

St. Johnsbury Existing Charter Language	Proposed Charter Language, October 2022
	Subchapter 1: Powers Of The Town
<p>151-5. Powers</p> <p>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:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(8) To establish and maintain a fire department.</p> <p>(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.</p> <p>(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</p>	<p>§ 151-101. General law applies</p> <p>(a) All provisions of the Constitution and laws of the State relating to towns and villages shall apply to the Town of St. Johnsbury (The Town), except as modified by this charter.</p> <p>(b) The Town of St. Johnsbury shall have all the powers and functions conferred upon towns and villages by the Constitution and laws of the State and shall also have all implied powers necessary to implement such powers and functions.</p> <p>(c) The powers and functions conferred upon the Town of St. Johnsbury by this charter shall be in addition to the powers and functions conferred upon the Town by the laws of the State. Nothing in this charter shall be construed as a limitation upon such powers and functions.</p>
	<p>§ 151-102. Additional Town powers</p> <p>In addition to powers otherwise conferred by law, the Town of St. Johnsbury is authorized to adopt, amend, repeal, and enforce ordinances:</p> <p>(a) 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;</p> <p>(b) 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;</p> <p>(c) relating to the use of firearms in settled areas;</p> <p>(d) relating to the packaging, marketing, and handling of produce and other foodstuffs;</p> <p>(e) relating to the prevention of pollution of streams, ponds, and other waterways within the Town.</p>
	<p>§ 151-103. Initiative:</p> <p>advisory votes The voters of the Town have the power to petition for a nonbinding advisory vote to reflect public sentiment. Such 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 such a petition, shall place the article on the warning for the next Town meeting or any other Town election</p>
	<p>§ 151-104. Recall</p> <p>Any Town officer, as defined by 17 V.S.A. § 2646, may be recalled by the following process:</p> <p>(a) A petition shall be filed with the Town Clerk signed by not less than twenty percent of the number of registered voters at the time the petition is submitted.</p> <p>(b) The petition shall request a meeting of the voters of the Town for the purpose of recalling a Town officer and shall set forth the name of the person to be recalled, the reason for the recall, and shall identify the office he or she holds.</p> <p>(c) The Selectboard shall, within 15 days of receipt of such petition, warn a meeting to act upon the petition.</p> <p>(d) The meeting shall be held not less than 30 nor more than 40 days from the date of the warning.</p> <p>(e) The meeting shall be warned as provided by the general laws of the State of Vermont.</p> <p>(f) At least four days, but not more than 15 days, prior to the meeting, an informational meeting shall be held at which time both the Town officer who is the subject of the recall petition and the proponents of the recall shall have the opportunity to discuss the petition to recall. The informational meeting shall be warned in conjunction with the warning for the meeting.</p> <p>(g) When a two-thirds majority of the voters present and voting on the question at such meeting vote in favor of the recall, the Town officer subject to the petition shall be recalled and the office he or she held shall be deemed vacant month period.</p> <p>(h) A recall petition shall not be brought against the same officer more than once within any 12 - month period.</p>
	Subchapter 2: Officers
<p>§ 151-7. Bylaws</p> <p>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.</p> <p>§ 151-8. Ordinances and regulations</p> <p>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:</p> <p>(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;</p>	<p>§ 151-201. Elective officers</p> <p>(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 (3) positions with a three (3) year term and two (2) positions with a one (1) 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.</p>

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<p>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.</p> <p>(2) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists, mediums, itinerant vendors, peddlers, auctioneers, pawnbrokers, professional and amateur sports.</p> <p>(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.</p> <p>(4) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.</p> <p>(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.</p> <p>(6) The transportation, manufacture, storage, and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.</p> <p>(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.</p> <p>(8) A building code; the construction, repair, and alteration of chimneys, flues, stovepipes, furnaces, fireplaces, and heating apparatus and plumbing facilities of all kinds.</p> <p>(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.</p>	<p>§ 151-202. Appointive officers (a) The Select Board members shall annually appoint a Constable and other officers required by law or this charter, such appointments to be made as vacancies occur in the elected positions. (b) The Select Board members may create such appointive officers not provided for by this charter or required by law as they deem to be in the best interest of the Town.