

5/2/2025

CHARTER
CITY OF
BARRE, VERMONT

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*Editor's note—The charter of the City, as adopted by the electorate on March 6, 1979, and effective on May 6, 1979, is included herein as enacted. Section catchlines supplied by the editor are enclosed in brackets { }. Amendatory ordinances are indicated by a citation enclosed in parentheses () following the amended section. Prior to adoption of this charter on March 6, 1979, the Charter of the City was derived from Act. No. 304 of 1955, of the General Assembly of Vermont. See the Charter Comparative Table beginning on page ____ for a list of legislation amendatory of Act. No. 304.

State law reference—Charters, amendments, procedure, Title 24, V.S.A., Sec. 702a.

CHAPTER I. INCORPORATION AND GENERAL PROVISIONS (Amend of 5-8-12)**Sec. 101. Corporate existence retained.**

The boundaries of the City of Barre shall be those as set forth and described in No. 221. of the Acts of 1945 and any amendments thereafter enacted. The City of Barre shall continue to be a municipal corporation.

Sec. 102. General law application.

Except when changed, enlarged or modified by the provisions of this charter, or by any legal regulation or ordinance of the City of Barre, all provisions of the statutes of this state relating to municipalities shall apply to the City of Barre.

Sec. 103. Wards established.

There shall be three (3) wards for the City of Barre and the boundaries of the wards shall be fixed from time to time by the Board of Civil Authority subject to the approval of the City Council. The boundaries shall be fixed so as to provide equal or near equal distribution of population among the three (3) wards in accordance with the most recent federal census. (Amend. of 3-2-82, 4-21-93, 4-19-19)

Sec. 104. General Corporate powers.

- (a) The City shall have all the powers granted to towns and municipal corporations by the constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; it may enact ordinances not inconsistent with the constitution and laws of the State of Vermont or with this charter, and impose penalties for violation of those ordinances as allowed in 24 V.S.A. § 1974a, in addition to the costs of prosecution. (Amend. of 3-5-96, 4-19-19)
- (b) The City may purchase real property, or interest in real property, within or without its corporate limits for the public benefit. The City may acquire real property by gift, devise, lease, easement, or condemnation and may sell, lease, mortgage, hold, convey by easement, manage and control such property as its interest may require. Any acquiring or conveying of property through the means listed in this section shall require approval of the council and shall also be subject to notice as required by 24 V.S.A. § 1061 or any successor provision. (Amend. of 9-13-88, 11-2-05, 4-19-19, 3-1-22)
- (c) In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular powers were not mentioned.
- (d) The City of Barre shall fly only the City, State, United States, and POW/MIA flags. (Amend. of 3-2-21)

Sec. 105. Ordinances – Subject matter.

- (a) The general grant of ordinance promulgating authority in section 104 shall include, but shall not be limited to, the authority:
- (1) To adopt and enforce ordinances relating to making and installation of local improvements including curbs, sidewalks, storm drains, sewers and water lines; requiring the installation of curbs, sidewalks, storm drains, sewer and water lines, in a manner specified by the City as a condition precedent to the issuance of a building permit; apportioning part or all of the expenses of such improvements against property owners benefited thereby; providing for the collection of such assessments and penalties for nonpayment;
 - (2) To adopt and enforce ordinances establishing billboards, but such ordinances shall not permit the violation of the laws of this State or any City zoning ordinance or regulation;
 - (3) To adopt and enforce police ordinances regulating and prohibiting the use of firearms devices, air rifles and having a capacity to inflict personal injury, and the parking, operation and speed of motor vehicles upon City and State aid streets and highways;
 - (4) To adopt and enforce ordinances relating to regulation, licensing or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse and waste materials, regulation of the removal and disposal of such materials; licensing for revenue and regulation or prohibition of the collection, removal, and disposal of such materials by persons; city department now existing or created for that purpose; establishment of service rates to be paid the City for such service.
 - (5) To adopt and enforce ordinances relating to the operation, parking, soliciting, delivery or fares in the taxi business within the City.
 - (6) To adopt and enforce ordinances for the purpose of regulating and licensing the following activities, or other activities, which the City has the power to regulate or license, by virtue of the law of this State or of this charter, and to fix reasonable and necessary fees therefore; places of public resort, or public amusement whether indoor or outdoor; places dispensing food and drink to the public, such as restaurants, bars, or inns; and public dances. (Amend. of 3-4-97).
 - (7) Notwithstanding any contrary provision of general law, to adopt and enforce ordinances establishing a speed limit of less than 25 miles per hour on specified City streets, or sections thereof, within City boundaries as may be required for the safety and general welfare of the City. (Amend. of 4-19-19, 3-2-21)
- (b) The specification of powers herein shall not be deemed to limit the general grant of ordinances promulgating authority conferred by Section 104, or the ordinances adopted by the City prior to enactment of this act.

