

CHARTER  
OF THE  
CITY OF MONTPELIER



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1987

CHARTER OF THE CITY OF MONTPELIER

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## TABLE OF CONTENTS

### TITLE I: INCORPORATION AND GRANT OF POWERS

Section 1. The City of Montpelier .....	1
Section 2. General Powers .....	1
Section 3. Form of Government .....	1
Section 4. Change of Form of Government .....	2
Section 5. Intergovernmental Relations .....	2

### TITLE II: CITY VOTING DISTRICTS .....

3

### TITLE III: CITY COUNCIL

Section 1. Administration and Powers .....	4
Section 2. Board of Council Members - Composition and Term of Office .....	4
Section 3. Vacancies .....	4
Section 4. Election of President and Vice President of the Board of Council Members .....	4
Section 5. Vacancy in the Office of President and Vice President .....	4
Section 6. Duties of the President and Vice President .....	4
Section 7. Council Meetings .....	4
Section 8. Special Council Meetings .....	4
Section 9. Council Agenda .....	5
Section 10. Council Quorum .....	5
Section 11. Attendance at Meetings .....	5
Section 12. Council Meetings Public .....	5
Section 13. Council Minutes Recorded .....	5
Section 14. Action in Executive Session .....	5
Section 15. Council Authority to Require Information .....	5
Section 16. Compensation .....	5
Section 17. Council Appointments .....	5
Section 18. Claims for Personal Services .....	6
Section 19. Sale of Public Property .....	6
Section 20. Contracts .....	6

### TITLE IV: MAYOR

Section 1. Election and Tenure of Office .....	7
Section 2. Vacancy in the Office of Mayor .....	7
Section 3. Nominations to Fill Vacancy in Office of Mayor .....	7
Section 4. Duties of the Mayor .....	7
Section 5. Powers of the Mayor .....	7

TITLE V: CITY MEETINGS; NOMINATIONS AND  
ELECTION OF OFFICERS

Section 1. City Meetings .....	8
Section 2. Publishing and Posting of Articles .....	8
Section 3. Special City Meeting .....	8
Section 4. Method of Election of Officers .....	8
Section 5. Placing of Voting Machines .....	9
Section 6. Check-Lists of Voters .....	9
Section 7. Presiding Officer at City Meetings .....	9
Section 8. Method of Voting Tax Appropriation .....	9
Section 9. Election of Officers .....	9
Section 10. Certificates of Nomination .....	9
Section 11. Canvassing of Ballots .....	10
Section 12. Other Vacancies .....	10
Section 13. Vacancy Created .....	10

TITLE VI: SCHOOLS

Section 1. School Commissioners .....	11
Section 2. Election of Board Officials .....	11
Section 3. Vacancy in the Office of School Commissioners .....	11
Section 4. Superintendent of Schools .....	11
Section 5. Duties of Superintendent of Schools .....	11
Section 6. Term of Office .....	11
Section 7. Annual School Report .....	11
Section 8. Requisition of School Fund .....	12
Section 9. Deposit of School Revenues .....	12
Section 10. Borrowed Funds Appropriated to School Fund ..	12
Section 11. Payment of School Notes and Bonds .....	12
Section 12. Financial Report to City Treasurer .....	12
Section 13. School Fund .....	12
Section 14. Compensation .....	13

TITLE VII: CITY ORDINANCES

Section 1. Council Authority .....	14
Section 2. Enactment Procedure and Effective Date .....	14
Section 3. Notice Before Final Action .....	14
Section 4. Record of Ordinances .....	14
Section 5. Penalty for Violation .....	14
Section 6. Actions in Tort .....	15
Section 7. Violations by Non-residents .....	15
Section 8. Liability for Damages .....	15

TITLE VIII: BOARDS AND COMMISSIONS

Section 1. Green Mount Cemetery Commissioners .....	16
Section 2. Park Commissioners .....	16
Section 3. Board of Civil Authority .....	16
Section 4. Meetings of the Board .....	16
Section 5. Planning Commission .....	17
Section 6. Board of Adjustment .....	17
Section 7. Recreation .....	17
Section 8. Meetings of Board of Abatement .....	17

TITLE IX: ADMINISTRATION

Section 1. Fiscal Year .....	18
Section 2. Annual City Budget .....	18
Section 3. Council Action on the Budget .....	18
Section 4. Administrative Officers .....	18
Section 5. City Clerk and City Treasurer .....	18
Section 6. Administrative Code .....	18
Section 7. Personnel Benefits .....	18
Section 8. Payment of Contractual Accrued Liability .....	18
Section 9. City Report .....	19
Section 10. Officers' Bonds .....	19
Section 11. Authority of Police Officers .....	19

TITLE X: CITY MANAGER

Section 1. Appointment, Eligibility, and Qualifications .....	20
Section 2. Compensation of the City Manager .....	20
Section 3. Oath of Office .....	20
Section 4. Removal of the City Manager .....	20
Section 5. Vacancy in the Office of City Manager .....	20
Section 6. Powers and Duties of the City Manager .....	20
Section 7. Appointments .....	21
Section 8. Termination of Appointments .....	21
Section 9. Non-interference by the City Council .....	21

TITLE XI: INDEBTEDNESS; SINKING FUND; BONDS  
AND NOTES FOR IMPROVEMENTS

Section 1. Powers .....	22
Section 2. Submission to Voters .....	22
Section 3. Submission to Voters, School Improvements .....	22
Section 4. Warning .....	22





STATE OF VERMONT

In the year of our Lord Nineteen Hundred Seventy-four

AN ACT TO GRANT A NEW CHARTER TO THE CITY OF MONTPELIER

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

TITLE I: INCORPORATION AND GRANT OF POWERS

Section 1. The City of Montpelier. The inhabitants of the territory formerly the Town of Montpelier, and that portion of the Town of Berlin annexed to the City of Montpelier, by an act entitled, "An act to annex an adjacent portion of the Town of Berlin to the City of Montpelier", which act was approved November 29, 1898, are hereby continued to be incorporated and a body corporate and politic under the name of the City of Montpelier; and under that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect representatives to the General Assembly of the State, and the number of justices of the peace as provided in Chapter II of the Vermont Constitution for a town of equal population; and generally shall have, exercise, and enjoy all such rights, immunities, powers and privileges as are conferred upon, or are incident to, towns in this state; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this Act.

Section 2. General Powers. Such corporation shall have all the powers given to towns and town school districts by the general law; and may purchase, hold and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such dams, aqueducts, reservoirs, and sewage disposal facilities as it may deem necessary for the benefit of the city.

Section 3. Form of Government. The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the council, which shall enact ordinances, codes and regulations, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter or prescribed by ordinance.

Section 4. Change of Form of Government. Upon petition of a number of legal voters equal to four percent of the total vote cast for governor at the last preceding general election, the legal voters of the city may, at any annual meeting or a special meeting duly warned and held for that purpose, vote to change the council-manager form of government to any other legal form. A majority of the legal votes cast shall be needed to effect a change of government. In the event a change of government is voted terminating the position of city manager, the city manager shall be entitled to three months pay from the effective date of said termination.

Section 5. Intergovernmental Relations. The city, through its city council or board of school commissioners, or both, may enter into any agreement with the United States of America or the State of Vermont, or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to accept grants, loans, and assistance from the United States of America or the State of Vermont, or both, or from any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within said city, or upon property or rights of said city outside its corporate limits, whether owned by said city as sole owner or owned by said city in common with another municipality or other municipalities, and may make appropriations consistent with this act to accomplish such purposes.

## TITLE II: CITY VOTING DISTRICTS

The city council is empowered to designate or eliminate the boundaries of voting districts. The city council may make changes from time to time in the number and boundaries of the districts as it may deem proper, having regard, so far as practicable and convenient, to an equal division of population among them. Such changes shall not be made more frequently than once in five years. Such districts shall be described by ordinance. Such changes shall be approved by the legal voters of the city at an annual or special meeting of the city and shall become effective immediately upon approval.

