

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which  
3 was referred House Bill No. 518 entitled “An act relating to the approval of  
4 amendments to the charter of the Town of Essex” respectfully reports that it  
5 has considered the same and recommends that the bill be amended by striking  
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. CHARTER AMENDMENT APPROVAL

8 The General Assembly approves the amendments to the charter of the Town  
9 of Essex as set forth in this act. The voters approved the proposals of  
10 amendment on March 7, 2023.

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

12 CHAPTER 117. TOWN OF ESSEX

13 \* \* \*

14 § 107. LICENSE FEES

15 In addition to powers otherwise conferred upon the Town by law and this  
16 charter, the Town is authorized to adopt and enforce ordinances for the purpose  
17 of regulating, licensing, and fixing reasonable and necessary fees for the  
18 following:

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

- 1           (2) places dispensing food and drink to the public, such as restaurants,
- 2           bars, or inns;
- 3           (3) theaters;
- 4           (4) displays of fireworks;
- 5           (5) public dances and musical performances;
- 6           (6) itinerant vendors;
- 7           (7) the exclusive occupancy of any specified portion of a public street or
- 8           right-of-way;
- 9           (8) the keeping of dogs or other pets; and
- 10          (9) other activities that the Town has the power to regulate or license by
- 11          virtue of general law or this charter.

12   \* \* \*

13          § 210. RECALL OF SELECTBOARD MEMBERS

- 14          (a) A petition signed by 15 percent of the registered voters of the
- 15          municipality, based upon the total number of registered voters at the last
- 16          preceding municipal election, demanding the recall of the Selectboard member
- 17          or members cited in the petition, shall be filed with the Town Clerk.
  
- 18          (b) Within 60 days after receiving a valid petition, the Selectboard shall
- 19          call a special meeting or, if annual meeting is within 60 days, include a
- 20          question on the annual Town meeting ballot to vote on whether the elected
- 21          officer shall be removed. The vote shall be held by Australian ballot.

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

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

10   \* \* \*

11                           Subchapter 3. ~~Town Meeting~~ Amendment of Charter Ordinances

12   \* \* \*

13   Subchapter 4. ~~Planning~~ Town Manager

14   \* \* \*

15   Subchapter 5. ~~Department of Real Estate Appraisal~~ Personnel

16   \* \* \*

17   Subchapter 6. ~~Town Manager Meeting;~~ Amendment of Charter

18   \* \* \*

19           § 701. FISCAL YEAR

20           The fiscal year of the Town shall begin on the first day of July and end on  
21           the last day of June of each calendar year. The fiscal year shall constitute the

1 budget and accounting year as used in this charter. ~~In the event of a~~  
2 ~~consolidation between the Essex Town School District and the Village of~~  
3 ~~Essex Junction Graded School District, the consolidated entity shall adopt the~~  
4 ~~same fiscal year as the Town.~~

5 \* \* \*

6 Subchapter 9. Personnel Planning

7 \* \* \*

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

9 \* \* \*

10 Subchapter 11. ~~Severability~~ Amendment of Charter

11 \* \* \*

12 Subchapter 12. Severability

13 \* \* \*

14 Sec. 3. REDESIGNATIONS

15 In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date),  
16 108 (filing), 109 (annual Town report), 110 (reservation of powers to the  
17 Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207  
18 (jurisdiction over other officers or employees), 208 (compensation of  
19 Selectboard), 209 (powers and duties), 301 (application of general law), 302  
20 (time of holding), 303 (budget), 401 (Board established), 501 (creation of  
21 Department), 502 (appraisal of property), 503 (appraisal of business personal

1 property), 504 (duties of Department), 505 (purpose), 601 (appointment of  
2 Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning  
3 and budget), 901 (appointment and removal), 902 (personnel rules and  
4 regulations), 903 (prohibitions), 1001 (laws governing), and 1101  
5 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206,  
6 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402,  
7 603, 501, 502, 503, 1101, and 1201 respectively.

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

10 § ~~105~~ 106. ORDINANCES—METHOD OF ADOPTION AND  
11 ENFORCEMENT

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

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

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

3 § ~~206~~ 208. APPOINTMENTS BY SELECTBOARD

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

6 \* \* \*

7 (4) Town Manager; and

8 (5) Development Review Board.

9 \* \* \*

10 Sec. 6. TRANSITIONAL PROVISION; ZONING BOARD OF  
11 ADJUSTMENT AND DEVELOPMENT REVIEW BOARD

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

15 Sec. 7. REPEAL

16 24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard;  
17 Zoning Board of Adjustment) is repealed on January 1, 2025.

18 Sec. 8. EFFECTIVE DATE

19 This act shall take effect on passage.

20

21 (Committee vote: \_\_\_\_\_)

1

\_\_\_\_\_

2

Representative \_\_\_\_\_

3

FOR THE COMMITTEE