

**Chapter 2 -- ADMINISTRATION**

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**ARTICLE I. IN GENERAL**

**Sec. 2-1. Definitions.**

For the purposes of this chapter the following words shall have the meanings indicated unless their context clearly requires otherwise:

**CITY OFFICER** means:

- (1) A person duly qualified who holds an elective office of the city under the charter.
- (2) A person duly qualified who holds an office or position by virtue of appointment by the council or a city officer under the charter, the city ordinances or general law, including but not limited to the heads of departments, executive directors of agencies, members of an agency, board or commission of the city; provided, however, that a person serving as a member of a board, commission, committee or other body whose functions are

principally advisory shall not be deemed to be a city officer.

**NEWS MEDIA** means an organization publishing a newspaper or magazine, a radio station or a television station.

**PUBLIC BODY** means an agency, board, committee, commission or other body of the city government, whose members are appointed by the council or a city officer by virtue of provisions of the laws.

**THE LAWS** means the charter, general laws, provisions of this Code and city ordinances. (Ord. No. 1965-4, Sec. 2.1.01)

**Sec. 2-2. Seal of the city adopted.**

The seal, impression of which follows, is hereby adopted as the seal of the city: (Ord. No. 1974-3, 6-11-74)

**Sec. 2-3. Flag of the city adopted; description.**

The flag of the city shall be a green field with the gold seal of the city in the center. (Ord. No. 1965-9)

**Sec. 2-4. Government of city; composition**

The government of the city shall consist of the council and the city officers. (Ord. No. 1965-4, Sec.1.1.01)

**Sec. 2-5. Emergency interim successors to council and city; offices; appointment.**

Emergency interim successors shall be appointed pursuant to provisions of Chapter 7 of Title 20 of VSA or other pertinent general law. (Ord. No. 1965-4, Sec. 1.1.02)

**Sec. 2-6. Public bodies-Meetings.**

Insofar as the following provisions are not in conflict with other provisions of law pertaining specifically to it, a public body shall observe the following with respect to all its meetings or sessions:

- (1) Notice of regular meetings shall be posted on the city hall bulletin board at least seven (7) days, excluding holidays, in such form as the council shall prescribe by resolution. The council may also require that notices shall be published in a newspaper.
- (2) Notices of special meetings shall be posted as required in the preceding subdivision (1), except that the mayor or three (3) alderman may reduce the time limited for posting to not less than four (4) hours, in which case the news media located in the city shall be notified at least four (4) hours before such meeting.
- (3) All notices shall set forth the agenda for the meeting, or an article or articles setting forth

the purpose of the meeting

- (4) All meetings shall be held in city hall, unless otherwise specifically authorized to be held in another public place, open to the public, by resolution of the council.
- (5) Executive session shall be held pursuant to 1 VSA sections 311 through 314 and any amendments thereto.
- (6) Within three (3) days after a meeting the clerk or secretary of the public body shall furnish the clerk a copy of the minutes of the meeting, together with a report on the subject matter considered in executive session. The clerk shall transmit a copy of such minutes and report to the council at its next regular meeting. (Ord. No. 1965-4, Sec. 2.3.01; Ord. No. 1980-6, 6-3-80; Ord. No. 1983-1, 1-13-83)

**Sec. 2-7. Same-Regulations, bylaws and rules of procedure.**

A public body authorized by law to issue regulations, to adopt bylaws or make rules for conduct of its meetings or affairs, shall upon taking such action furnish copies thereof to the council. It shall likewise furnish copies of any amendments subsequently made.

Any other public body may make rules for conduct of its meetings or affairs, which shall take effect when approved by the council. Such rules may be amended or repealed with the approval of the council.

Bylaws, rules and regulations of public bodies shall be published in a appendix to this Code. (Ord. No. 1965-4, Secs. 2.4.01-2.4.03)

**Cross references**--Rules and regulations of the police department, App. C; rules and regulations of the fire department, App. D.

**Sec. 2-8. Same--news media, petitions, conduct of meetings.**

- (a) In the meeting room of a public body, representatives of the news media shall be allotted space and furnished with a table for their use.
- (b) Electronic and photographic equipment and devices, such as but not limited to cameras, tape recorders, broadcasting equipment and television equipment shall be permitted when used by representatives of the news media, but only in conformity with rules for the maintenance of good order, dignity and noninterference with proceedings, as may be prescribed by resolution of the council.
- (c) Any equipment or device requiring connection with the city's electric service may be made only after securing a permit from the council and paying the estimated cost of electricity to be consumed or one dollar, whichever is the greater.

The right to petition and to communicate with a public body is to be held inviolate and observed by all public bodies. A person present at a meeting may present a petition or communication to a public body, which, when so requested therein, shall be read at the meeting; provided, however, that if the communication or petition exceeds three hundred (300) words, it need not be read, but

copies furnished by the person submitting the same, shall be made available to members of the public body. Petitions and communications shall be presented to the presiding officer of the public body. (Ord. No. 1965-4, Sec. 2.5.03)

**Sec. 2-9. Same--Addresses by outsiders, disturbances, etc.**

(a) It shall be unlawful for any person, other than a member of the public body holding the meeting, to address or attempt to address any regular or special meeting of a public body, except upon consent of the presiding officer or a majority of the members present. Any infraction of this subsection may be excused for extenuating circumstances by a majority vote of the public body, in which case no prosecution for the offense shall be brought.