### TITLE III: CITY COUNCIL

Section 1. Administration and Powers. The administration of all fiscal, prudential, and municipal affairs of the city and the government thereof shall be vested in the mayor and council members, subject to the provision herein contained respecting a city manager. The mayor and council members shall be sworn to the faithful performance of their duties, respectively. The mayor and council members in their joint capacity shall constitute the city council. The city council shall have all the powers of selectmen.

Section 2. Board of Council Members - Composition and Term of Office. The board of council members of said city shall consist of two members from each district, elected by the legal voters of said city from among the legal voters of said district for a term of two years.

Section 3. Vacancies. A vacancy on the board of council members shall occur upon the death, removal from the district, or resignation of a council member. A vacancy in the office of council member with more than 90 days of unexpired term remaining shall be filled by the remaining members of the city council. The unexpired term of the office of council member filled as provided in this section, shall, at the next annual meeting of the city, be filled by election for the balance of the unexpired term.

Section 4. Election of President and Vice President of the Board of Council Members. The council members duly elected and qualified shall constitute the board of council members, and shall annually elect one of their members president of said board and another vice president, to serve in such offices until the next election of council members.

Section 5. Vacancy in the Office of President and Vice President. In the event of the death, resignation, or disqualification of the president or vice president of the board of council members, the remaining council members shall elect a successor and the successor so elected shall hold office until the next election of council members.

Section 6. Duties of the President and Vice President. All powers and duties vested in the mayor by this charter or the general law shall, in event of a vacancy in the office or in case of disqualification, incapacity, or absence from the city of the mayor be vested in the president of the board of council members, or in the vice president in case of disqualification, incapacity or absence from the city of the mayor and the president of the board of council members.

Section 7. Council Meetings. The city council shall hold meetings on the second and fourth Wednesdays of each month, and oftener at the call of the mayor.

Section 8. Special Council Meetings. The mayor, or in the case of the mayor's failure, the city clerk, shall call special meetings of the city council on request of one-half of the members of the board of council members.

Section 9. Council Agenda. It shall be the duty of the city manager to prepare a written agenda for each meeting of the council. The city manager shall add to the agenda any items requested by a council member or by written request of any other person. The agenda shall be posted in at least one public place in the city at least twenty-four hours prior to the time of the meeting.

Section 10. Council Quorum. A quorum of the city council shall be necessary to conduct business; however, the transaction of business shall be in accordance with 1 V.S.A. § 172. A number less than a quorum may adjourn from time to time, may compel the attendance of absent members and enforce such penalties for non-attendance as the city council may by ordinance prescribe.

Section 11. Attendance at Meetings. Any city officer or employee may be required to attend a meeting of the city council.

Section 12. Council Meetings Public. All meetings of the city council shall be open to the public except when an executive session is voted by a majority of the council.

Section 13. Council Minutes Recorded. All minutes of the city council shall be recorded in a book of city council records and shall be available to the public unless they concern a person's reputation, contracts, or the security of the state is involved.

Section 14. Action in Executive Session. Action on ordinances, rules, regulations, or appointments shall not take place in executive session.

Section 15. Council Authority to Require Information. The city council shall have the authority to require the city clerk, city treasurer, and each appointive city officer, excluding school department officers, to furnish information concerning anything connected with, or work planned to be performed in, their respective department.

Section 16. Compensation. The mayor and council members shall receive as compensation for their services such sums as shall be voted to them at the annual city meeting of each year.

Section 17. Council Appointments. The city council shall, pursuant to Title X of this charter, appoint a city manager, city attorney and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, board of adjustment, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Section 18. Claims for Personal Services. No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this act or by the general law, except that the city clerk, city treasurer, and auditors shall receive such compensation as shall be fixed by the city council. The compensation of all other officers and employees of the city shall be fixed by the city council, except as herein otherwise provided.

Section 19. Sale of Public Property. The city council may authorize the sale or lease of any real or personal estate belonging to the city. All conveyances, grants, or leases of any real estate owned by the city shall be signed by the mayor and shall be sealed with the city seal.

Section 20. Contracts. All contracts on behalf of and any purchases for the city shall be authorized by the city council, except as otherwise provided by ordinances of the City of Montpelier or this act.

## TITLE IV: MAYOR

Section 1. Election and Tenure of Office. The mayor shall be elected by and from the qualified voters of the City of Montpelier. The mayor shall hold office for a term of two years or until the mayor's successor is elected and qualified.

Section 2. Vacancy in the Office of Mayor. In the case of a vacancy in the office of mayor, with more than 120 days of unexpired term remaining, the city council shall forthwith direct the city clerk to call a special meeting of the legal voters of the city for the election of a mayor, and the person elected at such meeting shall serve for the unexpired term and until the mayor's successor is duly elected and qualified. Said special meeting shall be called in the manner provided in Section 3 of this title. Voting shall be by ballot. A special meeting of the voters of the city for the election of a mayor shall be conducted as are other special city meetings. The city council shall determine prior to such special meeting the time during which the ballot boxes shall be kept open. Said time shall not be less than two hours. In the event 120 days or less remain of the unexpired term as a result of such vacancy in the office of mayor computed from the time the vacancy occurs, no special election shall be called to fill the unexpired term.

Section 3. Nominations to Fill Vacancy in Office of Mayor. Nominations to fill a vacancy in the office of mayor shall be by certificate signed by at least twenty-five legal voters. Such certificate shall be filed with the city clerk not less than fifteen and not more than twenty-five days before such special election. The then-current check-list shall be used.

Section 4. Duties of the Mayor. The mayor shall be the chief executive officer of the city subject to the operation of the provisions herein contained respecting a city manager. The mayor shall use the mayor's best efforts to see that the laws and the city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed. The mayor shall take care that the finances of the city are properly managed, and shall bring before the city council whatever the mayor may deem worthy of their attention for prudentially and efficiently carrying on the affairs of the city.

Section 5. Powers of the Mayor. The mayor shall preside at all city council meetings. The mayor may veto any action passed by the city council, providing that the mayor does so before the next regular meeting of said city council, and any action so vetoed shall not become effective unless at the first regular meeting with all members present after the mayor's veto five or more council members vote to override the mayor's veto.

## TITLE V: CITY MEETINGS; NOMINATION AND ELECTION OF OFFICERS

Section 1. City Meetings. On the first Tuesday of March in each year, a meeting of legal voters of said city shall be held as designated on the warning for such meeting, at a place or places to be appointed by the city council of said city, and a warning shall be posted in at least three public places within the limits of said city, and at least twelve days previous thereto, which warning shall be signed by the city clerk, or, in case of the city clerk's failure, by the mayor, provided that, if the annual meeting shall fail to be held for want of warning before mentioned, or for any other cause, the city shall not be thereby prejudiced, and the several officers hereinafter mentioned may, at any time thereafter, be elected at a special meeting, called for that purpose, as hereinafter provided; and provided, further, that any business required by this act or the general law to be transacted at the annual city meeting may be transacted at such special meeting.

Section 2. Publishing and Posting of Articles. When questions involving authorization of public improvements and the incurring of debt to pay for the same are to be referred to the voters at an annual city meeting, the articles of the warning dealing with the same shall be posted and published as hereinafter provided in Title XI. Such articles will be posted under the caption: "Extract from warning for annual city meeting March...". The extract containing such articles will be signed by the city clerk or, in case of the city clerk's failure, by the mayor. In addition to being posted and published in extract form as above provided, such articles will be included in the full warning to be posted in at least three public places within the limits of said city, at least twelve days prior to the annual city meeting.

Section 3. Special City Meeting. The city clerk when directed by the city council, or when requested in writing by five percent of the legal voters of said city to do so, shall call a special meeting of the voters of the city in the same manner as is provided for the calling of the annual meeting; in case of the failure of the city clerk to call such special meeting as aforesaid, that duty shall be performed by the mayor, except that special meetings to authorize public improvements and the incurring of debt to pay for the same shall be warned as hereinafter provided in Title XI.