</p> <p>Subchapter 3: Select Board</p> <p>§ 151-301. Select Board; the legislative body The Select Board shall constitute the legislative body of the Town of St. Johnsbury and shall have all powers and authority necessary for the performance of the legislative function.</p> <p>§ 151-302. Additional powers of Select Board members In addition to powers otherwise conferred by law, the Select Board members authorized to adopt amend, repeal , and enforce ordinances: (a) regulating the parking and operation of motor vehicles; including, despite any contrary 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; (b) relating to regulation, licensing, and prohibition of the storage and accumulation of junk cars, garbage, ashes, rubbish, refuse, waste, and scrap, and collection, removal, and disposal of such materials; (c) relating to registration and regulation of bicycles; (d) relating to the keeping of dogs, cats, and other domestic animals in settled areas.</p> <p>§ 151-303. Further powers of Select Board members In addition to powers otherwise conferred by law, the Select Board members shall also have the power to: (a) create, consolidate, or dissolve departments as necessary or relevant for the performance of municipal services; (b) create, consolidate, or dissolve commissions and committees as necessary or relevant and appoint the members thereof; (c) provide on an annual basis an independent audit of all Town financial records by a certified public accountant; (d) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs; (e) discharge all duties heretofore devolving on the Town Agent by general law and hire attorneys on behalf of the Town; and</p>
<p>§ 151-9. 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.</p>	<p>§ 151-304. Organization of 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 his/her absence, the Vice Chair, shall preside at all meetings of the Board and such 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.</p>
<p>§ 151-10. 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</p>	<p>Subchapter 4: Town Manager</p> <p>§ 151-401. 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.</p> <p>§ 151-402. Town Manager nonpartisan (a) The Town Manager shall be chosen solely on the basis of his or her executive, administrative, and professional qualifications. (b) The Town Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, nor be a candidate for election to any public office.</p> <p>§ 151-403. Oath and bond Before entering upon his or her duties, the Town Manager shall be sworn to the faithful performance of his or her duties by the Town Clerk and shall be bonded in such amount and with such sureties as the Select Board may require.</p>

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<p>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.</p> <p>(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.</p> <p>§ 151-11. 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.</p> <p>§ 151-12. 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.</p> <p>§ 151-12a. 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. (c) The Town Manager, with the approval of the Selectboard, shall set the compensation of all other town officers and employees. (Added 2005, No. M-14 (Adj. Sess.), § 2.)</p>	<p>§ 151-404. 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 his or her compensation or removal is being considered, shall keep the Select Board informed of the financial condition and future needs of the Town, and shall make such other reports as may be required by law, requested by the Select Board, or deemed by him or her 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 such villages as may 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 him or her.</p>
	<p>§ 151-405. Compensation The Town Manager shall receive such compensation as may be fixed by the Select Board.</p>
	<p>§ 151-406. Appointments (a) Except for those appointments made by the Select Board as provided for in this chapter, 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/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.</p>
	<p>§ 151-407. Removal of Town Manager 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 such 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.</p>
	<p>Subchapter 5: Taxation</p>
<p>§ 151-2a. 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.</p>	<p>§ 151-501. Taxes Taxes shall be assessed by the Town based on the fair market value of real property, in accordance with State law.</p>

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	<p>§ 151-502. Fair market value of real estate</p> <p>(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.</p> <p>(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 such real estate for the year in which the appeal is taken.</p> <p>(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 such 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.</p>
	<p>§ 151-503. Special assessments</p> <p>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, such special assessment to be such proportion of the total cost of such improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.</p>
<p>(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.</p>	<p>§ 151-504. Creation of St. Johnsbury Downtown District</p> <p>There is hereby created in the Town of St. Johnsbury a special district to be known as the St. Johnsbury Downtown Improvement District (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.</p>