(b) A person desiring to address a public body shall, unless invited to do so by the presiding officer, submit an oral or written request to the presiding officer.

(c) It shall be unlawful for a person not a member of the public body holding a meeting, to disturb or interrupt any meeting of a public body. Any person so offending may be summarily ejected from city hall or other public place in which the meeting is held, on order of the presiding officer or a majority of the members of the public body present at the meeting. (Ord. No. 1965-4, Sec. 2.5.10)

**Sec. 2-10. Same--Annual report.**

The council may, by resolution, require a public body or public bodies to submit a report for inclusion in the annual municipal report. Such report shall be in the form and length prescribed by the council. (Ord. No. 1965-4, Sec. 2.7.01)

**Sec. 2-11. Same--Duty to perform prescribed functions and duties and exercise prescribed powers.**

Public bodies of the city shall perform the functions and duties and have the powers prescribed for them by the laws or resolutions of the council. (Ord. No. 1965-4, Sec. 18.1.01)

**Secs. 2-12--2-20. Reserved.**

**ARTICLE II. CITY COUNCIL\***

**Sec. 2-21. Meetings.**

(a) Regular meetings of the council shall be held in the council chamber in city hall at 7:00 p.m. on the days set for regular meetings by the charter.

(b) When the day set for a regular meeting falls on a holiday or an election day, a special meeting of the council shall be held on the day preceding such holiday or election day, at the same place and hour as is provided for a regular meeting. (Ord. No. 1965-4, Sec. 6.2.01)

**Charter reference--**Council to meet every Tues., Acts of 1955, No.304, Sec. 27.

**Sec. 2-22. Rules governing meetings.**

All meetings of the city council, all annual or special meetings of the city, all school district meetings shall be conducted in accordance with the Robert's Rules of Order. (Ord. No. 1983-1, 1-13-83)

**Sec. 2-23. Agenda.**

The manager shall be responsible for preparation of the agenda for all meetings of the council, subject to its direction. (Ord. No. 1965-4, Sec. 6.4.03)

**Sec. 2-24. Order of business.**

The order of business of the council shall be:

- (a) Action on minutes of preceding meeting or meetings, if special meetings have been held between regular meetings;
- (b) Readings of warrants and action thereon;
- (c) Petitions and communications;
- (d) Reports of officers and public bodies;
- (e) Old business on agenda;
- (f) New business on agenda;
- (g) Requests or comments of members of the council.

**Sec. 2-25. Reserved.**

**Editor's note-**Section 2-25, relative to Robert's Rules of Order, has been deleted pursuant to Ord. No. 1983-1, adopted Jan. 13,1983. Said section formerly derived from Ord. No. 1965-4, Sec. 6.3.02.

**Sec. 2-26. Minutes of meetings; distribution; approval.**

Minutes of the preceding regular meeting and all intervening special meetings shall be furnished to members of the council before each regular meeting. If no corrections or amendments are offered, the presiding officer shall declare the minutes approved as printed or typed. (Ord. No. 1965-4, Sec. 6.4.02)

**Sec. 2-27. Resolutions; minutes; agenda.**

All resolutions shall be presented to the council in writing. When adopted they shall be numbered by the clerk in the same manner as prescribed for in ordinances; for example, Resolution No. 1965-1.

All resolutions shall be recorded by the clerk in a book kept for the purpose, which shall be entitled: "Resolutions of the City Council of the City of Barre, Vermont." (Ord. No. 1965-4, Sec. 6.4.01)

**Secs. 2-28--2-36. Reserved.**

### **ARTICLE III. RESERVED\***

**Secs. 2-37--2-42. Reserved.**

\***Editor's note**--Art. III, Sec. 2-37, relative to the mayor, has been deleted pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983. Said former provisions derived from Ord. No. 1965-4, Sec. 8.1.01.

### **ARTICLE IV. CITY MANAGER**

**Sec. 2-43. Reserved.**

**Editor's note**-Section 2-43, general provisions relative to the city manager, has been deleted pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983. Said section formerly derived from Ord. No. 1965-4, Sec. 10.1.01.

**Sec. 2-44. Disability; appointment of acting manager.**

(a) The manager shall be deemed disabled within the meaning of the charter when he is not physically able to attend to his duties. In such case he shall appoint an acting manager, and upon his failing to do so the council shall make such appointment.

(b) Appointment of an acting manager by the manager shall be in writing. The original shall immediately be filed with the clerk and copies sent to all members of the council by the clerk. Provided, however, if the appointment is for one day or less or over a weekend, the clerk need not notify the members of the council. (Ord. No. 1965- 4, Sec. 10.1.02)

**Secs. 2-45--2-58. Reserved.**

### **ARTICLE V. ADMINISTRATIVE DEPARTMENTS**

#### **DIVISION 1. GENERALLY**

**Sec. 2-59. Created.**

The following administrative departments are hereby created, through the instrumentality of which the council and the manager shall exercise such functions as by the laws are assigned to each department respectively:

(a) Department of permitting, planning and inspection services; (Ord. No. 2010-04, 11/09/10)

- (b) Cemetery and parks department;
- (c) Fire department;
- (d) Department of health;
- (e) Police department;
- (f) Public works department;
- (g) General services department. (Ord. No. 1965-4, Sec. 12.1.01; Ord. No. 1983-1, 1-13-83)

**Editor's note-**Pursuant to Ord. No. 1983-1, all references to the department of housing or the department of welfare will be deleted from the Code as pages are pulled for supplementation.