Section 4. Method of Election of Officers. All officers shall be elected by ballot, according to the general law of the state, except as when otherwise provided in this act. Candidates' names shall appear in such order on the ballot as shall be drawn by lot and by the board of civil authority. Provisions for write-in votes shall be available for voters. The ballot box at the annual meeting or any special meeting called as provided in the event the annual meeting shall fail to be held shall be kept open for a minimum of nine consecutive hours between 6 a.m. and 7 p.m. as shall be designated on the warning for such meeting; and no business except election of officers and matters that by law must be balloted upon, shall be transacted at any annual or special meeting, unless directed by the city council, until after seven o'clock p.m.. Persons shall be checked against the legal voting list before being admitted to city or special meeting procedures taking place after seven o'clock p.m..

Section 5. Placing of Voting Machines. The city council shall direct the placing and opening of as many sets of voting machines as there shall be districts in said city, at the place where the annual or any special meeting of the city shall be held, and at such other polling places as the city council may direct, for receiving votes for all officers to be elected and other ballot issues to be voted upon. The number of the district shall be distinctly marked on each voting machine, and notice shall be posted pointing out where the voters of each district shall vote, and the machines shall be so located as, in the opinion of the city council, will best accommodate the voters.

Section 6. Check-Lists of Voters. Check-lists of the voters of the city shall be made in conformity with the laws of this state and this act for all such meetings by the board of civil authority, and the city council shall divide such check-lists of voters according to districts and shall arrange the names of the voters in each district in alphabetical order, which check-lists so divided as aforesaid shall be certified by the mayor and city clerk as the check-list for each district respectively, and shall be kept at the polling place of such district. All persons who are legal voters in city meetings shall be entitled to have their names added to the check-list for the district where they reside, at the time such check-list is compiled and no person shall vote for any city officers or other item on the warning unless the person's name is on such check-list.

Section 7. Presiding Officer at City Meetings. All city meetings shall be called to order by the mayor. The mayor shall preside at all city meetings, but the mayor may at the mayor's discretion designate a moderator to preside during all or any part of the city meeting.

Section 8. Method of Voting Tax Appropriation. The tax appropriation consists of three separate items of schools, general fund, and recreation, which shall be voted upon separately by separate ballot, during regular voting hours.

Section 9. Election of Officers. At the annual meeting the said city shall elect from among the legal voters thereof a mayor for a term of two years; a city clerk for a term of three years; a city treasurer for a term of three years; three auditors for a term of three years commencing in 1985; one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years, two school commissioners, each for a term of three years, except that three school commissioners shall be elected in 1974 and each third year thereafter; and one council member from each district for a term of two years, who shall hold office until their successors are duly elected and qualified.

Section 10. Certificates of Nomination. Certificates of nomination for offices to be filled at annual city meetings shall be filed by the candidate or with the candidate's written assent with the city clerk not less than thirty nor more than forty calendar days before such meeting. The list of candidates so nominated and sample ballots shall be posted in at least three public places in the city at least four days before such meeting. All nominations for such offices shall be made by certificate signed by twenty-five or more voters, but the same need not be under oath or statement of residence or designation of political party. A voter shall not sign more than one certificate for the same office.

Section 11. Canvassing of Ballots. At the close of the balloting at any city election or annual or special city meeting the board of civil authority as hereinafter constituted, and such other election officers as may be designated by said board shall canvass the ballots cast for all officers and for any proposal voted upon by ballot and report to the meeting a list of candidates for whom votes have been cast for each office and the number of votes such candidates have received, and any other result, which shall be recorded by the city clerk, and the candidate who has received a plurality of the votes cast for each respective office shall, by the mayor or moderator, be declared elected to that office. But an election for state or county officers or representatives to the general assembly shall, in all cases, be conducted according to the general law of the state.

Section 12. Other Vacancies. All other vacancies occurring in an elective office with more than 90 days of unexpired term remaining, excepting a vacancy in the office of council member or school commissioner, shall be filled by the city council until the next annual meeting of the city. The unexpired term of any office filled as provided in this section shall, at the next annual meeting of the city, be filled by election for the balance of said term.

Section 13. Vacancy Created. A vacancy in an elective office occurs upon the death, removal from the city, and in the case of a council member, removal from the district, or resignation of the office holder.

## TITLE VI: SCHOOLS

Section 1. School Commissioners. The exclusive management and control of the public schools and of all school property of the city shall be vested in a board of seven (7) school commissioners for terms of three (3) years.

Section 2. Election of Board Officials. The board of school commissioners shall annually, not later than the second Wednesday after the first Tuesday in May, elect one of their number chairman of said board, one of their number vice-chairman, one of their number secretary of said board, and one of their number treasurer of said board. The board shall require its treasurer and other commissioners it deems necessary to give bond to the city to the satisfaction of the board for faithful discharge of their trust. If the board shall require a bond with a fidelity company as surety, the expense thereof shall be paid from the school fund. The board may, by agreement with the city council, provide that its treasurer be covered under a blanket bond to be contracted as authorized by Section 9 of Title IX. In such event, an equitable proportion of the cost of such blanket bond shall be paid out of the school fund.

Section 3. Vacancy in the Office of School Commissioners. A vacancy in the office of school commissioner with more than 90 days of unexpired term remaining shall be filled by the remaining members of the board of school commissioners under the next annual meeting of the city.

Section 4. Superintendent of Schools. The board of school commissioners shall, at the meeting specified in Section 2 above or at any subsequent meeting, appoint a superintendent of schools who shall not be one of their number. The board shall fix the compensation of the superintendent of schools, and said compensation shall be paid in the same manner as other expenses for the support of schools.

Section 5. Duties of Superintendent of Schools. The superintendent of schools shall perform such duties in connection with the public schools of the city as shall be assigned to the superintendent by the board of school commissioners. The superintendent shall annually report to the city council such statistics as are required to be kept by law and such other information as the board of school commissioners shall direct.

Section 6. Term of Office. The superintendent of schools may be appointed for a term not to exceed three years. The board of school commissioners may remove the superintendent of schools for causes of incapacity, neglect of duty, or misconduct. Said board shall by appointment fill all vacancies in such office.

Section 7. Annual School Report. The board of school commissioners shall submit to the city council, on or before February 15 of each year, its annual report on the status of the schools. Said report shall include an estimate of the necessary expenditures for the support of schools for the ensuing year, the amount of school income to be received from sources other than local taxation and a recommendation of the amount of money to be raised by local taxation for the support of schools for the ensuing year. Said report shall be published with the report of city officials.

Section 8. Requisition of School Fund. The board of school commissioners shall, from time to time as the same shall be required, make requisitions on the city council for warrants on the city treasury for such sum of money as they shall require for the payment of the expenses of the schools, which warrants in the aggregate in any year shall not exceed the amount of the school fund established as provided by Section 13 of Title VI of this act.

Section 9. Deposit of School Revenues. All moneys received by the school board from tuition and other sources, except from the city treasurer on requisition as provided in the preceding section, shall be turned over to the city treasurer, unless specifically exempted by the city council. The board of school commissioners shall have no authority to expend any money which may be received by them from any source, except such as may be received from the city treasurer on requisition as above provided, or unless specifically exempted by the city council.

Section 10. Borrowed Funds Appropriated to School Fund. All money received from notes or bonds issued by authority of the legal voters as provided in Title XI of this act for improvements relating to schools or school property shall be appropriated to the school fund, and may be spent by the board of school commissioners for the purpose for which issue of said notes or bonds was authorized.

Section 11. Payment of School Notes and Bonds. The board of school commissioners shall include in its estimate of necessary expenditures for the support of schools and its recommendation of the amount of money to be raised by local taxation for the support of schools, which estimate and recommendation are provided for in Section 7 of this title, the amount of money required for payment of principal and/or interest on any bonds or notes heretofore or hereafter issued by the City of Montpelier for school purposes and said amount shall be specifically designated in said estimate and recommendation by the board of school commissioners. The city in voting money for school purposes at any annual or special meeting shall include in the amount voted for the support of schools said amount of money needed for the payment of principal and/or interest on bonds or notes heretofore or hereafter issued by the city for school purposes. Said amount of money required for the payment of principal and/or interest on bonds or notes as hereinbefore set forth shall be used by the board of school commissioners for the purpose of paying said principal and/or interest. In case of conflict between this section and other provisions of this charter, this section will prevail.

