johnsbury, and to the proper officers of the said Town all other property of~~
8 ~~the said Village.~~

9 ~~§ 4. AUTHORITY; ANNUAL MEETING~~

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

18 ~~(b) The Town shall start its annual meeting at 7:30 o'clock in the afternoon~~
19 ~~of the day before the first Tuesday of March and may transact at that time any~~
20 ~~business not involving voting by Australian ballot or voting required by law to~~
21 ~~be by ballot and to be held on the first Tuesday of March. Discussion shall be~~

1 ~~permitted at such meetings on all articles contained in the warning for the~~
2 ~~annual meeting. A meeting so started shall be adjourned until the following~~
3 ~~day.~~

4 ~~§ 5. POWERS~~

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

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

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

18 ~~(3) To make local public improvements and to acquire, by condemnation~~
19 ~~or otherwise, property within its corporate limits necessary for such~~
20 ~~improvements; and also to acquire an excess over that needed for any such~~

1 ~~improvement, and to sell or lease such excess property with restrictions, in~~
2 ~~order to protect and preserve the improvement.~~

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

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

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

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

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

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

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

11 * * *

12 ~~§ 7. BYLAWS~~

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

17 ~~§ 8. ORDINANCES AND REGULATIONS~~

18 ~~The Selectboard of the Town of St. Johnsbury, consistent with the~~
19 ~~Constitution and laws of the United States and of this State, shall have the~~
20 ~~power and authority to make, establish, impose, alter, amend, or repeal~~
21 ~~ordinances and regulations and to enforce the same by fine, penalty, forfeiture,~~

1 ~~injunction, restraining order, or any proper remedy, with respect to the~~
2 ~~inspection, regulation, licensing, or suppression of the following affairs,~~
3 ~~establishments, employments, enterprises, uses, undertakings, and businesses,~~
4 ~~viz:~~

5 ~~(1) The sale and measurement of wood, coal, oil, and all other fuels; hay~~
6 ~~scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses;~~
7 ~~groceries; restaurants, lunch carts, and other eating establishments; all places~~
8 ~~where beverages are manufactured, processed, bottled, or sold; manufacturing~~
9 ~~establishments; saloons; taverns; innkeepers; hotels; motels; rooming houses;~~
10 ~~junk businesses; advertising billboards; overhanging signs and awnings;~~
11 ~~billiard rooms; pool rooms; bowling alleys; public halls; dance halls; theaters;~~
12 ~~moving picture houses; all places where tobacco, cigars, and cigarettes are~~
13 ~~manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops;~~
14 ~~public garages; the transportation, storage, and sale of propane gas, naphtha,~~
15 ~~gasoline, kerosene, fuel oil, and other inflammable oils; the breeding, raising,~~
16 ~~and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing, and other~~
17 ~~domestic animals; coal sheds; wood yards; creameries, dairies; dyeing~~
18 ~~establishments; garbage plants; gas works; livery stables; skating rinks; sewers;~~
19 ~~cesspools; privies; cow stables, barns; wells; and public dumps; oil and~~
20 ~~gasoline storage tanks, and gasoline filling stations.~~

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

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

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

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

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

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

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

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

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

13 ~~The bylaw adopted by the Town and the ordinances and regulations passed~~
14 ~~by the Selectboard, whether enacted under the authority of general or special~~
15 ~~law, shall be published in a newspaper having general circulation in said Town~~
16 ~~at least 20 days before the effective date thereof, and all such enactments shall~~
17 ~~thereupon be recorded at length by the Town Clerk in a book kept for that~~
18 ~~purpose in the office of the Town Clerk, and the Town Clerk's certificate that~~
19 ~~such bylaws, ordinances, and regulations were duly adopted and passed at an~~
20 ~~annual meeting of said Town or at a special meeting thereof lawfully called for~~
21 ~~that purpose or were duly enacted and adopted by the Selectboard of the Town~~