Sec. 106. Ordinances; enforcement; adoption. (Amend. of 4-19-19)

- (a) The Council may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the City Attorney, Grand Juror or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.
- (b) Ordinance-making authority granted to the City by this charter and general law shall be exercised pursuant to the provisions of Section 107 and 108 of this charter.

Sec. 107. Ordinances; adoption process. (Amend. of 4-19-19)

- (a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Council of the City of Barre hereby ordains...". If the Council passes the proposed ordinance upon first reading, it shall cause it to be published in the form passed in a newspaper of general circulation in the City, or in such other manner of publication as acceptable in State law, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least three (3) days prior to the date of the public hearing. (Amend. of 4-19-19)
- (b) After the public hearing, the Council may finally pass the ordinance with or without amendment. If the Council amends the proposed ordinance, then it shall cause the amended ordinance to be published at least once together with a notice of the time and place of the public hearing, at which such amended ordinance will be further considered and which publication shall be at least three (3) days prior to the public hearing. Once the ordinance is adopted by the Council the City Clerk shall cause the ordinance as adopted to be published in a newspaper of general circulation within the City, or such other manner of publication as acceptable in State law, and said ordinance shall take effect fourteen (14) days after the date of the publication. (Amend. of 4-19-19)

Sec. 108. Filing of ordinances.

The City Clerk shall keep in the Clerk's office a book of ordinances which shall contain each ordinance finally passed by the Council together with a complete index of the ordinances according to the subject matter.

Sec. 109. Reservation of powers to the City.

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the City of Barre and the Council by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

Sec. 110. Fiscal year.

The fiscal year of the City shall begin the first day of July of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter. (Amend. of 5-8-12, 5-14-24)

Sec. 111. Bonding of City officials.

The Mayor, councilors, members of the Police Department, City Manager, Finance Director, Superintendent of Public Works, Tax Collector, Clerk, and Treasurer shall annually be bonded to the City for the faithful discharge of their respective duties, as provided by state statute and the expense of said bonds to be paid by the City. (Amend of 3-1-83, 5-8-12, 3-2-21, 5-14-24)

Sec. 112. Amendment of charter.

This charter may be amended in the manner provided for by the laws of the State of Vermont for the amendment of municipal charters. (Amend. of 5-8-12)

CHAPTER II. ELECTIONS AND CITY MEETINGS

Sec. 201. Application of general laws.

Provisions of the laws of the State of Vermont relating to the qualifications of elections, the manner of voting, the duties of electing officers and all other particulars respective to the preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.

Sec. 202. Time of elections and meetings.

- (a) The annual City meeting of the City for the election of officers, the voting of budgets, and any other business included in the warnings for said meeting, shall be held on the second Tuesday in May, unless otherwise legally warned by the Council. (Amend. of 05-10-05, 11-07-06, 5-14-24)
- (b) The election of officers and the voting on all questions shall be by the Australian ballot system. The ballot boxes shall be open for 12 consecutive hours at times to be determined and warned by the Board of Civil Authority. (Amend. of 4-21-93)
- (c) The warning for annual and special City meetings shall, by separate articles, specifically indicate the business to be transacted, including the offices and the questions to be voted upon. The warning also shall contain any legally binding article or articles requested by 10 percent of the registered voters of the City. Petitions requesting that an article or articles be placed on the warning shall be filed with the City Clerk on or before the filing deadline set forth in 17 V.S.A. § 2642(a)(3). (Amend. of 5-4-17)

Sec. 203. Special City meetings.

Special City meetings shall be called in the manner provided by the laws of the State and the voting on all questions shall be by the Australian ballot system. (Amend. of 11-08-83, 5-14-24)

Sec. 204. Polling Places.

All annual and special elections and meetings shall be held at a central polling place in the City to be designated by the Council and which location is to be set forth in the warning. The conduct of said elections and meetings shall conform where applicable to the requirements as set forth in 17 V.S.A. §§ 2640-2667. (Amend. of 5-8-12)

Sec. 205. Officers elected.