**Sec. 2-60. Director to head each department.**

Each department shall be headed by city officer to be known as a director, unless otherwise provided. He shall be the chief administrative officer of the department and shall be responsible for its conduct. (Ord. No. 1965-4, Sec. 12.1.02)

**Sec. 2-61. Reporting requirements.**

The head of each department shall submit monthly reports to the council, which shall cover the activities of the department and other matters deemed pertinent. (Ord. No. 1965-4, Sec. 12.2.04)

**Sec. 2-62. Additional functions and duties.**

The functions and duties of a department provided for in this chapter shall not limit the department, which may be assigned additional functions and duties by ordinance or by resolution of the council. (Ord. No. 1965-4, Sec. 12.1.03)

**Secs. 2-63--2-67. Reserved.**

**DIVISION 2. PERMITTING, PLANNING & INSPECTION SERVICES** (Ord. Rev. 11/09/10)

**Sec. 2-68. Powers and duties.**

The department of permitting, planning & inspection services is responsible for planning for the City and for administering and enforcing the land-use regulations and related ordinances in effect. The department shall coordinate the inspection services and allied services of the city, and shall provide proper and effective administration of the building, electrical, fire prevention, zoning and other laws of the city. (Ord. No. 1965-4, Sec. 12.3.01)(Ord. No. 2010-04, 11/09/10)

**Sec. 2-69. Building inspector designated as director.**

The building inspector shall ex-officio be director of the department.(Ord. No. 1965-4, Sec. 12.3.03)

**Charter reference-**Appointment of building inspector, Sec. 66.

**Sec. 2-70. Officers designated.**

The following officers shall be within the department and shall be under the general supervision of its director:

- (a) Building inspector;
- (b) Electrical inspector;
- (c) Fire prevention inspectors;
- (d) Zoning administrator;
- (e) Flood hazard area administrator.
- (f) Vacant building administrator. (Ord. No. 1965-4, Sec. 12.3.02; Ord. No. 1983-1, 1-13-83)(Ord. No. 2010-04, 11/09/10)

**Secs. 2-71--2-75. Reserved.****DIVISION 3. CEMETERIES AND PARKS****Sec. 2-76. Composition; director.**

The cemetery and parks department shall include a board of cemetery and parks commissioners and director of cemeteries and parks, who shall be head of the department. (Ord. No. 1965-4, Sec. 12.4.01; Ord. No. 1983-1, 1-13-83)

**Sec. 2-77. Powers and duties.**

The cemetery and parks department shall have charge of the cemeteries and parks of the city, and shall have all the powers and perform all the duties prescribed by the laws for operation of cemeteries and parks. (Ord. No. 1965-4, Sec. 12.3.02; Ord. No. 1983-1, 1-13-83)

**Secs. 2-78--2-81. Reserved.****DIVISION 4. FIRE\*****Sec. 2-82. Established; powers and duties; cooperation with other cities.**

The fire department is hereby established for the purpose of providing adequate fire-fighting protection and the prevention of fires. It shall also perform such functions as are usually delegated to fire departments. It shall be the duty of the department to attend to all fires to which it is called in the city, and to fulfill the city's contracts with other municipalities for fire-fighting services. (Ord. No. 1965-4, Sec. 12.6.01)

**Sec. 2-83. Fire chief designated director of department; acting director.**

The fire chief shall be director of the department. In his absence or in case of his disability, the highest ranking officer of the regular division on duty shall be the acting director of the department, until the city manager designates an acting director. (Ord. No. 1965-4, Sec. 12.6.03;

Ord. No. 1983-7, 10-26-83)

**Sec. 2-84. Reserved.**

**Editor's note**--Ord. No. 1984-1, adopted Feb. 21, 1984, repealed Sec. 2-84. Said section, formerly relative to divisions of the fire department, derived from Ord. No. 1965-4, Sec. 12.6.02; Ord. No. 1976-2, adopted May 4, 1976; Ord. No. 1979-1, adopted Oct. 16, 1979, and Ord. No. 1983-1, adopted Jan. 13, 1983.

**Sec. 2-85. Appointment and procedures.**

Before appointment, an applicant for a position in the fire department shall successfully pass such written and oral examinations as the city manager shall cause to be prepared.

He shall be given a physical examination by a duly licensed physician designated by the city.

Applicants successfully passing such tests and examinations shall be interviewed by the fire chief and the city manager. The city manager shall make the appointment. (Ord. No. 1965-4, Sec. 12.6.04; Ord. No. 1983-1, 1-13-83; Ord. No. 1983-7, 10-26-83)

**Sec. 2-86. Suspension; removal; probation.**

(a) An officer or member of the fire department may be suspended or removed in the same manner as is prescribed for police officers. (See 24 V.S.A.1932.) However, upon appointment a fireman shall serve a probationary period of one year, during which time he may be removed by the city manager without hearing.