Section 12. Financial Report to City Treasurer. The board of school commissioners shall each year, after its accounts have been audited, make available to the city treasurer, on request, all vouchers showing money expended during the preceding year, which vouchers shall be kept by the school system.

Section 13. School Fund. The city council shall annually appropriate such dollar amount as may be voted for the support of schools at the annual city meeting or any special city meeting duly warned and held for that purpose, all such moneys as shall be received from the state for the

use of schools, all moneys and income from tuition and any other sources for the use of schools, and the income of any other property or money donated by any person to the city for the use of schools, all money as may be received from the federal government for the use of schools and money received from any source and specifically designated as money to be used for schools, the total amount of which shall be kept by the city treasurer, unless especially exempted by the city council, and the city council shall authorize warrants drawn on the city treasury for the payment of the same to the treasurer of the board of school commissioners, upon requisition made by such board, at such times and for such amount, not exceeding in the total for the year the amount of the school fund, as such requisition shall designate.

Section 14. Compensation. The school commissioners shall receive as compensation for their services such sum as may be voted to them at the annual meeting of each year.

## TITLE VII: CITY ORDINANCES

Section 1. Council Authority. The city council may make, alter, amend, or repeal any resolution, by-law, regulation, or ordinance which it may deem necessary and proper for carrying into execution the powers granted by this act or for the well being of said city, provided such resolution, by-law, regulation, or ordinance shall not conflict with the federal or Vermont constitutions or federal laws or laws of this state or this act.

Section 2. Enactment Procedure and Effective Date. No proposed by-law, regulation or ordinance shall be effective upon its passage at the time of its introduction but the same shall be laid upon the table at least until the next regular meeting of the city council. Such by-law, regulation, or ordinance shall be forthwith published by title only in some newspaper of general circulation in said city, together with a notice that the city council is to consider the same at its next regular meeting, and a copy thereof shall be conspicuously posted in the city clerk's office. At least six days before its effective date, such by-law, regulation, or ordinance shall be published at least once in some newspaper of general circulation in said city.

Section 3. Notice Before Final Action. In the enactment or general revision by said city council of a body of by-laws, regulations, or ordinances, no notice or publication in respect thereto shall be required beyond the conspicuous posting of a copy of the same in the city clerk's office and publication of an appropriate notice in some newspaper of general circulation in said city forthwith upon introduction, and at least ten days prior to final city council action upon the same. A printed copy of such body of by-laws, regulations, or ordinances shall be available at the city clerk's office for delivery to any adult inhabitant of the city at least ten days before the effective date of such body of by-laws, regulations, or ordinances.

Section 4. Record of Ordinances. The city clerk shall prepare and keep in the city clerk's office the ordinances finally passed by the council together with a complete index of the ordinances according to subject matter.

Section 5. Penalty for Violation. Any person who shall violate any by-law, regulation, or ordinance adopted pursuant to the authority of this title may, on conviction of such violation, be fined not in excess of five hundred dollars (\$500.00) and committed to a correctional facility designated by the state commissioner of corrections for a term not exceeding three months, in addition to or in lieu of fine, at the discretion of the court. If any person convicted of violation of a by-law, regulation, or ordinance adopted under the provisions of this title shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitations herein contained, such person shall be committed to the correctional facility designated by the state commissioner of corrections under the same regulations, and for the same term and in the same manner provided by law when fines in criminal matters are not paid. All fines, penalties, taxes, and moneys paid for licenses and permits under authority of this title shall belong to the city and shall be paid into the city treasury.

Section 6. Actions in Tort. In addition to the fine and other punishment above provided for any violation of a by-law, regulation, or ordinance adopted under the authority of this title, the City of Montpelier may have and maintain an action in tort founded on this statute against any person damaging or destroying any of the property of said city, or injuring or corrupting any of the water supply or water system of said city, and may recover treble damages against such person.

Section 7. Violations by Non-residents. If any person while residing without this state and owning real or personal property within this state shall, personally or by the person's agents or servants, violate any by-law, regulation, or ordinance lawfully made by the city council, the city may sue for and recover the penalty for violation of such by-law, regulation, or ordinance, in an action founded on this statute and the ordinance. In such suit, the city shall proceed in the same manner as in civil actions against persons residing without the state having property within the state.

Section 8. Liability for Damages. A person violating any by-law, regulation, or ordinance of the city shall be liable in damages to the city or to any person who shall sustain damages as the direct result of said violation and such damage may be recovered in an action declaring upon such by-law, regulation, or ordinance.

## TITLE VIII: BOARDS AND COMMISSIONS

Section 1. Green Mount Cemetery Commissioners. The commissioners of Green Mount Cemetery shall constitute a board of cemetery commissioners and shall have charge of all public cemeteries and burial grounds in the city with the same power and authority as similar officials in towns. Commissioners of said Green Mount Cemetery shall be elected at the annual meeting of the city to comply with the charter of said Green Mount Cemetery and they and the city treasurer shall have all the authority and carry out all the conditions made by the charter of Green Mount Cemetery. Said commissioners shall be five in number, and one shall be elected at each annual meeting for a five-year term. Commissioners already in office shall continue to serve until their terms are completed. Vacancies on the board shall be filled by the remaining commissioners until the next annual meeting of the city.

Section 2. Park Commissioners. The board of park commissioners shall consist of five members, one of whom shall be elected at each annual meeting for a five-year term. Commissioners already in office shall continue to serve until their terms are completed. Vacancies in the board shall be filled by the remaining commissioners until the next annual meeting of the city. Said commissioners shall have charge of the construction, maintenance, and control of all public parks within the city. The term "public parks" shall not be construed to include recreational fields and playgrounds.

Section 3. Board of Civil Authority. The city council and the justices of the peace resident in the city shall constitute the board of civil authority for the city, and in conjunction with the city assessor and city clerk shall constitute a board for the abatement of taxes and shall be governed by the general laws of the state in respect to the abatement of taxes. The board of civil authority and the board for the abatement of taxes shall perform all the duties imposed by law upon such boards in towns, except as otherwise provided in this act.

Section 4. Meetings of the Board of Civil Authority. All meetings of the board of civil authority and the board for the abatement of taxes shall be called by the mayor who shall request the city clerk to notify the members thereof of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five days before such time appointed. In event of failure of the mayor to call a meeting of the board of civil authority or the board for the abatement of taxes when such meeting is required by law, the city clerk shall call such meeting and shall notify the members thereof of the time and place of such meeting by written notice mailed to each member at least five days before such time appointed. A minimum of one-third of the members shall constitute a quorum. Annually, at the first meeting of the board of civil authority after the annual city meeting, the members of the board shall elect one of their members as chair of the board to serve until after the next city election. The chair shall preside at each meeting of the board. The city clerk shall preside at each meeting until the presiding officer is chosen. The board of civil authority shall meet before all annual or special meetings, state and national elections, and before city party caucus dates for the purpose of adding names to the check-list.

Section 5. Planning Commission. The planning commission of the City of Montpelier shall consist of seven (7) members appointed by the city council for two-year terms in accordance with Title 24, V.S.A., as amended, Chapter 91, Section 4322-4323. The planning commission shall perform such planning functions and duties as may be required by the city council, charter, ordinances, or applicable state laws.

Section 6. Board of Adjustment. The board of adjustment of the City of Montpelier shall consist of five (5) regular members and two (2) alternate members, appointed by the city council for three-year terms in accordance with Title 24, V.S.A., as amended, Chapter 117, Section 4461. The board of adjustment shall, upon the request of an interested person, hear the appeal of any decision or act taken by the administrative officer in accordance with the procedures outlined in Title 24, V.S.A., as amended, Chapter 91, sub-chapter 8; and perform such other duties as may be required by the city council, charter, ordinances or applicable state laws. A quorum of the board of adjustment shall consist of a maximum of five (5) regular or alternate members and a minimum of three (3) regular or alternate members. Alternate members may serve on the board when one or more regular members are unable to attend a meeting. The board of adjustment shall be further governed by the rules and procedures for the board of adjustment as provided in the city ordinances.