<p>(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.</p> <p>(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.</p> <p>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:</p> <p>(A) to prepare a budget (the "budget") for the District in accordance with subdivision (1) of this subsection;</p> <p>(B) to advertise and promote the District;</p> <p>(C) to represent the interests of the District;</p> <p>(D) to hire and remove personnel as provided for in the budget or as otherwise approved by the Selectboard;</p>	<p>§ 151-505. Downtown District Purposes and powers</p> <p>(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.</p> <p>(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:</p> <ol style="list-style-type: none"> (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. (13) 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

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<p>(E) to apply for available governmental grants in aid and economic and in kind incentives when approved by the Selectboard;</p> <p>(F) to receive and expend contributions, grants, and income;</p> <p>(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;</p> <p>(H) to expend funds as provided for in the budget or as otherwise approved by the Selectboard;</p> <p>(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;</p> <p>(J) to acquire and dispose of property as recommended to and approved by the Selectboard;</p> <p>(K) to install and make public improvements as recommended to and approved by the Selectboard;</p> <p>(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;</p> <p>(M) to enter into contracts;</p> <p>(N) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;</p> <p>(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> <p>(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.</p>	
<p>(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.</p>	<p>§ 151-506. Downtown District Annual budget</p> <p>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 return the budget forthwith 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 which shall be assessed and collected as a tax on property as provided for in section 515 of this charter. The Select Board may borrow money in anticipation of District taxes</p>

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<p>(4) Common Area Fees.</p> <p>(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.</p> <p>(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:</p> <p>(I) A flat fee per taxable parcel identifiable on the grand list.</p> <p>(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.</p> <p>(ii) The Commission shall only raise common area fees sufficient to meet the budget regardless of the assessment method.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>§ 151-507. Downtown District taxes</p> <p>(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.</p> <p>(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</p> <p>(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 which are subject to the District tax under this subchapter.</p> <p>(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.</p> <p>(d) In the case of any property used for both residential and nonresidential purposes within the District as of April 1, the Board of Listers (Board) 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 Board 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.</p>
	Subchapter 7: Water and Wastewater Systems
	§ 151-701. 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 8: Miscellaneous
§ 151-15. Severability If any provision of this charter is for any reason held invalid, such invalidity shall not affect the remaining provisions that can be given effect without the invalid provision. To this end, the provisions of this charter are declared to be severable.	§ 151-801. Severability If any provision of this charter is for any reason held invalid, such invalidity shall not affect the remaining provision which can be given effect without the invalid provision. To this end, the provisions of this charter are declared to be severable
	§ 151-806. 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 no 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 no 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.

St. Johnsbury Existing Charter Language	Proposed Charter Language, October 2022
<p>§ 151-6. 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.</p>	<p>§ 151-807. 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.</p>
<p>§ 151-1. Merger of Village and Town; The Village of St. Johnsbury and the Town of St. Johnsbury are hereby consolidated and merged, and the Village of St. Johnsbury shall, except as hereinafter provided, cease to exist as a political entity or body corporate.</p>	<p>§ 151-808. Merger of Village and Town The Village of St. Johnsbury and the Town of St. Johnsbury are hereby consolidated and merged, and the Village of St. Johnsbury shall, except as hereinafter provided, cease to exist as a political entity or body corporate.</p>