(b) A member of the fire department who is appointed to an office in the department, of the rank of captain or higher, shall serve a probationary period of one year, during which time he may be removed from the office by the city manager. (Ord. No. 1965-4, Sec. 12.6.05; Ord. No. 1983-1, 1-13-83; Ord. No. 1983-7, 10-26-83)

**Sec. 2-87. Annual physical examination required.**

After appointment, all firefighters shall be given a physical examination at least once a year by a duly licensed physician designated by the city. If certified unfit for duty due to a permanent disability, the member shall be given an opportunity of re-examination. (Ord. No. 1965-4, Sec. 12.6.06; Ord. No. 1983-1, 1-13-83)

**Sec. 2-88. Regulations governing conduct; publication requirement.**

The members of the fire department shall be governed by regulations of the department presently in force. Such regulations may be amended by the council. They shall be published in an appendix to this Code. (Ord. No. 1965-4, Sec. 12.6.07)

**Secs. 2-89--2-93. Reserved.**

**DIVISION 5. HEALTH**

**Sec. 2-94. Created; powers and duties.**

The health department is hereby created. It shall coordinate the functions of the health officials of the city and provide an administrative office and a repository of records for these officials. (Ord. No. 1965-4, Sec. 12.8.01; Ord. No. 1983-1, 1-13-83)

**Sec. 2-95. Reserved.**

**Editor's note**--Pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983, Sec. 2-95, relative to the supervisor of welfare, has been deleted. Said provisions derived from Ord. No. 1965-4, Sec. 12.8.03.

**Sec. 2-96. Division--Designated.**

The health department shall consist of two (2) divisions:

- (a) The health division in which shall be the health officer and the board of health;
- (b) The city physician's division in which there shall be the city physician. Ord. No. 1965-4, Sec. 12.8.02; Ord. No. 1983-1, 1-13-83)

**Sec. 2-97. Same--Powers and duties.**

The divisions of the health department shall exercise the functions and perform the duties and have the powers assigned by the laws to the officers in the respective divisions. (Ord. No. 1965-4, Sec. 12.8.05)

**Secs. 2-98--2-102. Reserved.**

**DIVISION 6. POLICE\***

**Sec. 2-103. Established; purpose; powers and duties.**

The police department is hereby established for the purpose of providing for enforcement of the laws, apprehension of criminal offenders, guarding the public safety, preventing crime, controlling vehicular traffic, and generally to carry out the functions and perform duties assigned to the police. (Ord. No. 1965-4, Sec. 12.10.01)

**Sec. 2-104. Chief of police designated as director; acting director.**

The Chief of police shall be director of the police department. In his absence or in case of his disability, the highest ranking officer of the regular division on duty shall be the acting director of the department, unless the city manager designates an acting chief (Ord. No. 1965-4, Sec. 12.10.03; Ord. No. 1983-7, 10-26-83)

**Sec. 2-105. Reserved.**

**Editor's note**--Ord. No. 1984-1, adopted Feb. 21, 1984, repealed Sec. 2-105. Said former section, relative to divisions of the police department, derived Ord. No. 1965-4, Sec. 12.10.02, Ord. No. 1976-1, adopted May 4, 1976; Ord. No. 1977-2, adopted Aug. 23, 1977; Ord. No. 1978-2, adopted May 9, 1978; Ord. No. 1980-7, adopted July 15, 1980; Ord. No. 1983-1, adopted Jan. 13, 1983; and Ord. No. 1983-6, adopted June 21, 1983.

**Sec. 2-106. Appointment procedures; annual examinations; required removal.**

Members of the police department shall be appointed by the city manager following the same procedure as is prescribed for firemen. They shall be subject to the same annual examinations, and to the same effect with respect to removal, as is provided in this chapter. (Ord. No. 1965-4, Sec. 12.10.04; Ord. No. 1983-7, 10-26-83)

**Sec. 2-107. Probations.**

No person shall be deemed to be a regular police officer or member of the regular division, until he has satisfactorily served a probationary period of six (6) months on duty with the regular division. An appointee, during the probationary period may be discharged without cause or hearing by the city manager. (Ord. No. 1965-4, Sec. 12.10.04; Ord. No. 1983-7, 10-26-83)

**Sec. 2-108. Eligibility for employment and promotion.**

No person shall be eligible for appointment as a police officer or promotion in rank in the police department, unless he is a graduate of a high school or equivalent secondary school, or has been granted a high school equivalence certificate by the state board of education. Certified proof of such graduation or grant of an equivalence certificate shall be presented to the city manager before action is taken on appointment or promotion. (Ord. No. 1965-4, Sec. 12.10.04; Ord. No. 1983-7, 10-26-83)

**Sec. 2-109. Removal; suspension.**

Members of the police department who are regular police officers in the regular division may be removed or suspended by the city manager, as provided by general law. (See 24 V.S.A.1932) Members of all other divisions may be removed or suspended by the city manager without hearing. (Ord. No. 1965-4, Sec. 12.10.05; Ord. No. 1983-7, 10-26-83)

**Sec. 2-110. Promotions.**

(a) When a vacancy occurs in the regular division in the rank of sergeant or higher, no one shall be eligible to fill the vacancy, by promotion or otherwise, unless he has been an official of a regular active police force for at least three (3) years immediately prior to the opening of a vacancy.

(b) Promotions in rank shall be made on basis of examination and other factors, in the same manner as members of the state police are promoted. Examinations and grading shall be conducted by an agency or organization not connected with the government of the city.

(c) A person appointed to the grade of sergeant or higher shall serve a probationary period of six (6) months during which time he may be demoted, reduced in rank or reduced to the grade of patrolman, by the city manager, without hearing.

(d) The provisions of this section notwithstanding, the city manager may appoint any member of the regular division to a temporary grade, but only for a period of not more than three (3) months, during which the vacancy shall be filled in accordance with other provisions of this section.