1 ~~under authority of law or under authority of a vote of the Town shall be prima~~
2 ~~facie evidence of such fact in any court in this State; and certified copies of~~
3 ~~said bylaws, ordinances, and regulations and the Clerk's certificates shall be~~
4 ~~received as evidence in all the courts of the State.~~

5 ~~§ 10. PENALTIES~~

6 ~~(a) Fines, penalties, and forfeitures up to and including \$200.00, for each~~
7 ~~breach of an ordinance or bylaw, may be established by the Selectboard, or by~~
8 ~~a properly warned Town meeting. These fines, penalties, and forfeitures may~~
9 ~~be recovered in an action of tort brought in the name of the Town, and in any~~
10 ~~such action a general complaint relying on the ordinance or the bylaw shall be~~
11 ~~sufficient. The process may issue either against the body or the property of the~~
12 ~~defendant, and if the defendant is found guilty, and if it is found by the court~~
13 ~~that the cause of action arose from his or her willful or malicious act or~~
14 ~~neglect, it shall so adjudge, and may further adjudge that he or she be confined~~
15 ~~in close jail, and may issue execution against his or her body with a certificate~~
16 ~~of such findings endorsed thereon; and such execution with such certificate~~
17 ~~thereon shall have the same effect as an execution issued on a judgment~~
18 ~~founded upon tort having a like certificate endorsed thereon.~~

19 ~~(b) Any person refusing to comply with any Town ordinance or bylaw,~~
20 ~~relating to his or her business may be enjoined by a proper action in chancery~~
21 ~~brought in the name of the Town, from continuing such business in violation of~~

1 ~~such ordinance or bylaw, and in any such action a bill relying on the ordinance~~
2 ~~or bylaw shall be sufficient.~~

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

6 ~~§ 11. PROSECUTION OF VIOLATIONS~~

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

12 ~~§ 12. OFFICERS~~

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

18 ~~§ 12a. COMPENSATION AND FEES~~

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

21 ~~(1) Town Manager;~~

- 1 ~~(2) Constable;~~
- 2 ~~(3) members of the Board of Assessment.~~

3 ~~(b) The Town Clerk and the Selectboard shall jointly set the compensation~~
4 ~~of the Town Clerk each year. The Town Treasurer and the Selectboard shall~~
5 ~~jointly set the compensation of the Town Treasurer each year. If the~~
6 ~~Selectboard and the Town Clerk or Town Treasurer are unable to agree on the~~
7 ~~amount of either officer’s compensation, that officer’s compensation shall be~~
8 ~~set by vote of the Town and the Selectboard shall include an article or articles~~
9 ~~in the annual meeting warning to that effect. The article or articles shall be~~
10 ~~adopted or modified by the vote of the majority of those eligible to vote who~~
11 ~~are present at the meeting. The article or articles shall not be voted on by~~
12 ~~Australian ballot.~~

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

* * *

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

18 ~~Upon such effective date of the merger of the Village of St. Johnsbury and~~
19 ~~the Town of St. Johnsbury the Selectboard members shall continue in office for~~
20 ~~the remainder of their respective terms and the other officers of the Town of St.~~
21 ~~Johnsbury shall continue in office until the first Tuesday in March next~~

1 following, and their successors shall have been elected or appointed; and the
2 ordinances of the Village of St. Johnsbury then in force shall remain of full
3 force and effect, following the effective date of this act for a period of one year
4 only, so far as such ordinances shall continue to be applicable and appropriate,
5 except as repealed, amended, altered, or modified by the Selectboard of the
6 Town of St. Johnsbury, and as respects only that part of the Town of St.
7 Johnsbury comprised within the limits of the Village of St. Johnsbury, as
8 defined by 1927 Acts and Resolves No. 179.