#### Section 7. Recreation.

(1) The city may establish, maintain and conduct a system of public recreation including playgrounds; may set apart for such use any other land or buildings owned or leased by it; may acquire land, buildings and recreational facilities by gift or purchase, and may issue bonds therefore as provided by law and equip and conduct the same; may employ a director of recreation and assistant; and may expend funds for the aforesaid purposes.

(2) The legislative body may conduct the same through a department or bureau of recreation; or may delegate the conduct thereof to a recreational board created by them, or to a school board or to any other appropriate existing board or commission.

(3) The recreation board of the City of Montpelier shall consist of five (5) members appointed by the legislative body for three-year (3) terms, or in the case of a commission, elected at large at the annual meeting of the city. The recreation board shall perform such planning functions and duties as may be required by the legislative body, charter, ordinances, or applicable state laws.

(4) The recreation board budget shall be an integral part and under the control of the legislative body.

Section 8. Meetings of Board of Abatement. The board of abatement, consisting of the board of civil authority, the city assessor, and the city treasurer, shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering the abatement of paid taxes as provided by law. All requests for the abatement of paid taxes shall be filed with the city clerk at least five days before the date of such meeting. The city clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least fifteen days prior to such meeting and also five days prior to such meeting.

## TITLE IX: ADMINISTRATION

Section 1. Fiscal Year. The fiscal year of the City of Montpelier shall begin the first day of July and end of the 30th day of June each year, or as otherwise authorized by the legal voters of the city.

Section 2. Annual City Budget. The city manager shall prepare and submit a proposed fiscal budget to the city council on or before March 1st of each year. The city council shall have the authority to change the budget submission date when in the opinion of the council it is in the best interests of the city to change the date.

Section 3. Council Action on the Budget. The city council shall review the annual city budget as submitted by the city manager at budget meetings established by the council. The meetings of the city council upon the budget shall be open to the public. During its review of the proposed budget, the city council may add or increase budget programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for fixed debt service requirements.

Section 4. Administrative Officers. The administrative officers of the City of Montpelier shall be those provided by law for towns except as otherwise provided by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

Section 5. City Clerk and City Treasurer. The city clerk and city treasurer shall be elected and after their election and qualification, may appoint one or more assistant city clerks and assistant city treasurers, respectively. In the event of a vacancy in the office of city clerk or city treasurer, the assistant city clerk or assistant city treasurer, respectively, shall assume the duties of such office until such time as the vacancy is filled.

Section 6. Administrative Code. The administrative code of the City of Montpelier shall provide for the administration of city government by various departments and divisions and defining the functions and duties of each.

Section 7. Personnel Benefits. The city council may adopt rules relating to personnel administration, including the following: job classification, tenure, retirement, pensions, leaves of absence, vacation, holidays, hours of work, group insurance, salaries, layoffs, reinstatement, promotion, demotion, dismissal, transfer, injury, and settlement of disputes and appeals.

Section 8. Payment of Contractual Accrued Liability. In case a contract or contracts shall be made pursuant to Section 6 above with one or more insurance companies or associations of recognized standing, or with any retirement group, plan, or fund established by the State of Vermont, any accrued liability existing at the time of execution of such contract or contracts may be paid over a period of not more than twenty (20) years if the other contracting party or parties agree. The city council is hereby authorized, as a specific exception to the restrictions of this charter prohibiting the creation of indebtedness by the city council, to contract for the payment of such

accrued liability over a period not to exceed twenty (20) years, or to issue a note or notes of the city in the amount of such accrued liability, said note or notes to be payable within a period of not more than twenty years.

Section 9. City Report. A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of city money and of the affairs of the city generally, together with the report of the board of school commissioners, auditors, and other city officials, shall be annually published under the direction of the mayor, and a reasonable number be made available for distribution among the voters of the city at least ten days prior to the annual city meeting. Such report shall include estimates of receipts and proposed expenditures of the city for the ensuing year.

Section 10. Officers' Bonds. All officers required by this act or the general law to give bonds, and all officers from whom the city manager may require bonds, shall annually give bonds to the city, to the satisfaction of the city manager, for the faithful discharge of their respective trusts. Such bond shall be given before the officer concerned enters upon the officer's duties. If the city manager requires a bond with a fidelity company as surety, the city shall pay the expense thereof. The city manager may, in the city manager's discretion, contract for one blanket bond to cover all city officials and employees required to furnish bonds. Such blanket bond may, with the concurrence of the board of school commissioners and other boards or agencies requiring bonds from officers and employees under their control, cover the treasurer of the board of school commissioners and other officers or employees under control of such boards.

Section 11. Authority of Police Officers. All police officers and the city sheriff appointed under authority of this charter shall have authority to serve anywhere within this state and return process in criminal causes returnable within the state, and for such duties there shall be taxed and allowed the fees provided by law for a sheriff for similar services. Such fees shall be paid into the city treasury and shall belong to the city whenever such officer shall be under pay from the city. Said police officers and city sheriff shall have the same powers and liabilities as are prescribed by law for constables of towns in all matters arising under the criminal and police laws of this state, and the ordinances and police regulations of the city.

## TITLE X: CITY MANAGER

Section 1. Appointment, Eligibility, and Qualifications. The city manager shall be chosen and appointed by majority vote of the city council for an indefinite term, solely on the basis of the city manager's professional qualifications, and need not be a resident of the City of Montpelier or the State of Vermont at the time of appointment, but shall be expected to reside in the city during the city manager's tenure of office.

Section 2. Compensation of the City Manager. The city council shall fix the salary of the city manager.

Section 3. Oath of Office. The city manager shall be required to take an oath of office before entering upon the city manager's duties.

Section 4. Removal of the City Manager. The city manager may be removed from office by a majority vote of the city council. At least thirty days prior to the effective date of such removal, the city council 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 manager shall have the right to reply in writing and request a public hearing upon the reasons for the dismissal. The public hearing in this matter shall be held not earlier than twenty nor later than thirty days after the filing of a request for public hearing with the city clerk. The city council may by such resolution immediately suspend the manager from active duty, but shall continue the manager's salary until final dismissal, at which time any unpaid balance of the manager's salary for the next three calendar months shall be paid.

Section 5. Vacancy in the Office of City Manager. In the event of a vacancy in the office of city manager, or during the temporary absence or disability of the city manager, the city council, by resolution of the majority of its members, may appoint an "acting city manager" to perform the duties of the office, and fix the compensation of the person so appointed. The acting city manager shall have all the powers and duties of the city manager, except the power to appoint and remove officials. The city council shall make temporary appointments to fill any vacancy in an office appointed by the city manager.

Section 6. Powers and Duties of the City Manager. The city manager shall be the administrative head of the city government, and shall be responsible to the city council for the administration of the affairs of the city, and carrying out the policies of the city council. The powers and duties of the city manager shall be as follows:

- (a) The city manager shall see that all laws and ordinances are enforced; and
- (b) Shall exercise administrative control over all departments herein created or that may be created by administrative codes; and
- (c) Shall make appointments and removals as provided in this charter; and

- (d) Shall prepare the annual fiscal budget to be submitted to the city council on or before the date set each year by the city council; and
- (e) Shall attend meetings of the city council, take part in the business discussion, and make such recommendations for the determination of policy as the city manager may deem expedient; and
- (f) Shall act as purchasing agent for all city departments, except schools; and
- (g) Shall fix the salaries and wages of all employees under the city manager's jurisdiction in accordance with this charter, fiscal budgets, and personnel policies; and
- (h) Shall administer the personnel policies, job classifications, and pay plan; and
- (i) May delegate responsibility for administrative duties to department heads and subordinate officers; and
- (j) Shall perform such other duties as may be prescribed by this charter or required by the city council.

Section 7. Appointments. Except for those appointments made by the city council as provided for in this charter, the city manager shall make the following appointments: chief of the fire department; chief of police; director of public works; city engineer; superintendent of streets, water and sewers; city grand juror; zoning administrator; city assessor; civil defense director; building inspector; assistant to city manager; city sheriff; city constable; health officer; pound keeper; tree warden; employees; credit union loan board; tax collector and such other officers and subordinate officers as may be required by law, by this charter, or by the city council.