(e) The city council shall establish by resolution the appointment procedures for the office of chief of police separately from the regulations set forth for promotions to the grade of sergeant or higher. (Ord. No. 1965-4, Sec. 12.10.06; Ord. No. 1983-1, 1-13-83; Ord. No. 1983-6, 6-21-83; Ord. No. 1983-7, 10-26-83)

**Sec. 2-111. Regulations governing conduct; publication requirement.**

The members of the police department shall be governed by regulations of the department presently in force. Such regulations may be amended by the council. They shall be published in an appendix to this Code. (Ord. No. 1965-4, Sec. 12.10.07)

**Secs. 2-112--2-116. Reserved.**

**DIVISION 7. PUBLIC WORKS**

**Sec. 2-117. Created; purpose.**

The Public works department is hereby created, for the purpose of integrating and coordinating the functions of the subdepartments within it, and to provide general administrative supervision. (Ord. No. 1965-4, Sec. 12.12.01)

**Sec. 2-118. Director of public works designated as director; powers and duties.**

There is hereby created the office of director of public works, who may be the head of one or more sub-departments. He shall be head of the public works department and shall have supervisory powers over the sub-departments and coordinate their activities. (Ord. No. 1965-4, Sec. 12.12.03)

**Sec. 2-119. Sub-departments designated.**

There shall be within the public works department, the following sub-departments:

- (a) Sewage disposal department;

- (b) Street department;
- (c) Water department
- (d) Engineering department. (Ord. No. 1965-4, Sec. 12.12.02)

**Secs. 2-120--2-127. Reserved.**

### **DIVISION 8. SEWAGE DISPOSAL**

**Sec. 2-128. Created; powers and duties.**

The sewage disposal department is hereby created. It shall control, operate, and maintain the sanitary sewerage systems of the city, and the sewage disposal plant. (Ord. No. 1965-4, Sec. 12.12.10)

**Sec. 2-129. Superintendent of sewage system; office created; designated as director; responsibilities.**

There is hereby created the office of superintendent of the sewage system, who shall be the director of the sewage disposal department. He shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.12.11)

**Secs. 2-130--2-138. Reserved.**

### **DIVISION 9. STREET**

**Sec. 2-139. Created; powers and duties.**

There is hereby created the street department, whose function shall be to construct, repair, maintain and clear the public streets, including sidewalks and bridges, and control, operate and maintain the surface sewers and drains of the city. It shall also have charge of collection and disposal of wastes and the municipal disposal areas. (Ord. No. 1965-4, Sec. 12.12.15)

**Sec. 2-140. Superintendent of streets designated as director; responsibilities.**

The superintendent of streets shall be the director of the street department. He shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.12.16)

**Secs. 2-141--2-148. Reserved.**

### **DIVISION 10. WATER**

**Sec. 2-149. Created; powers and duties.**

There is hereby created the water department, whose function shall be to operate, repair, maintain and supervise the water system of the city and the waterworks of the city. It shall also have charge of the municipal forests outside the city and reservoirs and other sources of water

owned by the city. (Ord. No. 1965-4, Sec. 12.12.20)

**Sec. 2-150. Superintendent of waterworks designated as director; responsibilities.**

The superintendent of waterworks shall be director of the water department. He shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.12.21)

**Secs. 2-151--2-158. Reserved.**

**DIVISION 11. ENGINEERING**

**Sec. 2-159. Created; powers and duties.**

There is hereby created the engineering department, whose function shall be to make surveys requested by the council or a city officer, keep accurate maps, plats and records of all public works, land or property of the city, and advise the council, city officers and public bodies on all engineering matters. (Ord. No. 1965-4, Sec. 12.12.25)

**Sec. 2-160. City engineer designated as director; responsibilities.**

The city engineer shall be director of the engineering department. He shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.12.26)

**Secs. 2-161--2-168. Reserved.**

**DIVISION 12. RECREATION**

**Sec. 2-169. Created; powers and duties.**

The recreation department is hereby created for the purpose of coordinating the functions and duties of the divisions within the department, and to provide a common administrative office for the divisions. (Ord. No. 1965-4, Sec. 12.14.01)

**Sec. 2-170. Director of recreation--Office created; designated as director; powers and duties.**

There is hereby created the office of director of recreation. He shall be the director of the department and shall have general supervision over its divisions. (Ord. No. 1965-4, Sec. 12.14.03)

**Sec. 2-171. Same--Designated as director of recreation division; responsibilities; recreation board.**

Within the recreation division shall be the recreation board and the director of recreation, who shall be head of the division and shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.14.10)

**Sec. 2-172. Division designated.**

The recreation department shall consist of three (3) divisions:

- (a) Recreation division;
- (b) Parks division;
- (c) Auditorium division. (Ord. No. 1965-4, Sec. 12.14.02)

**Sec. 2-173. Recreation division; responsibilities.**

The recreation division shall have charge of all recreational programs of the city, and shall have charge of all recreational facilities of the city, except the municipal auditorium and the parks.

