

Full text of the St Johnsbury Town Charter

AN ACT TO CONSOLIDATE AND MERGE THE VILLAGE OF ST. JOHNSBURY AND THE TOWN OF ST. JOHNSBURY.

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

Sec. 1. 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.

Sec. 2 (a) All assets of the village of St. Johnsbury on the date this act 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.

***Editor's note**- Printed herein is the Charter of the town of St. Johnsbury, Vermont, Laws of Vermont, Acts of 1957, Chapter 345 enacted by the Vermont General Assembly and approved June 18, 1957. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

****Editor's note** - Acts of 1969, ch. 154, printed herein, did not specifically amend the charter. It is included for reference as it affects the charter.

NO.154 .AN ACT TO AUTHORIZE THE TOWN OF ST. JOHNSBURY TO MAKE IMPROVEMENTS TO ITS WATER SYSTEM AND TO FINANCE THE COST THEREOF THROUGH THE ISSUE OF GENERAL OBLIGATION BONDS.

It is hereby enacted by the General Assembly of the State of Vermont.

Sec. 1. Notwithstanding subsection (b) of section 2 of No. 345 of the Acts of 1957 as amended by section 1 of No. 231 of the Acts of 1965, 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.

Sec. 2. This act shall take effect from passage. Approved: March 18, 1969.

(b) The taxpayers residing in the village of St. Johnsbury as is was bounded just prior to the date this act 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 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.

(Laws of Vt., Acts of 1965, ch. 231, §1)

(e) Upon a vote of the majority of the legal voters of the Town of St. Johnsbury at an annual or special meeting duly warned for the purpose, 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 exist for a period of 12 years unless the Town of St. Johnsbury votes otherwise at an annual or special meeting warned for such purpose. 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 Streets. The District may continue in existence for period of longer than 12 years upon the vote of the majority of the legal voters of the Town at an annual or special meeting duly warned for that purpose and the area of the district may be changed upon the vote of the legal voters at the same or different annual or special meeting properly warned.

The District is more precisely shown on the plan "St. Johnsbury Downtown Improvement District - Revised January 3, 1997" and recorded with Town Clerk of the Town of St. Johnsbury.

(1) Commission-Creation/Membership: A St. Johnsbury Downtown Improvement District Commission (Commission) is created consisting of seven members. Five members shall be at the time of appointment and during their terms owners of property, or managers, proprietors or operators of businesses located within the District and one member shall be at the time of appointment and during his/her term a legal resident of the Town of St. Johnsbury, who shall be appointed by the Board of Selectmen to serve for the term of five years and until their successors are appointed and qualified, excepting that their terms of the first five Commissioners appointed 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 Selectman, or an employee of the Town of St. Johnsbury, who shall be appointed by the Board of Selectmen to serve for the term on one year commencing the first day of April and until the member's successor is appointed and qualified. The Commission shall have a chairman and vice-chairman 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 the Board of Selectmen only for cause and after public hearing duly warned.

(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 Section; 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.

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

(A) to prepare a budget (the "Budget") for the District in accordance with subsection e (1) hereof;

(B) to advertise and promote the District;

(C) to represent the interests of the District;

(D) to hire and remove personnel as provided for in the Budget or as otherwise approved by the Select Board;

(E) to receive and expend contributions, grants, and income;

(F) to expend funds as provided for in the Budget or as otherwise approved by the Select Board;

(G) 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 Board of Selectmen;

(H) to acquire and dispose of property as recommended to and approved by the Board of Selectmen;

(I) to install and make public improvements as recommended to and approved by the Board of Selectmen;

(J) 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 Board of Selectmen;

(K) to enter into contracts;

(L) to regulate, lease, license, establish rules and fees and otherwise manage the

use of public spaces within the District;

(M) to plan for the orderly development of the District in cooperation with the Town Planning Commission and as recommended to and approved by the Board of Selectmen;

(N) to do all other things necessary or convenient to carry out the purposes of the Section 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 the Section 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 Board of Selectmen, by order, transfers such jurisdiction to the Commission, notwithstanding Section 8 of the charter, or amends the order or ordinance.