- (a) (1) The legal voters shall elect biennially a Mayor and a Clerk. (Amend. of 3-22-21, 5-14-24)
- (2) Annually, the legal voters of each ward shall elect from among the legal voters of their respective wards one councilor for a term of two years.

Sec. 206. Vacancies.

- (a) In case of vacancy of any elected municipal City officer, except a councilor, occasioned by death, removal from the City, resignation or inability to serve, such vacancy, unless herein otherwise provided, shall be filled by appointment by the City Council until the next annual election, In such case, nomination may be made by any member for the Council. (Amend. of 5-09-06, 5-8-12, 5-14-24)
- (b) In case of a vacancy of any councilor, occasioned by death, removal from the ward, resignation or inability to serve, such vacancy, unless herein otherwise provided, shall be filled by election at a caucus of the legal voters of the ward in which the vacancy occurs, duly warned, until the next annual election. In such case, nomination may be made by any legal voter from the ward in which the vacancy occurs. (Amend. of 3/06/79, 5/8/12)

Sec. 207. Voting on requests of the City Manager.

- (a) Annually, on the second Tuesday in May, the legal voters of the City shall meet to vote on the requests of the City Manager. (Amend. of 05-10-05, 11-07-06, 5-14-24)
- (b) If, at the annual May meeting, the voters disapprove the request of the City Manager, the Mayor, or in his or her absence or disability, the City Clerk, shall warn a general meeting of the legal voters to consider the article disapproved by the voters, and to authorize a specific sum of money therefor. The meeting shall be in accordance with 17 V.S.A. §§ 2630 - 2689 and shall be held at the same location as the previous meeting with the polls open for the same hours as the previous meeting. If the voters continue to disapprove any portion of the request, similar meetings shall be held in the same manner. (Amend. of 9-13-88, 5-10-05, 11-07-06, 5-8-12, 5-14-24)
- (c) When the legal voters have authorized a specific sum for the request of the City Manager, the City Council shall set the tax rate necessary to raise the specific sum(s) so voted. (Amend. of 5-8-12)

CHAPTER III. CITY COUNCIL**ARTICLE I. GENERAL PROVISIONS.****Sec. 301. Governing body.**

The City shall be governed by an elected Council and by an appointed City Manager and by such other officers and employees as may be duly appointed pursuant to this charter, City ordinances or general laws of the State of Vermont. (Amend. of 5-8-12)

- (1) The City Council shall consist of the Mayor and two councilors for each ward who shall serve for a term of two years. (Amend. of 5-8-12)
- (2) Within the limitations of the foregoing, the Council shall have the power to:
 - (A) appoint and remove the City Manager and supervise, create, and abolish offices, commissions or departments other than the offices, commissions or departments established by this charter;
 - (B) appoint and remove a Treasurer, and such Assistant Treasurers as shall be deemed necessary, who shall be responsible for the performance of all duties of a municipal treasurer under State law; (Amend. of 5-14-24)
 - (C) assign additional duties to offices, commissions or departments established by this charter, but may not discontinue or assign to any other office, commission or department duties assigned to a particular office, commission or department established by this charter;
 - (D) make, amend, and repeal ordinances; and
 - (E) adopt an official seal of the City.
- (3) The Council shall adopt the budget of the City, as provided herein. (Amend. of 3-02-82)
- (4) All City employees, to include full-time and part-time, are prohibited from holding the Office of Councilor or Mayor. (Amend. of 11-07-00, 5-8-12)

Sec. 302. Regular meetings; meetings to be public; executive session.

The City Council shall meet at least twice monthly on Tuesdays, unless the Council approves an alternative day. All meetings of the City Council, whether regular or special meetings, shall be public. Executive sessions may be held in conformance with the provisions of the Vermont Statutes. (Amend. of 11-3-98, 5-09-06)

Sec. 303. Special meetings; quorum.

Special meetings of the City Council may be called at any time by the Mayor. They may also be

called by the Clerk on a petition signed by a majority of the City Council and filed with the Clerk. Notice of special meetings shall be served on the Mayor and councilors by the Clerk delivering to each member a copy of the call, or leaving it at the place of the member's residence. A majority of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner as may be prescribed by ordinance. (Amend of 5-8-12)

Sec. 304. Role of Council in relation to administrative service appointment of committees.

It is the intention of this charter that the City Council shall act in matters as a body. The Council shall deal with the administrative service solely through the Manager and shall not give orders to any subordinates of the Manager, either publicly or privately. Nothing herein contained shall prevent the City Council from appointing committees or commissions of its own members, or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the City, and delegating to such committee or commissions such powers of inquiry as the City Council may deem necessary.