(Ord. No. 1965-4, Sec. 12.14.11)

**Sec. 2-174. Parks divisions --Composition; supervisor of parks designated as director; board of park commissioners; tree warden.**

Within the parks division shall be the board of park commissioners, the supervisor of parks, and the tree warden. The supervisor of parks shall be head of the division and shall be responsible for its management and conduct. (Ord. No. 1965-4, Sec. 12.14.15)

**Sec. 2-175. Same--Powers and duties.**

The parks division shall have charge of the parks of the city and shall carry out the functions and duties of the board of park commissioners as provided in the charter. In addition it shall assist the tree warden in performance of his statutory duties and functions. (Ord. No. 1965-4, Sec. 12.14.16)

**Sec. 2-176. Auditorium division--Powers and duties.**

The auditorium division shall have charge of the operation and maintenance of the municipal auditorium and its grounds, and other buildings on said grounds. (Ord. No. 1965-4, Sec. 12.14.20)

**Sec. 2-177. Same--Supervisor of municipal auditorium designated as head.**

There is hereby created the office of supervisor of the municipal auditorium, who shall be head of the auditorium division. He shall be responsible for the management and conduct of the division. (Ord. No. 1965-4, Sec. 12.14.21)

**Sec. 2-178--2-182. Reserved.**

**DIVISION 13. GENERAL SERVICES**

**Sec. 2-183. Created; staff to constitute.**

The general services department shall be the staff department of the city and shall oversee the

administration of all departments, offices and public bodies of the city. (Ord. No. 1965-4, Sec. 12.16.01)

**Sec. 2-184. Manager designated as director.**

The manager shall be director of the general services department. (Ord. No. 1965-4, Sec. 12.16.02)

**Sec. 2-185. Powers and duties.**

Without limiting the generality of the function and duties of the department provided for in this division, the general services department shall:

- (a) Have charge and supervision of all city property not assigned to or under control of any other department, office, or public body;
- (b) Have supervision over all radio equipment owned or operated by the city;
- (c) Assign office space and meeting rooms to city officers and public bodies, other than the council, and elected officers, who shall be assigned space or rooms by the council;
- (d) Purchase all insurance carried by the city; and attend to all matters connected therewith;
- (e) Supervise the performance of the contract for lighting the city;
- (f) Inspect all premises owned by the city, wherever located, at least once annually, and report its findings to the council;
- (g) Collect all moneys due the city, for the collection of which no other department, city officer or public body is responsible;
- (h) Coordinate the operation of all other departments, offices and public bodies in order to avoid duplication of operations and to avoid waste, and may for this purpose form committees composed of members of departments, offices and public bodies, as it deems advisable;
- (i) Maintain a store or stores of supplies commonly used by departments, officers and public bodies;
- (j) Be responsible for all purchases made for the city or any department, officer, or public body, unless otherwise specifically provided by the laws;
- (k) In order to properly maintain city records, provide a repository for records of officers and public bodies, which otherwise would not have a place to deposit records in a building owned by the city;
- (l) Provide secretarial or clerical assistance to officers and public bodies, which do not have such employees assigned to carry on these duties and functions.
- (m) Have charge of all municipal parking lots;
- (n) Supervise and attend to matters connected with the workable program for community improvement.
- (o) Oversee the city's pension plan and all matters connected therewith. (Ord. No. 1965-4, Sec. 12.16.03)

**Sec. 2-186. Duty to purchase for city.**

It is hereby declared to be the policy of the city that unless otherwise specifically provided by the laws with respect to a public body, all purchases and contracts for services made for the city shall

be made by the general service department. Unless other provisions are made by the laws with respect to it, when any department, office or public body is in need of materials, supplies or services it shall requisition therefore upon the director of the general services department, on a form or forms provided by the general services department. (Ord. No. 1965-4, Sec. 12.16.10)

**Sec. 2-187. Same--Procedure.**

Subject to provisions of the charter with respect to purchases requiring approval of the council, the director of the general services department shall purchase materials and supplies and contract for services either by advertising for bids or by letter of inquiry. The contract for purchases or for services shall be awarded to the person whose bid or quotation is in the best interests of the city. When authorized by the council, the director may purchase or contract without advertising for bids or sending letters of inquiry, if the proposed purchases or contract for services have already been priced by either of these methods or the best interests of the city will be best served by not using these methods. (Ord. No. 1965-4, Sec. 12.16.11)

**Sec. 2-188. Purchases by others--Alternate procedure.**

If any department, city officer, or public body believes that it is not, by law, required to make all or any part of its purchases or contracts for services through the general services department, as provided in sections 2-186 and 2-187, it shall notify the director of the general services department, who shall consult with the city attorney, who shall render his opinion in writing to the council, and to the director of the general services department. (Ord. No. 1965-4, Sec.12.16.12)

**Sec. 2-189. Contracts by others void.**

Any contract made by a department (other than the general services department), city officer, or public body, for purchases or services, on behalf of the city shall be null and void, unless such department, city officer, or public body is specifically authorized to make such contract by provisions of the laws. (Ord. No. 1965-4, Sec. 12.16.13)

**Secs. 2-190--2-200. Reserved.**

**ARTICLE VI. CITY OFFICERS**

**DIVISION 1. GENERALLY**

**Secs. 2-201--2-210. Reserved.**

**DIVISION 2. CITY ATTORNEY**

**Sec. 2-211. Additional powers and duties.**

- (a) In addition to the functions, powers and duties prescribed in the laws, the city attorney shall:
- (1) Be sole legal advisor of the city, and shall render advice on all legal questions affecting

- the city whenever requested by the council, a city officer or a public body of the city;
- (2) Examine all written instruments and contracts to which the city may be a party, and report any objections thereto to the council;
  - (3) Appear before the general assembly or any committee thereof, and in behalf of the city represent and defend or advocate the interest and welfare of the city, on request of the council or the representatives to the general assembly elected in the city.
- (b) Upon being served with any process by a court, state agency or federal agency, involving the city, the clerk or any other officer of the city so served or notified, shall immediately notify the city attorney in writing, and report the service of such process or notice to the council at its next regular meeting. (Ord. No. 1965-4, Sec. 22.3.01)