(3) Annual Budget: Annually the Commission shall submit to the Board of Selectmen for approval for the next fiscal year a capital and operating budget of revenues and expenditures which 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 Board of Selectmen does not approve the budget as submitted, the Board 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 which shall be assessed and collected as tax on property as provided for in this Section. The Commission may borrow money in anticipation of common area fees upon approval of the Board of Selectmen.

(4) Common Area Fees:

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

(B) 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:

(i) A flat fee per taxable parcel identifiable on the Grant List.

(ii) A flat fee per taxable parcel plus a formula based on any one, or combination thereof, of square footage 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 By-Laws for new construction, or any equation which 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.

The Commission shall only raise common area fees sufficient to meet the Budget regardless of the assessment method.

The common area fees shall be established by the Commission upon approval of the

Commission Budget by the Board of Selectmen and shall 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 taxes collected, and such common area assessment shall be a lien thereon with the same priority as taxes lawfully assessed thereon.

(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 Board of Selectmen, may substitute any local option taxes permitted by law in lieu of common area fees that exist to meet the Budget.

(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 board of Selectmen 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 Selectmen shall set a date and place for a hearing on the appeal within 60 days of the filing of the notice of appeal. The Board 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 section may be adjourned by the Board 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 Board 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.

(Laws of Vt. Acts of 1997)

Sec. 3. The officers of the village of St. Johnsbury shall, prior to the date when this act goes into effect, settle, so far as possible, the pecuniary affairs of the village of St. Johnsbury, and shall, except as hereinafter provided, on said date turn over and deliver to the clerk of the town of St. Johnsbury, all the records, books and documents of the village of St. Johnsbury, and to the proper officers of the said town all other property of the said village.

Sec. 4. (a) Said town shall have and is hereby granted the authority to exercise all powers relating to municipal affairs and no enumeration of powers in this charter shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit the authority of the legislature to alter, amend or repeal this charter; or to limit the right to hereafter pass general laws applicable alike to this and all other municipal corporations of the state; nor shall this grant of authority be deemed to limit the patronage or control of the state with respect to said town.

(b) The Town shall start its annual meeting at 7:30 o'clock in the afternoon of the day before the first Tuesday of March and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot and to be held on the first, Tuesday of March. Discussion shall be permitted at such meetings on all articles contained in the warning for the annual meeting. A meeting so started shall be adjourned until the following day.

(Laws of Vt., Acts of 1973, ch. 274, §1)

Sec. 5. Under the general grant of authority contained in and conferred upon the town by Section 4, the town of St. Johnsbury may exercise the following powers and functions:

(a) 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;

(b) 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;

(c) 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;

(d) 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.

(e) 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;

(f) 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.

(g) 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.

(h) To establish and maintain a fire department.

(i) 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 by-laws 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.

(j) 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.

Sec. 6. 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.

Sec. 7. In meetings duly warned for the purpose, the town of St. Johnsbury shall have power to make, alter, repeal or amend by-laws, which together with the ordinances and regulations adopted by the selectmen shall regulate its affairs, and shall carry into effect the provisions and intent of this charter.

Sec. 8. The selectmen 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:

(a) 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; 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.

(b) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists, mediums, itinerant vendors, peddler, auctioneers, pawnbrokers, professional and amateur sports.

(c) 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.

(d) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.

(e) 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.

(f) The transportation, manufacture, storage and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.

(g) The cleaning of public sidewalks and gutters, and the removal there from of snow, ice, litter, garbage, stands, tables, boxes and other materials encumbering or obstructing any public sidewalk, street or way.

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

(i) 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.

Sec. 9. The by-law adopted by the town and the ordinances and regulations passed by the selectmen, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in said town at least twenty 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 by-laws, 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 selectmen 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 by-laws, ordinances and regulations and the clerk's certificates shall be received as evidence in all the courts of the State.

