

VERMONT **GENERAL ASSEMBLY**

## The Vermont Statutes Online

### Title 24 Appendix: Municipal Charters

#### Chapter 151: Town Of St. Johnsbury

##### § 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.

##### § 151-2. 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.

(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.

(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 Selectman, 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 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 unanimous vote of the Selectboard.

(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.

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:

(A) to prepare a budget (the "budget") for the District in accordance with subdivision (1) of this subsection;

(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 Selectboard;

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

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

(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;

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

(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;

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

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

(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;

(M) to enter into contracts;

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

(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) 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.

(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 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 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 which 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.

(4) Common Area Fees:

(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.

(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 grand list.

(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 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 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.

(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.

(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.

#### **§ 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.

#### **§ 151-3. Settlement of Village affairs**

The officers of the Village of St. Johnsbury shall, prior to the date when Act No. 345 of the Acts of 1957, as amended, 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.

#### **§ 151-4. Authority; annual meeting**

(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.

#### **§ 151-5. Powers**

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:

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(8) To establish and maintain a fire department.

(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.

(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.

#### **§ 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.

#### **§ 151-7. Bylaws**

In meetings duly warned for the purpose, the Town of St. Johnsbury shall have power to make, alter, repeal, or amend bylaws, 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.

#### **§ 151-8. Ordinances and regulations**

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:



(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; 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.

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

(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.

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

(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.

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

(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.

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

(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.

#### **§ 151-9. Publication of bylaws and ordinances**

The bylaw 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 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 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 bylaws, ordinances, and regulations and the Clerk's certificates shall be received as evidence in all the courts of the State.

#### **§ 151-10. Penalties**

(a) Fines, penalties, and forfeitures up to and including two hundred dollars, for each breach of an ordinance or bylaw, 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 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 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.

(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.

#### **§ 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.

#### **§ 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 selectmen, unless the Town at an annual or special meeting duly warned for that purpose shall vote otherwise.

#### **§ 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.)

#### **§ 151-12b. Offices abolished**

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. (Added 2005, No. M-14 (Adj. Sess.), § 3.)

#### **§ 151-13. Expiration of terms of selectmen upon merger**

Upon such effective date of the merger of the Village of St. Johnsbury and the Town of St. Johnsbury 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.

#### **§ 151-14. Authority to merge; expiration**

The authority granted by this act to the Village of St. Johnsbury and the Town of St. Johnsbury to merge shall expire 20 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.

#### **§ 151-15. Severability**

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 charter are declared to be severable.

#### **§ 151-16. 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.)

#### **§ 151-17. Department of Assessment**

(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.

(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.

(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 chapter. (Added 2005, No. M-14 (Adj. Sess.), § 4.)

#### **§ 151-18. Board of Assessment**

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

(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 chapter. (Added 2005, No. M-14 (Adj. Sess.), § 5.)

#### **§ 151-19. Appeals**

A person aggrieved by the final decision of the Board 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. (Added 2005, No. M-14 (Adj. Sess.), § 6.)

#### **§ 151-20. Undesignated reserve fund**

The Selectboard may annually reserve any surplus in the essential services budget, not to exceed five percent of the budget, for the purpose of establishing an undesignated reserve fund. The reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for purposes as may be authorized by a majority of the voters present and voting at an annual or special meeting duly warned. (Added 2005, No. M-14 (Adj. Sess.), § 7.)

### **§ 151-21. Recall**

Any Town officer, as defined by 17 V.S.A. § 2646, may be recalled by the following process:

- (1) A petition shall be filed with the Town Clerk signed by not less than twenty-five percent of the number of registered voters at the time the petition is submitted.
- (2) 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.
- (3) The Selectboard shall, within 15 days of receipt of such petition, warn a meeting to act upon the petition.
- (4) The meeting shall be held not less than 30 nor more than 40 days from the date of the warning.
- (5) The meeting shall be warned as provided by the general laws of the State of Vermont.
- (6) 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.
- (7) 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.
- (8) A recall petition shall not be brought against the same officer more than once within any 12-month period. (Added 2015, No. M-3, § 2, eff. Mar. 12, 2015.)