Section 8. Termination of Appointments. The appointments of the city manager shall continue in effect until ninety (90) days after a new city manager is appointed by the city council and assumes the city manager's duties, at which time they shall terminate, and the new city manager shall fill all vacancies by appointment in accordance with this charter.

Section 9. Non-interference by the City Council. Neither the city council as a body nor any of its members shall dictate or attempt to dictate the appointment of any person to office or employment, nor the removal of any person from office or employment by the city manager. The city manager may seek the advice of the city council or its members in matters of appointment or employment, but shall be free to exercise the city manager's own judgment. In addition, neither the city council nor any of its members shall collectively or individually give orders either publicly or privately to any department head or employee of the city under the jurisdiction of the city manager but shall deal solely through the city manager, except for purposes of inquiry.

TITLE XI: INDEBTEDNESS; SINKING FUND;  
BONDS AND NOTES FOR IMPROVEMENTS

Section 1. Powers. The city may issue bonds or notes for any improvement authorized by general or special law including this act. The word "improvement", as used in this title, shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks and the acquisition or construction of any other work or improvement for which municipalities of the state may now or hereafter be authorized to raise money.

Section 2. Submission to Voters. When the city council shall determine that the public necessity or interest demands improvements, other than improvements relating to schools or school property, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue of the city, it may by vote of two-thirds of all its members order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual or special meeting to be warned and held for that purpose.

Section 3. Submission to Voters, School Improvements. When the board of school commissioners shall determine that the public necessity or interest demands improvements relating to schools or school property and that the cost of the same will be too great to be paid out of ordinary annual income and revenue of the city, it may by vote of two-thirds of all its members request the city council to order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual or special meeting to be warned and held for that purpose. The city council shall, on receipt of such a request from the board of school commissioners, promptly order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual meeting or special meeting to be warned and held for that purpose.

Section 4. Warning. The warning calling such meeting shall state the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the improvements, and the maximum amount of debt to be incurred therefore and shall fix the place where and the date on which such meeting shall be held and the hours of opening and closing of polls.

Section 5. Notice of Meeting. The city clerk shall cause the warning of such meeting or the extract thereof provided for in Section 2 of Title V to be published in a newspaper of known circulation in said city once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. The city clerk shall also cause certified copies of such warning or extract to be posted in six public places within said city not less than 14 nor more than 20 days immediately preceding such meeting.

Section 6. Authorization. When a majority of all the voters voting on such proposition at an annual meeting, or special city meeting, provided the total number of voters voting on such

proposition at such special meeting is equal to at least ten percent of the number of names on the check-list of persons qualified to vote at the last annual meeting, shall vote to authorize such improvements and the incurring of debt to pay for the same, the city council or, if the improvements relate to schools or school property, the board of school commissioners shall be authorized to make such improvements.

Section 7. Conduct of Meetings. The qualifications of voters at all such city meetings shall be the same as the qualifications of voters at annual city meetings, and such meetings shall be conducted in the same manner as city meetings are conducted. The vote on the question of making the improvements and incurring a debt shall be by ballot. The form of ballot to be used shall be substantially as follows:

Shall the city make the following public improvements, viz: (stating them), and incur not exceeding \$ . . . . debt to pay for the same?

If in favor of this proposal make a cross (X) in this square

If opposed to this proposal make a cross (X) in this square

Section 8. City Council Action. When the incurring of a debt has been authorized by the voters in the manner above provided, the city council shall determine by resolution whether notes or bonds are to be issues. Notes for this purpose shall mean obligations payable to or to the order of a named payee, or to bearer, without interest coupons attached, and shall mature within ten years from date at such time or times and in such amount or amounts, not exceeding the amount fixed by vote of the city meeting, as the city council may by resolution establish.

Section 9. Bonds, Maturities. All bonds issued under this title shall be payable serially, the first payment to be deferred not more than five years after date of issue and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than twenty-five years from the date of issue, or within such period in excess of twenty-five years as may be otherwise permitted by law.

Section 10. Debt Limits. The city shall not incur an indebtedness for improvements which with its previously contracted indebtedness, shall in the aggregate exceed ten times the amount of the last grand list of the city. Bonds or obligations given or created in excess of the limit authorized hereby and contrary to the provisions hereof shall be void. In determining the amount of city indebtedness permitted by this title, obligations created for current expenses, for the water supply system, for an income-producing public sewage disposal system, for parking meters and publicly-owned parking facilities which produce income, and temporary loans created in anticipation of the collection of taxes shall not be taken into account. Sinking funds and other moneys set aside for the sole purpose of paying outstanding bonds or notes which are subject to the above limit shall be deducted. There shall also be deducted any indebtedness created for any purpose authorized by the general statutes, which by the terms of such statutes is made exempt from debt limit restrictions which otherwise would apply.

Section 11. Specifications. The city council shall determine the rate of interest, the date, the denominations, the time and place of payment, and the form of such bonds or notes. The city council may provide that the bonds or notes be sold on bids fixing the rate of interest, and if so sold, the accepted bid shall fix the rate of interest the bonds are to bear.

Section 12. Taxes to Meet Interest and Payments. At the time of voting a general tax levy, the city shall provide annually for the assessment and collection each year, until such bonds or notes are paid, of a tax sufficient to pay the interest on such bonds or notes and such part of the principal as shall become due prior to the time the taxes are due in the next following year.

Section 13. Advertisement. The bonds issued under this chapter shall be sold at not less than par and accrued interest to the highest bidder if the bonds are sold bearing a specified rate of interest, or the highest bidder agreeing to accept the lowest rate of interest if the bonds are sold on bids fixing the rate of interest, after being advertised at least once not less than five nor more than thirty days before the date of sale in a newspaper published in the county and in a Vermont daily newspaper, which may be the same newspaper, and in case of issues exceeding \$250,000 also in some financial paper published in Boston, Massachusetts or New York, New York. The advertisement shall state the amount, date and denomination of the bonds, date of maturity, rate of interest, or that the bidding shall be based thereon, and the time and place where the bids will be received. The city council may reject any and all bids. In case all bids are so rejected, they may advertise and call for new bids in the manner hereinbefore provided, or in case, after the bonds have been advertised for sale as herein provided, no bids have been received, or all bids have been rejected and the whole or any part of the bonds remain unsold, those unsold may be sold by the city council at private sale at not less than par and accrued interest.

Section 14. Execution. All bonds and notes issued under this title shall be signed by the mayor and treasurer of the city and in addition bonds shall bear the seal of the city. The coupons to such bonds shall be signed by or bear the facsimile signature of the treasurer. The bonds or notes shall contain a statement that they were issued for the purposes mentioned in and in conformity with the provisions of this act or applicable provisions of the general laws, and such statement shall be conclusive evidence of the same and of the liability of the city to pay the bonds or notes and the interest thereon in an action by a person who in good faith holds such bonds or notes.

Section 15. Record by Treasurer. The city treasurer shall keep a record of every bond or note issued under this title, stating therein the number and denomination of each bond or note, when issued, and the rate of interest thereon. The treasurer shall also keep a record of payments of interest or principal, and, if coupons are taken up, shall record the fact and deface the same. When notes or bonds are paid the city treasurer shall keep a record of the same, and such notes or bonds shall be cancelled.

Section 16. Record. All ordinances or resolutions required by this title to be enacted by the city council or the board of school commissioners shall be duly recorded in the office of the city clerk.

Section 17. Use of Proceeds. The proceeds of all bonds or notes shall be used for the purpose for which they were authorized. However, any unexpended balance remaining after carrying out the purpose for which they were authorized, other than school purposes, may, by vote of any annual or special city meeting duly warned and held for that purpose, be transferred to the general fund of said city or to the sinking fund established as hereinafter provided. Any unexpended balance remaining after carrying out a purpose relating to schools or school property for which bonds or notes were authorized may, by vote of an annual or special city meeting, be transferred to the school fund, or the above mentioned sinking fund.

Section 18. Bonds or Notes for Refunding - Authorization, Procedure. The city may issue bonds or notes to refund the principal and interest of bonds or notes then outstanding. Such refunding bonds or notes shall be authorized and issued as provided by law.