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

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

14 * * *

15 ~~§ 18. BOARD OF ASSESSMENT~~

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

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

1 * * *

2 ~~§ 20. UNDESIGNATED RESERVE FUND~~

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

9 § 101. ADDITIONAL TOWN POWERS

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

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

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

19 § 102. INITIATIVE; ADVISORY VOTES

20 The voters of the Town have the power to petition for a nonbinding
21 advisory vote to reflect public sentiment. The petition shall be signed by at

1 least five percent of the voters of the Town and shall state that it is advisory
2 only. The Select Board, upon receipt of the petition, shall place the article on
3 the warning for the next Town meeting or any other Town election.

4 Subchapter 2. Town Officers

5 § 201. ELECTIVE OFFICERS

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

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

14 § 202. APPOINTIVE OFFICERS

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

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

1 § 203. COMPENSATION

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

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

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

10 Subchapter 3. Select Board

11 § 301. SELECT BOARD; LEGISLATIVE BODY

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

15 § 302. ADDITIONAL POWERS OF THE SELECT BOARD

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

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

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

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

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

7 § 303. FURTHER POWERS OF THE SELECT BOARD

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

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

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

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

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

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

1 § 304. ORGANIZATION OF THE SELECT BOARD

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

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

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

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

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

14 Subchapter 4. Town Manager

15 § 401. APPOINTED BY THE SELECT BOARD

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

18 § 402. TOWN MANAGER NONPARTISAN

19 (a) The Town Manager shall be chosen solely on the basis of the
20 individual’s executive, administrative, and professional qualifications.

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

4 § 403. OATH AND BOND

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

9 § 404. DUTIES FOR MANAGER

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

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

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

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

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

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

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

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

10 (8) Perform all duties now conferred by law on the Road Commissioner
11 within all areas of the Town, except within villages that vote not to surrender
12 their charters under this charter, notwithstanding the provisions of 24 V.S.A.
13 § 1236(5).

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

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

20 (11) Be responsible for the system of accounts.

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

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

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

11 § 405. COMPENSATION

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

14 § 406. APPOINTMENTS

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

1 § 407. REMOVAL OF THE TOWN MANAGER

2 (a) The Town Manager may be removed from office for cause, by a
3 majority vote of the Select Board at a duly warned meeting for that purpose, as
4 provided by general law or employment contract. At least 30 days prior to the
5 effective date of the removal, the Select Board shall by majority vote of its
6 members adopt a resolution stating the reason for the removal and cause a copy
7 of such resolution to be given to the Manager. The Select Board may by such
8 resolution immediately suspend the Town Manager from active duty but shall
9 continue the Manager’s salary until final dismissal, unless otherwise contracted
10 between the Select Board and the Town Manager.

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

14 Subchapter 5. Taxation

15 § 501. TAXES

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

18 § 502. FAIR MARKET VALUE OF REAL ESTATE

19 (a) In the event that the fair market value of real estate is materially
20 changed because of total or partial destruction of or damage to the property or

1 because of alterations, additions, or other capital improvements, the taxpayer
2 may appeal as provided by law.

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

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

13 § 503. SPECIAL ASSESSMENTS

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

19 § 504. CREATION OF ST. JOHNSBURY DOWNTOWN DISTRICT

20 There is hereby created in the Town of St Johnsbury a special district to be
21 known as the St. Johnsbury Downtown Improvement District which shall be

1 that area set forth on a map approved by the voters of St. Johnsbury and filed
2 with the Town Clerk. The area of the District may be changed upon a majority
3 vote of the legal voters at an annual or special meeting duly warned.

4 § 505. DOWNTOWN DISTRICT; PURPOSE AND POWERS

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

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

16 (1) to advertise and promote the Improvement District;

17 (2) to represent the interests of the District;

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

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

20 approved;

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

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

5 (7) to install and make public improvements;

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

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

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

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

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

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

19 § 506. DOWNTOWN DISTRICT; ANNUAL BUDGET

20 The Town Manager shall submit each year an operating budget of
21 anticipated expenditures and revenues to the Select Board for approval for the

1 next fiscal year. In the event the Select Board does not approve the budget as
2 submitted, the Select Board shall immediately return the budget to the Town
3 Manager with its recommendations for the Town Manager’s reconsideration.
4 Appropriations other than from contributions, grants, and income shall be
5 raised solely through District taxes that shall be assessed and collected as a tax
6 on property as provided for in section 508 of this charter. The Select Board
7 may borrow money in anticipation of District taxes.