**Secs. 2-212--2-220. Reserved.**

### **DIVISION 3. CITY PHYSICIAN**

**Secs. 2-221. Additional powers and duties.**

In addition to the functions, powers and duties prescribed in the laws, the city physician shall:

- (a) Render his professional services to any member of the fire, police, street, sewage or water departments, who may be injured during the performance of their duties, when notified by the head of the department;
- (b) Render medical aid at the police station in case of emergency, whenever requested by a member of the police department;
- (c) Assist the city attorney, whenever the services of a qualified physician are required in connection with any matter involving the city or its officers or public bodies. (Ord. No. 1965-4, Sec. 22.3.01; Ord. No. 1983-1, 1-13-83)

**Sec. 2-222--2-230. Reserved.**

### **DIVISION 4. SUPERINTENDENT OF FIRE ALARM SYSTEM**

**Sec. 2-231. Duties.**

The superintendent of the fire alarm system shall have charge and the care of the city's fire alarm system. He shall keep a record in the central fire station of his inspections and tests, on forms prescribed by the fire chief, and approved by the council. (Ord. No. 1965-4, Sec. 22.3.15)

**Secs. 2-232--2-240. Reserved.**

### **DIVISION 5. APPOINTED OFFICERS**

**Sec. 2-241. Notice requirements; oath; qualification; commission.**

- (a) Before a city officer is appointed, the appointing officer shall, in person, notify the council in executive session, naming the proposed appointee.

(b) Forthwith after making an appointment, the appointing officer shall notify the clerk of the appointment.

(c) The clerk shall give written notice of the appointment to the appointee, attaching thereto a copy of this article if one has not been furnished previously to the appointee.

(d) After taking the oath or affirmation prescribed by law, and leaving a signed copy thereof with the clerk, on a form furnished by the clerk, the appointee shall be qualified to enter upon his office.

(e) If an appointee does not qualify within ten (10) days, excluding holidays, after notice is given him by the clerk, his appointment may be rescinded by the appointing officer or by the council if the appointment is made by the council.

(f) Upon qualifying, the city officer shall receive a commission signed by the appointing officer, or by the mayor if the appointment is made by the council. (Ord. No. 1965-4, Sec. 2.2.02)

**Sec. 2-242. Term; continuation until successor appointed.**

Unless otherwise provided, a city officer shall hold office for a term of one year from the first day of April. All city officers shall hold office until their successors are appointed and have qualified. (Ord. No. 1965-4, Sec. 2.2.03)

**Sec. 2-243. Compensation.**

The compensation of city officers shall be fixed as prescribed by the laws. Before fixing or altering such compensation the city officer authorized to do so shall notify the council, in person, in executive session. (Ord. No. 1965-4, Sec. 2.2.04)

**Sec. 2-244. Bonding requirements.**

Each of the city officers required to give bond under provisions of the laws, shall give a bond with surety at the expense of the city, in such sum as the council shall prescribe by resolution. Other city officers shall, at the discretion of the council, be covered by a blanked bond, so-called, in such sum as the council shall determine by resolution. (Ord. No. 1965-4, Sec. 2.2.05)

**Sec. 2-245. Conflicts of interest.**

City officers shall refrain from acting in matters involving the city, which will involve them in a conflict of interest. With the consent of the council an officer who has disqualified himself from acting for the city may, in special cases, such as tax appeals, act adversely to the city. (Ord. No. 1965-4, Sec. 2.2.06)

**Sec. 2-246. Reserved.**

**Editor's note--**Section 2-246, "Other employment, gifts, etc., prohibited for certain officers," has

been deleted pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983. Said section derived from Ord. No. 1965-4, Sec. 2.2.07.

**Secs. 2-248--258. Reserved.**

## **ARTICLE VII. CITIZENS' ADVISORY COMMITTEE**

**Sec. 2-259--263 Reserved.**

Editor's note--pursuant to Ord. 1990-6, adopted April 30, 1990, relating to creation of, purpose of, and procedure of a Citizen's Advisory Committee, has been deleted. Said section derived from Ord. No. 1965-4, Sec. 18.7.05.

**Sec. 2-264--2-272. Reserved.**

## **ARTICLE VIII. EMERGENCY MANAGEMENT DEPARTMENT\***

**Sec. 2-273. Short title.**

This article shall be known and may be cited and referred to as the "Emergency Management Ordinance of the City of Barre". (Ord. 1985-7, 12-30-85)

**Sec. 2-274. Intent and purpose.**

(a) It is the intent and purpose of this article to establish a department that will insure the complete and efficient utilization of all of the facilities of the City of Barre to combat disasters resulting from natural, technological and attack related hazards as defined herein.

(b) The City of Barre Emergency Management Department will be the coordinating agency for all activity relating to emergency management and will be the instrument through which the mayor, city council and city manager may exercise the authority and discharge the responsibilities vested inched in Title 20, Section 6, VSA, as amended; and this article.

(c) This article will not relieve any city department of the normal responsibilities or authority given to it in the city charter or by local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-275. Definitions.**

The following definitions shall apply in the interpretation of this article:

**ATTACK** shall mean a direct or indirect assault against Barre City, its government, its environs, or of the nation, by forces of a hostile nation or the agents thereof, including assault by bombing; radiological, chemical or biological warfare; or sabotage.