Section 19. Temporary Loans in Anticipation of Taxes. The city council shall have authority to borrow money in any fiscal year in anticipation of taxes in an amount not to exceed 90% of the amount of taxes assessed for such year, or 90% of the amount of taxes assessed for the prior year if the taxes for the current year have not been assessed, and may issue the city's notes therefore. Such notes shall be signed by the mayor and by the city treasurer and shall be payable within twelve months from the date of issue from the tax receipts in anticipation of which such notes were given, but they shall nevertheless be negotiable and shall constitute general obligations of the city. Such notes shall be designated "tax anticipation loan", but the proceeds shall be considered as revenue of the city in ascertaining the amount which may be expended in any one year.

Section 20. Temporary Loans for Current Expenses. At any time or times in any fiscal year of the city, the city council may borrow money not in excess of a specified sum for the purpose of paying the debts and expenses of the city due and to become due before the close of the fiscal year, and to issue the city's notes therefore, as provided by law. Such notes shall be signed by the mayor and the city treasurer and shall be payable within twelve months from the date of issue from the proceeds of the annual tax for the following year or the proceeds of loan in anticipation thereof, but they shall nevertheless be negotiable and shall constitute general obligations of the city and may be refunded as provided by law.

Section 21. Limitations. The credit of the city shall not be pledged, except in the manner herein provided, and the city council shall not expend in any year a sum of money in excess of the revenues of the city for that year or increase the indebtedness of the city, except, as provided by this act.

Section 22. Special Indebtedness for Water Purposes or Sewage Disposal. For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system or both, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system or a public sewage disposal system, or both, by pledging, assigning, or

otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof. To that end the city council shall have full power to authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the city council. Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the city council unless and until at least a majority of the legal voters of the city present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, or sewage disposal system, or both and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section shall be made plainly to appear in or upon each evidence of indebtedness. Such certificates shall be legal investments for savings banks and trust companies in the state.

Section 23. Powers of the City Not Limited. The powers hereinabove granted shall not be construed in limitation, diminution, or in substitution for, but in addition to, power provided by law for municipalities generally in authorizing and incurring indebtedness for public improvements or otherwise, all of which general powers shall inure to and be exercisable by the City of Montpelier.

Section 24. City Finances. Except as hereinafter provided, the money raised by taxation from fines and penalties and from other lawful sources shall constitute the entire sum for which appropriations and payments are to be made by authority of the city council, except that money raised by bonds or notes as hereinafter authorized shall be appropriated and paid out in the manner set forth in this act.

TITLE XII: ASSESSMENT AND COLLECTION OF TAXES;  
ESTABLISHMENT OF WATER RATES

Section 1. Assessment of Taxes and Establishment of Tax Rate. The city council shall assess such taxes upon the grand list of the city as the city at any annual or special meeting warned for that purpose and may vote for the payment of debts and current expenses of the city, for carrying out any of the purposes of this act, for the support of schools in said city, and for the payment of all state and county taxes and obligations imposed upon said city by law. The vote of the city shall be upon the specific sum of budgeted tax appropriation for the support of all city departments, grants, schools, recreation and senior citizens. The city council shall establish a tax rate based upon the true grand list as appraised by the city assessor, and shall deliver the same to the city treasurer for computation and collection. Any general statutory provisions insofar as they pertain to expressing in the vote the specific sum or rate per cent on the dollar of the grand list for highway purposes or other necessary expenditures shall not apply to any action taken by the City of Montpelier in regard to voting money for city purposes.

Section 2. Warrant and Notice to Non-resident Taxpayer. Thirty days before the issuance of a warrant against the person or property of a non-resident taxpayer, the city treasurer shall give such non-resident notice in writing of the tax, the amount thereof, and the time within which the same may be paid to the city treasurer. Said notice may be delivered to such non-resident taxpayer or sent by certified mail to the last and usual place of abode, or to the last address given by said non-resident taxpayer as the address to which notices should be sent.

Section 3. Tax Payment Schedule. Except as hereinafter provided, all other taxes assessed upon the grand list of the City of Montpelier shall be due and payable in equal installments, as the city council may provide by ordinance. Default in payment of any installment due shall render the full amount of such tax overdue. Any special tax assessed on the grand list of said city shall be payable in one installment within thirty days after the above provided notice.

Section 4. Delinquent Taxes. At the expiration of ninety days from the date of the notice above provided, the city treasurer shall issue a warrant against all taxpayers delinquent in payment of installments of taxes permitted to be paid in installments for the full amount of their unpaid taxes. Penalties and interest as provided by ordinance and by law shall be added to each delinquent tax.

Section 5. Warrants on Delinquent Taxes. Warrants issued as above provided shall be delivered forthwith to the city sheriff for collection, together with a rate bill of such delinquent taxes. Such warranty shall remain in full force until all the taxes thereon have been either collected, abated, or have become outlawed under the general law.

Section 6. Lien Upon Real Estate. All taxes lawfully assessed upon real estate in said city shall constitute an underlying lien on such real estate, and shall enjoy priority in law over all other liens regardless of whether such other liens have priority in time.

Section 7. Application of Payment on Delinquent Taxes. Payments made on the account of a delinquent taxpayer shall be applied: first, to all outstanding personal property taxes for which said delinquent taxpayer is responsible; second, to real estate taxes for which said delinquent taxpayer is responsible. Provided, however, that the holder of a mortgage or other lien upon real or personal property of a taxpayer may make payment on said taxpayer's account and may specify that such payments be applied on the tax assessed against the property covered by such mortgage or lien. Any taxes paid shall be applied to penalty, interest and oldest outstanding delinquency in that order first.

Section 8. Water Rates. The city council shall establish rates to be paid for the use of water supplied by the city water system, and such rates shall be called water rates. Such water rates shall be and are hereby made a lien in the nature of a real estate tax upon the real estate so supplied with water, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

Section 9. Water Meters. The city council may provide for use of meters or other mechanical devices as a basis of charging users of water supplied by the city water system, and may in its discretion provide for use of such devices by all users of specified classes.

Section 10. Tax Collector. Delinquent taxes, fees, charges, and assessments shall be collected by the city tax collector, appointed under Section 7 of Title X, whose powers and duties, in addition to those provided by general law, shall be those of the city sheriff. The tax collector's compensation and terms of employment shall be determined by the city council.

TITLE XIII: PUBLIC WORKS; ASSESSMENTS;  
TAKING PROPERTY FOR PUBLIC PURPOSES

Section 1. Laying Out Streets, Sidewalks, Sewers. The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley, or sidewalk in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city.

Section 2. Procedure for Taking Land and Other Property. In taking land and other property for the purposes stated in the preceding section, the city council shall proceed in the same manner as is provided by law for selectmen in taking land for highways. Any person aggrieved by the proceedings shall have like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in taking land for highways. Such appeal, if taken from the appraisal of damages only, shall not prevent the city from proceeding with its work as though no appeal had been taken.

Section 3. Special Assessments - Streets and Sidewalks. The city council, in laying out or establishing new streets or highways and in making, altering, or repairing sidewalks, and in grading, paving, macadamizing, curbing, and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby. Such assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

Section 4. Special Assessment - Sewers and Drains. Every person whose particular drain shall empty into any common sewer, either at the time of the construction of the common sewer or thereafter, or who in the opinion of the city council shall receive benefit thereby for draining the person's premises, or whose lands shall be benefited by the proximity of such common sewer, or the owners of lands adjoining or abutting streets in which a common sewer is to be laid, may upon notice be assessed by said city council a just share toward the expense of laying and constructing such common sewer. Such assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

Section 5. Right of Appeal. From any assessment made upon any land or other property or the owner thereof, there shall be the same right of appeal to the county court as is provided by law for appeal from the proceedings of selectmen in the laying out of highways. The same proceedings shall be followed in respect to such appeal, so far as the same shall be applicable, and the decision of the county court in the matter of such appeal shall be final, when the record thereof is duly recorded in the land records of said city. Such appeal not delay the laying out or building of such new highway or street, or the making, altering, or repairing of a sidewalk or sewer, if taken from the assessment only.