8 § 507. DOWNTOWN DISTRICT; TAXES

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

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

19 (c) The District tax shall be set by the Select Board upon approval of the
20 budget by the Select Board and notice in writing thereof shall be given to
21 owners of record as of April 1 of each year of property so assessed, or to their

1 agents or attorneys , stating therein the amount of such District taxes, and such
2 taxes shall be due and payable to the Town Treasurer when normal Town and
3 school taxes are due. The Town Treasurer shall collect unpaid District taxes as
4 provided for the collection of taxes in the charter. District taxes shall be a lien
5 on the properties when assessed and until the tax is paid or the lien is otherwise
6 discharged by operation of law.

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

1 Subchapter 6. Water and Wastewater Systems

2 § 601. TOWN POWERS

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

7 Subchapter 7. Miscellaneous

8 § 701. CHARTER REVIEW COMMITTEE

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

1 Sec. 3. REDESIGNATIONS

2 In 24 App. V.S.A. chapter 151, §§ 1, 12b, 15, 16, and 21 are redesignated as
3 §§ 702, 204, 703, 705, and 205 respectively.

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

5 § 2 508. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL
6 SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

7 * * *

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

15 ~~(1) Commission—Creation; Membership. A St. Johnsbury Downtown~~
16 ~~Improvement District Commission (Commission) is created consisting of~~
17 ~~seven members appointed by the Selectboard. Five members shall be, at the~~
18 ~~time of appointment and during their terms, natural persons who are owners of~~
19 ~~property, managers, proprietors, operators, officers, or directors of businesses~~
20 ~~located within the District who shall be appointed to serve for a term of five~~
21 ~~years and until their successors are appointed and qualified, except that the~~

1 ~~terms of the first five commissioners shall be from the date of appointment~~
2 ~~until one year, two years, three years, four years, and five years after April 1,~~
3 ~~1997, respectively. One member shall be a member at large who shall be, at the~~
4 ~~time of appointment and during his or her term, a legal resident of the Town of~~
5 ~~St. Johnsbury, who shall be appointed to serve for the term of five years~~
6 ~~commencing the first day of April and until the member's successor is~~
7 ~~appointed and qualified. One member shall be a Selectboard member, or an~~
8 ~~employee of the Town of St. Johnsbury, who shall be appointed to serve for a~~
9 ~~term of one year commencing the first day of April and until the member's~~
10 ~~successor is appointed and qualified. The Commission shall have a Chair and~~
11 ~~Vice Chair elected by the Commission members. Any vacancy shall be filled~~
12 ~~by the appointing authority for the remainder of the unexpired term.~~
13 ~~Commissioners may be removed by unanimous vote of the Selectboard.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ~~(L) to cooperate with the Town in the use, management, and~~
6 ~~improvement of public parking facilities and to undertake such management or~~
7 ~~improvements and to regulate vehicular traffic within the district as~~
8 ~~recommended by the Selectboard;~~

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

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

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

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

1 ~~Commission, notwithstanding section 8 of the charter, or amends the order or~~
2 ~~ordinance.~~