**CHAIRMAN** shall mean the mayor or his designated alternate duly appointed in accordance with Title 20, VSA, and this article.

**DIRECTOR** shall mean the Director of the Barre City Department of Emergency Management, appointed as prescribed in this article.

**DISASTER** includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual emergency endangering or threatening to endanger health, life, property or constituted government.

**EMERGENCY MANAGEMENT** in its broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during an attack or disaster. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the city by the forces of an enemy nation or the agents thereof, and it shall also include such activity in connection with disasters as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

**EMERGENCY MANAGEMENT FORCES** shall mean the employees, equipment, and facilities of all city departments, boards, institutions, and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

**EMERGENCY MANAGEMENT VOLUNTEER** shall mean any person duly registered, identified and appointed by the chairman of the emergency management agency and assigned to participate in the emergency management activity.

**REGULATIONS** shall include all plans, programs and other emergency procedures deemed essential to emergency management.

**VOLUNTEER** shall mean contributing a service, equipment or facilities to the emergency management organization without remuneration. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-276. Organization and appointment.**

(a) The mayor is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing departments within the City. The mayor, as executive head of the municipal government, shall be the chairman of the emergency management forces of this city and shall be responsible for their organization, administration, and operations.

(b) The organizations shall consist of the following:

- (1) An emergency management office under the administrative direction of the city manager. There shall be a head of the emergency management office, who shall be known as the City Director of Emergency Management, and such assistants as are deemed necessary

for the proper functioning of the department.

- (2) The employee, equipment and facilities of all city departments, boards, institutions and commissions will participate in the emergency management activity. Duties assigned to a city department shall be the same or similar to the normal duties of the department.
- (3) Volunteer persons and agencies offering service to, and accepted by, the city.

(c) The mayor shall appoint the emergency management director who shall be responsible for coordination of the planning and preparation of the various departments which will operate to protect the public health, safety and welfare in the event of danger from enemy attack or disaster as defined in this article.

(d) The emergency management director shall designate deputy directors to assume the emergency duties of the director in the event of his absence or inability to act, so that there will at all times be an emergency management director available in emergency situations. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-277. Emergency powers and duties.**

**MAYOR (CHAIRMAN):**

(1) The emergency management chairman may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Vermont law and local ordinance. The judgment of the chairman shall be the sole criteria necessary to invoke emergency powers provided in the Code of Ordinances and other appropriate authorities. The city council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to emergency management activities. Nothing in this article shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in state law and local ordinance.

(2) During any period when disaster threatens or when the city has been struck by disaster, within the definition of this article, the mayor may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- a) Regulations prohibiting, restricting or rerouting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within or with-out the city.
- b) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- c) Such other regulations necessary to preserve public peace, health and safety.
- d) Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the city clerk and violations will be subject to the penalties provided in state law and local ordinance.

(3) The chairman shall order emergency management forces to the aid of other communities when required in accordance with the statutes of the state, and he may request the state, or a

political subdivision of the state, to send aid to the City of Barre in case of disaster when conditions in the city are beyond the control of the local emergency management forces.

(4) The chairman may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the city for the fair value thereof.

(5) The chairman may require emergency service of any city officers or employees. If regular city forces are determined inadequate, the chairman may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, and ordinances for regular city employees and other registered and identified emergency management and disaster workers.

(6) The emergency management chairman will exercise his ordinary powers as mayor and all of the special powers conferred upon him by state law and local ordinance of the City of Barre, all powers conferred upon him by any statute, or any other lawful authority.

#### **EMERGENCY MANAGEMENT DIRECTOR:**

(1) The Barre City Emergency Management Director shall be responsible for all phases of the emergency management activity. Under the administrative supervision of the city manager, he shall be responsible for the planning, coordination and operation of the emergency management activity in the city. He shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions to insure the most effective use of the emergency operation plan. His duties shall include, but not be limited to, the following:

- a) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness, governmental services and public utilities necessary for the public health, safety and welfare.
- b) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.
- c) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings and other property for emergency management purposes and designating suitable buildings as public shelters.
- d) Through public information programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of disaster, or enemy attack, as defined herein, either impending or present.
- e) Conducting public practice alerts to insure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- f) Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- g) Assuming such authority and conducting such activity as the chairman may direct to promote and execute the emergency operations plan. (Ord. No. 1985-7,12-30-85)

**Sec. 2-278. Violation of article or regulations.**

It shall be unlawful for any person to violate any of the provisions of this article or the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-279. Penalty.**

Any person, firm, or corporation violating any provisions of this article or any regulation or plan formulated thereunder, upon conviction thereof, shall be punished pursuant to VSA, as amended. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-280. Severability.**

Should any provisions of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article, as a whole; it being the legislative intent that in lieu of, the provisions of this article shall be severable and remain valid notwithstanding such declaration. (Ord. No. 1985-7, 12-30-85)

**Sec. 2-281. Conflicting provisions.**

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Ord. No. 1985-7, 12-20-85)

**EDITOR'S NOTE-**(Ord. No. 1985-7, enacted Dec. 30, 1985, amended Art. VIII, Secs. 2-273--2-281 to read as herein set out. Prior to amendment, Art. VIII, Secs. 2-273--2-275 pertained to civil defense and derived from Ord. No. 1965-4, Secs. 18.12.01 and Ord. No. 1983-1, adopted Jan. 13, 1983.