Section 6. Record of Special Assessments. When the city council shall make assessments, it shall immediately make out a statement of all such assessments, giving the name of the owner and describing the land or other property assessed, and shall cause the same to be properly recorded and indexed in the city clerk's office. The city clerk shall, as soon as such assessments have been recorded as above provided, deliver a copy of the same to the city treasurer for collection.

Section 7. Notice and Time of Payment. The city treasurer shall forthwith notify each person so assessed by mail. The notice shall state the nature of the assessment, the amount of the same, and the time of payment. Said time of payment shall not be later than thirty days after date of notice.

Section 8. Record of Payment. Payment, when made, shall be entered on the record of assessment. Recording as provided in Section 6 above shall be required before such assessment becomes a lien on the land or other property affected.

Section 9. Warrant for Collection of Special Assessment. If the owner of lands or other property assessed by authority of this title shall neglect for the space of thirty days after notice of such assessment has been mailed by the city treasurer, or in case of an appeal to the county court for the space of thirty days after the final decision of the county court, if such final decision upholds the assessment, has been recorded in the office of the city clerk, to pay to the city treasurer the amount of such assessment, the city treasurer shall issue a warrant for collection of the same and deliver said warrant to the city sheriff for collection.

Section 10. City Sheriff Authority to Sell Property. The city sheriff shall have authority to sell at public auction so much of said land or other property as will satisfy such assessment and all legal fees, and will proceed in the same manner in the collection of such assessment as collectors of town taxes are authorized and required by law to proceed in selling real estate at public auction for the collection of town taxes. The city sheriff shall receive the same fees as are provided by law for collectors of town taxes in proceedings in collection of town taxes. All other remedies given towns by law for collection of town taxes are given the City of Montpelier for collection of all legal assessments made under the provisions of this title.

Section 11. Lien Not Vacated. The pendency of proceedings on appeal from an assessment made under the provisions of this title shall not vacate the lien created by such assessment, but shall suspend the same until final determination of the proceedings.

Section 12. Sufficient Description. Whenever a description of lands or buildings is required in making assessments, or in the recording thereof, reference to the deed of conveyance to the last record owner thereof, giving the date of the same and the volume and page of the land records where the same is recorded, or the street upon which the same is situated and the number, shall be a sufficient description.

Section 13. Taking Property for Public Improvements. Whenever, under the provisions of this act, the city council is required to give notice for the taking of land or other property for public purposes or for the awarding of damages or for the laying of assessments, a

citation shall be issued. Said citation shall be signed by the city clerk, shall contain the names of all persons to whom notice is to be given and shall be issued not less than six nor more than sixty days before the time of hearing by the city council thereon. Notice shall be given to all owners and other persons having an interest of record in the land or other property affected.

Section 14. Citation and Time of Serving. Such citation shall be served by any sheriff, constable, or police officer in the city upon the persons named therein not less than six nor more than sixty days prior to the time of hearing. Service of such citation may be accepted by any or all persons named therein, by endorsing their acceptance in writing thereon.

Section 15. Citation Served on Non-residents. Such citation may be served on any person not an inhabitant of this state by leaving a true and attested copy of such citation, with the officer's return thereon endorsed, with or at the residence of the person's known agent or attorney, if the person has one in this state; and, if not, with or at the residence of the occupant of the land or buildings to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be left by said sheriff, constable, or police officer with the city clerk for such persons owning or otherwise interested in such land or other property. Said city clerk shall mail to the last known post office address of such person, in a registered package, a true and attested copy of such citation. Said city clerk shall make a certificate of the city clerk's doings touching said copy.

Section 16. Officer's Return. The return of such sheriff, constable, or police officer upon the original citation, and the certificate of the city clerk with the registry receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and the return thereon, with said certificates of the city clerk and registry receipts, shall be made a part of the record of said proceedings, and shall be filed in the office of the city clerk.

Section 17. Citation Served on Persons Having Other Interests. If at any stage of the proceedings for the taking of land or other property for public purposes, or for the making of assessments thereon by the city council, or at any proceedings subsequent thereto, it shall appear that any person owning or having other interest of record in such land or other property shall not have been duly notified, the city council shall cause a citation to be issued and served on such person as above provided for persons originally cited. The city council shall further cause such proceedings to be postponed to such time as will permit such citation so issued to be served as provided in this title.

Section 18. Proceedings Not Voided for Failure to Give Notice. No proceedings instituted by the city council in pursuance of a citation issued as provided in this title nor any proceedings subsequent and pertaining thereto shall be void on account of failure to give notice to any person or persons interested therein, or for that reason be dismissed. Such proceedings shall be suspended until such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons had been duly notified by the original citation. If the person so notified shall appear, the person may be heard upon all matters therein pending in which the person may be interested.

Section 19. Correction of Citation Record. At the time of issue of the citation hereinbefore provided, a copy thereof, duly certified by the city clerk as a true copy, shall be filed in the office of the city clerk and an appropriate notice shall be entered in the land record index system under the name of each person owning land or other property affected. The filing of such copy and the entry of such notice shall serve to join any person or persons subsequently acquiring an interest of record in land or other property affected, as though such person or persons had been included in the original citation and as though service had been duly made or accepted as provided in this title.

TITLE XIV: GENERAL

Section 1. Oath of Office. All elective officials of the city shall, before assuming office, take, subscribe, and file with the city clerk the following oath:

"I . . . . . solemnly swear or affirm that I will faithfully execute the office of . . . . . of the City of Montpelier to the best of my judgment and abilities, according to law, so help me God or I so affirm."

Section 2. Savings Clause. The passage of this act shall not affect any ordinance, resolution, or by-law lawfully enacted, ordained, and established under the provisions of the acts hereby amended by this act, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until repealed, altered, or amended.

Section 3. Title of Charter. This act shall be designated as the Charter of the City of Montpelier. A copy of this act shall be kept in the office of the city clerk of the City of Montpelier, to which copy shall be affixed a certificate under the hand of the secretary of state and the seal of the State of Vermont that the laws therein contained are statute laws of the State of Vermont, and such certified copy shall be an authentic record of such laws.

Section 4. Continuation in Office. The mayor and council members of said city, and all city officials holding office therein by virtue of the general laws of this state or the acts hereby amended shall hold office until expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state, or the provisions of this act.

Section 5. Amendment of the Charter. This act may be altered, amended, or repealed by the general assembly whenever the public good shall require. A copy of all acts in alteration, amendment, or repeal shall be kept in the office of the city clerk of the City of Montpelier, and said copy shall be certified by the secretary of state as provided in the preceding section.

Section 6. Transfer of Property, Rights, Privileges, and Franchises. All property, rights, franchises, rights of action, land records, and other records belonging or appertaining to the former town and village of Montpelier shall belong and appertain to the City of Montpelier. All rights, privileges, and franchises heretofore granted to the Village of Montpelier, by any act of the legislature, or existing under any law, or by virtue of any contract relating to the water works formerly possessed by said village, and hereby confirmed under the City of Montpelier.

Section 7. Penalties, Forfeitures or Suits Not Affected. This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act.

Section 8. Continuation of Acts not Amended. The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments. Nothing in this act shall exempt the city from the legal jurisdiction of the water conservation board.

Section 9. Application of State Statutes. Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of said city, all provisions of the statutes of this state, relating to towns or town officers shall apply to said city, and to the several officers thereof corresponding to like officers of towns. In such statutes the words "selectmen" and the "board of civil authority" shall include "city council" and the words "first selectmen" shall include "mayor".

Section 10. Inconsistent Acts Repealed. All acts and parts of acts affecting the charter of the City of Montpelier inconsistent with this act are hereby repealed.

Section 11. Separability of Provisions. If any provision of this act, or the application of such provision to any person, body, or circumstances, shall be held invalid, the remainder of this act, or the application of such provisions to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

Section 12. Charter Effective. This act shall take effect when adopted by the majority vote of the legal voters of the city of Montpelier present and voting at an annual or special meeting of said city duly warned for that purpose, and upon legislative approval in accordance with the laws of the State of Vermont.

The amendments to the Charter of the City of Montpelier as approved by the voters on March 1, 1994, are ratified effective June 20, 1994.