3 ~~(3) Annual Budget. Annually the Commission shall submit to the~~
4 ~~Selectboard for approval for the next fiscal year a capital and operating budget~~
5 ~~of revenues and expenditures that shall be used exclusively to repay debt on~~
6 ~~capital improvements in the District and to defray the expenses incurred by the~~
7 ~~Commission in connection with the operation, maintenance, and repair of the~~
8 ~~District. In the event the Selectboard does not approve the budget as submitted,~~
9 ~~the Selectboard shall return the budget forthwith to the Commission with its~~
10 ~~recommendations for the Commission's reconsideration. Appropriations other~~
11 ~~than from contributions, grants, and income for the Commission shall be raised~~
12 ~~through common area fees that shall be assessed and collected as tax on~~
13 ~~property as provided for in this subsection. The Commission may, upon~~
14 ~~adoption of the annual budget and upon approval of the Selectboard, borrow~~
15 ~~money in anticipation of common area fees.~~

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

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

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

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

5 ~~(II) A flat fee per taxable parcel plus a formula based on any~~
6 ~~one, or combination thereof, of square footages of commercial space, number~~
7 ~~of apartments, square footage of lot size, linear footage of frontage, number of~~
8 ~~parking spaces provided, number of parking spaces that would be needed to~~
9 ~~conform to the Town's existing zoning bylaws for new construction, or any~~
10 ~~equation that raises fees adequate to meet an annual Commission budget with a~~
11 ~~method that reasonably apportions costs to property owners in relation to the~~
12 ~~benefit that accrues to them.~~

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

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

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

5 ~~(D) Appeals. Persons aggrieved by any decision of the Commission~~
6 ~~involving the assessment or levy of common area fees may appeal the decision~~
7 ~~to the Selectboard by filing a written notice of appeal with the Town Clerk~~
8 ~~within 30 days of the date of such decision, and furnishing a copy of the notice~~
9 ~~of appeal to the Commission. The Selectboard shall set a date and place for a~~
10 ~~hearing on the appeal within 60 days of the filing of the notice of appeal. The~~
11 ~~Selectboard shall give the appellant and the Commission at least 15 days’~~
12 ~~notice prior to the hearing date. Any person entitled to take an appeal may~~
13 ~~appear and be heard in person or be represented by agent or attorney at such~~
14 ~~hearing. Any hearing held under this subsection may be adjourned by the~~
15 ~~Selectboard from time to time; provided, however, that the date and place of~~
16 ~~adjourned hearing shall be announced at that hearing or 15 days’ notice thereof~~
17 ~~is furnished to the appellant and the Commission. The Selectboard shall render~~
18 ~~its decision, which shall include findings of fact, within 45 days after~~
19 ~~completing the hearing, and shall within that period send the appellant, and the~~
20 ~~Commission, by certified mail, a copy of the decision. An aggrieved person~~
21 ~~may appeal a decision of the Selectboard to the Caledonia County Superior~~

1 ~~Court. The appeal shall be taken in such manner as the Supreme Court may by~~
2 ~~rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801~~
3 ~~through 816. Notice of appeal shall be sent by mail to the Commission.~~

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

5 § 6 **705**. FIRE DISTRICT; PROCESS FOR ABOLITION

6 The St. Johnsbury Center Fire District No. 1 is abolished when a majority of
7 the legal voters of said Fire District present and voting on the question at a
8 regular or special meeting of said Fire District warned for said purpose so vote
9 and shall thereupon cease to exist as a political entity and body corporate. All
10 the property and funds of said Fire District shall on such date be vested in the
11 Town of St. Johnsbury and the Town of St. Johnsbury shall thereupon assume
12 all indebtedness and obligations of said Fire District unless said liabilities and
13 obligations exceed said assets in which case said Fire District shall continue to
14 exist until such excess is paid unless the Town of St. Johnsbury votes
15 otherwise at a regular or special meeting warned for said purpose. Any
16 existing debt service shall be assessed as a special assessment to those
17 properties within the Fire District.

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

19 § 17 **706**. DEPARTMENT OF ASSESSMENT

20 * * *

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

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

7 § 19 **707**. APPEALS

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

11 Sec. 8. EFFECTIVE DATE

12 This act shall take effect on passage.

13
14
15

16 (Committee vote: _____)

17 _____

18 Representative _____

19 FOR THE COMMITTEE