<p>§ 151-2. Assets transferred; liabilities; taxation; special services; downtown improvement district; (a) All assets of the Village of St. Johnsbury on the date 1957 Acts and Resolved No. 345, as amended, becomes effective shall become the property of the Town of St. Johnsbury, except that those assets shall be subject to the debts of the Village of St. Johnsbury to the extent provided by law on that date. The Village of St. Johnsbury shall remain in existence so far as necessary to complete payment of its indebtedness and other obligations to which it was subject on that date. The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to that date shall be subject to a tax on their grand list to be assessed annually by the Selectboard of the Town of St. Johnsbury in an amount sufficient to pay off any such indebtedness according to its terms. (b) The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to the date 1957 Acts and Resolves No. 345, as amended, becomes effective shall be subject to a tax on their grand list to be assessed annually by the Selectboard of the Town of St. Johnsbury in an amount sufficient to pay off current expenses and indebtedness in continuing the present functions and additions thereto within that area that are not common to the Town of St. Johnsbury. (c) For the purpose of providing special services to a portion of the Town, the warning for any annual or special meeting may contain appropriate articles under which the legal voters in that area may vote for such special services as they desire. The Town shall furnish to each area such special services as are so voted, and the cost in each area, including the cost of all equipment, replacements, maintenance, salaries, and other operating expenses, shall be paid by a tax on the grand list of each taxpayer therein for his or her ratable share thereof, to 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 other taxes collected, and such tax assessed upon grand list shall be a lien thereon with the same priority as other taxes lawfully assessed thereon. (d) In order to complete the payment of existing indebtedness of the Village of St. Johnsbury and indebtedness that may be incurred from time to time for that area, the officers of the Town of St. Johnsbury corresponding to those of the Village of St. Johnsbury who had charge of the payment of such debt shall have authority to act as the duly authorized officers of the Village of St. Johnsbury. The tax so assessed shall be collected at the same time and in the same manner as other Town taxes.</p>	<p>§ 151-809. Assets transferred; liabilities; taxation; special services; downtown improvement district (a) All assets of the Village of St. Johnsbury on the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall become the property of the Town of St. Johnsbury, except that those assets shall be subject to the debts of the Village of St. Johnsbury to the extent provided by law on that date. The Village of St. Johnsbury shall remain in existence so far as necessary to complete payment of its indebtedness and other obligations to which it was subject on that date. The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to that date shall be subject to a tax on their grand list to be assessed annually by the selectmen of the Town of St. Johnsbury in an amount sufficient to pay off any such indebtedness according to its terms. (b) The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall be subject to a tax on their grand list to be assessed annually by the selectmen of the Town of St. Johnsbury in an amount sufficient to pay off current expenses and indebtedness in continuing the present functions and additions thereto within that area which are not common to the Town of St. Johnsbury. (c) For the purpose of providing special services to a portion of the Town, the warning for any annual or special meeting may contain appropriate articles under which the legal voters in that area may vote for such special services as they desire. The Town shall furnish to each area such special services as are so voted, and the cost in each area, including the cost of all equipment, replacements, maintenance, salaries, and other operating expenses, shall be paid by a tax on the grand list of each taxpayer therein for his or her ratable share thereof, to be assessed annually by the selectmen to be collected at the same time and in the same manner as the Town votes to have its other taxes collected, and such tax assessed upon grand list shall be a lien thereon with the same priority as other taxes lawfully assessed thereon. (d) In order to complete the payment of existing indebtedness of the Village of St. Johnsbury and indebtedness that may be incurred from time to time for that area, the officers of the Town of St. Johnsbury corresponding to those of the Village of St. Johnsbury who had charge of the payment of such debt shall have authority to act as the duly authorized officers of the Village of St. Johnsbury. The tax so assessed shall be collected at the same time and in the same manner as other Town taxes.</p>