Sec. 10. (a) Fines, penalties, and forfeitures up to and including two hundred dollars, for each breach of an ordinance, or by-law, may be established by the selectmen, 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 by-law 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 willful or malicious act or neglect, it shall so adjudge, and may further adjudge that he be confined in close jail, and may issue execution against his 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 by-law, relating to his business may be enjoined by a proper action in chancery brought in the name of the town, from continuing such business in violation of such ordinance or by-law, and in any such action a bill relying on the ordinance or by-law shall be sufficient.

(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 by-laws and to punish violations thereof.

Sec. 11. All violations of ordinances or by-laws 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 by-laws, shall be paid into the town treasury.

Sec. 12. 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 selectmen, unless the town at an annual or special meeting duly warned for that purpose shall vote otherwise.

Sec. 13. This act shall become operative and take effect when it is approved and ratified:

(a) By a majority of the legal voters residing in the territory embraced in the village of St. Johnsbury present and voting on the question at a regular or special meeting of said village of St. Johnsbury, the warning for which shall contain the notice or warrant as hereinafter appears, and

(b) By a majority of the legal voters of the town of St. Johnsbury present and voting on the question at a regular or special meeting of said town, the warning for which shall contain the notice or warrant as hereinafter appears.

The notice or warrant for each of said meetings shall contain an article substantially as follow:

"To see if the (village), (town) shall vote to approve, ratify and adopt an act of the General Assembly of the State of Vermont of 1957 entitled 'An Act to Consolidate and Merge the Village of St. Johnsbury and the Town of St. Johnsbury'."

(Laws of Vt., Acts of 1965, ch. 231, §2

Sec. 14. In case a majority of the voters present and voting at each of the meetings specified in section 13, shall vote to approve, ratify and adopt this act, the consolidation and merger of the village of St. Johnsbury and the town of St. Johnsbury shall take effect on that first day of January, which shall follow by not less than three months, the approval, ratification and adoption of this act by the last of the two meetings held as aforesaid.

Upon such effective date the selectmen shall continue in office for the remainder of their respective terms and the other officers of the town of St. Johnsbury shall continue in office

until the first Tuesday in March next following, and their successors shall have been elected or appointed; and the ordinances of the village of St. Johnsbury then in force shall remain of full force and effect, following the effective date of this act for a period of one year only, so far as such ordinances shall continue to be applicable and appropriate, except as repealed, amended, altered or modified by the selectmen of the town of St. Johnsbury, and as respects only that part of the town of St. Johnsbury comprised within the limits of the village of St. Johnsbury, as defined by No. 179 of the Acts of 1927.

Sec. 15. The authority granted by this act to the village of St. Johnsbury and the town of St. Johnsbury to merge shall expire twenty years from the date of the passage and adoption of this act unless all of the municipalities mentioned herein shall have voted to adopt the provisions hereof within such period.

(Laws of Vt., Acts of 1965, ch. 231, §3)

Sec. 16. If any provision of this act is for any reason held invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision. To this end the provisions of this act are declared to be severable.

Sec. 17. Sections 13 and 15 of this act shall take effect from its passage.

Approved June 18, 1957.

Sec. 18. Essential Services Budget; other appropriations. The selectmen shall prepare an annual budget for the Town which shall be known as the "Essential Services Budget." It shall include such sum or sums of money as are necessary to carry out essential governmental services, and to meet the ordinary expenses and liabilities of the Town. The "Essential Services Budget" shall be warned as a separate article or articles for the annual town meeting and be adopted or modified by the vote of the majority of those eligible to vote who are present at the meeting. Any article in the warning providing for appropriation of funds, in addition to the Essential Services Budget, shall be voted on by Australian ballot. The form of the ballot to be used shall be substantially as follows:

Shall the Town vote to appropriate the sum of _____ to be use
for _____

If in favor, make an X in this square. If opposed, make an X in this square

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.

(Laws of Vt., Acts of 1973, ch. 274, §2)