<p>51-16. Preparation of budgets; Australian ballot (a) The Selectboard shall prepare an annual budget for the Town, including a Town annual budget and a former Village District special services budget. The School Director shall prepare an annual School District budget. The annual budgets, other articles providing for the appropriation of funds, and public questions shall be voted by Australian ballot. (b) On any question wherein the vote is not specifically required to be by ballot, a ballot may be demanded by three voters at any meeting. (Amended 2009, No. M-7, § 2, eff. May 8, 2009.)</p>	<p>§ 151-810. Preparation of budgets; Australian ballot (a) The Selectboard shall prepare an annual budget for the Town, including a Town annual budget and a former Village District special services budget. The School Director shall prepare an annual School District budget. The annual budgets, other articles providing for the appropriation of funds, and public questions shall be voted by Australian ballot. (b) On any question wherein the vote is not specifically required to be by ballot, a ballot may be demanded by three voters at any meeting. (Amended 2009, No. M-7, § 2, eff. May 8, 2009.)</p>

St. Johnsbury Existing Charter Language	Proposed Charter Language, October 2022
<p>151-17. Department of Assessment</p> <p>(a) Creation. There is hereby created a Department of Assessment headed by a person experienced in the appraisal of real estate, who shall be appointed by the Town Manager with the approval of the Selectboard.</p> <p>(b) Appraisal of property. The Department of Assessment shall appraise all real and personal property for the purpose of drawing up the grand list. Appraisals shall be reviewed periodically and updated. Technically qualified individuals or firms may be employed as needed.</p> <p>(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. (Added 2005, No. M-14 (Adj. Sess.), § 4.)</p>	<p>§ 151-811. Department of Assessment</p> <p>(a) Creation. There is hereby created a Department of Assessment headed by a person experienced in the appraisal of real estate, who shall be appointed by the Town Manager with the approval of the Selectboard.</p> <p>(b) Appraisal of property. The Department of Assessment shall appraise all real and personal property for the purpose of drawing up the grand list. Appraisals shall be reviewed periodically and updated. Technically qualified individuals or firms may be employed as needed.</p> <p>(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 and grievances.</p>
<p>151-18. Board of Assessment</p> <p>(a) Creation. There is hereby created a Board of Assessment composed of the three listers.</p> <p>(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. (Added 2005, No. M-14 (Adj. Sess.), § 5.)</p>	
<p>151-19. Appeals</p> <p>A person aggrieved by the final decision of the Board of Assessment under the provisions of section 18 of this charter may appeal in writing under the provisions of 32 V.S.A. chapter 131. (Added 2005, No. M-14 (Adj. Sess.), § 6.)</p>	<p>§ 151-812. Appeals</p> <p>A person aggrieved by the final decision of the Department of Assessment under the provisions of section 18 of this chapter may appeal in writing under the provisions of 32 V.S.A. chapter 131.</p>
<p>§ 151-12b. Offices abolished</p> <p>The Office of Fence Viewer; Inspector of Lumber, Shingles, and Wood; Second Constable; and Weigher of Coal are all hereby abolished. Except as otherwise provided in this charter, the Town Manager or his or her designee shall exercise the powers, duties, and responsibilities of any of the offices abolished by this section in the event that the need should arise. (Added 2005, No. M-14 (Adj. Sess.), § 3.)</p>	<p>§ 151-12b. Offices abolished</p> <p>The Office of Fence Viewer, Inspector of Lumber, Shingles, and Wood, Second Constable, and Weigher of Coal are all hereby abolished. Except as otherwise provided in this chapter, the Town Manager or his or her designee shall exercise the powers, duties, and responsibilities of any of the offices abolished by this section in the event that the need should arise.</p>
	<p>§ 151-13 Charter Borrowing The Town of St Johnsbury shall have the authority to adopt any charter provision approved for any other municipality, without seeking approval from the General 12 Assembly;</p>
<p>Recall</p> <p>Any Town officer, as defined by 17 V.S.A. § 2646, may be recalled by the following process:</p> <p>(a) A petition shall be filed with the Town Clerk signed by not less than twenty percent of the number of registered voters at the time the petition is submitted.</p> <p>(b) The petition shall request a meeting of the voters of the Town for the purpose of recalling a Town officer and shall set forth the name of the person to be recalled, the reason for the recall, and shall identify the office he or she holds.</p> <p>(c) The Selectboard shall, within 15 days of receipt of such petition, warn a meeting to act upon the petition.</p> <p>(d) The meeting shall be held not less than 30 nor more than 40 days from the date of the warning.</p> <p>(e) The meeting shall be warned as provided by the general laws of the State of Vermont.</p> <p>(f) At least four days, but not more than 15 days, prior to the meeting, an informational meeting shall be held at which time both the Town officer who is the subject of the recall petition and the proponents of the recall shall have the opportunity to discuss the petition to recall. The informational meeting shall be warned in conjunction with the warning for the meeting.</p> <p>(g) When a two-thirds majority of the voters present and voting on the question at such meeting vote in favor of the recall, the Town officer subject to the petition shall be recalled and the office he or she held shall be deemed vacant month period.</p> <p>(h) A recall petition shall not be brought against the same officer more than once within any 12 - month period.</p>	