Sec. 305. Creation or continuation of departments, boards, offices.

The City Council shall continue or create and determine and define the powers and duties of such executive and administrative departments, boards and offices, in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the City. Any department, board or office so continued or created may at any time be altered or abolished by the City Council.

Sec. 306. Records of proceedings.

- (a) It shall be the duty of the City Council to keep an official record of its proceedings which shall be open for public inspection. The agenda for the regular Council meeting shall be published in a local newspaper no later than three days preceding the meeting. The latest edition of Robert's Rules of Order shall govern the deliberations of the Council except when in conflict with the laws. (Amend. of 9-13-88)
- (b) The minutes of each meeting shall be approved by the Council at its next meeting and the official copy authenticated by the signature of the Clerk.

Sec. 307. Powers of City; policy matters; appointment of certain officers.

All powers of the City and the determination of all matters of policy shall be vested in the City Council except as otherwise provided by this charter or by general law. The City Council shall annually appoint a City Attorney, a Library Liaison, and may provide for any Planning Board, Zoning Board of Adjustment, Recreation Board, or Personnel Board, and may create commissions or other bodies with advisory powers and may appoint personnel to serve on said boards or commissions. (Amend. of 11-3-98, 3-1-22)

Sec. 308. [Reserved.]

ARTICLE II. FISCAL RESPONSIBILITIES

Sec. 309. Source of appropriations, expenditures.

The money raised from taxation, assessments, fines and other lawful sources shall constitute the sum from which appropriations expenditures and payments are to be made by the authority of the City Council.

[**Sec. 310. Payments.** Repealed amend. of 11-3-98]

Sec. 311. Business or contracts between City and City officials or employees.

No City official or employee shall be interested in any contract with the City, furnish any material, or perform any labor, except in the discharge of the official's or employee's official duties or as allowed for in the Procurement Policy or Conflict of Interest Policy as adopted by the Council. (Amend. of 3-3-20)

Sec. 312. Audits.

- (a) The City Council shall prior to the close of each financial year employ by contract a public accountant to examine the financial statements of the funds of the City.
- (b) Annual examination of the financial statements shall be conducted in accordance with generally accepted auditing standards and the financial and compliance standards for audit of governmental organizations, programs, activities and functions. For the purpose of examination and audit authorized by the City, all records, account books, papers, reports and returns of all departments, including the trustees and custodians of trust funds and all officers and employees who receive or disburse funds for the benefit of the City shall be made available for audit. It shall also be the duty of each City officer or employee to provide oral explanatory information when required by the public accountant.
- (c) As a matter of policy, the City Council shall solicit public bids from public accountants at least once in every three year period. (Amend. of 9-13-88)

Sec. 313. Sale or lease of City property.

The City Council may authorize the sale or lease of any real or personal estate belonging to the City, and all conveyances, grants or leases of such real estate shall be signed by the Mayor.

Sec. 314. {Authority to borrow money, issue bonds, pledge credit.}

The City Council shall have the authority to borrow money, issue its bonds or notes and pledge the credit of the City pursuant to provisions of the Vermont statutes as they govern borrowing for towns and municipalities as provided in Title 24 of the Vermont Statutes Annotated.

Sec. 315. Compensation of City officials.

Compensation of Mayor, councilors, and other appointees and City officers: (Amend. of 5-8-12)

- (1) The Mayor and councilors shall receive compensation in an amount as may be voted by the voters of the City at a meeting duly warned for said purpose. (Amend. of 5-8-12)
- (2) The City Council shall fix the compensation of all other appointees, and employees, except as otherwise provided in this charter.
- (3) When the legal voters have authorized an annual City budget, the City Council or the City Manager shall not authorize appropriations, expenditures or payment in excess of the amount voted. Deficit spending shall be prohibited by the City of Barre. (Amend. of 3-7-89, 5-8-12, 5-14-24)

Sec. 316. Expenditures.

No money shall be paid except on warrant by the Treasurer, or a designated deputy, and authorized by the City Council. (Amend. of 11-3-98)

Sec. 317. Special assessments.

The City Council may make special assessments for the purchase, construction, repair, reconstruction or extension of a water system, sewage system, sidewalk or any other public improvement which is to benefit a limited area of a municipality to be served by the improvement.

Sec. 318. Sidewalks.

- (a) Whenever a petition in writing shall be presented to the City Council, signed by the owner or owners of two-thirds of the frontage on any street, lane or alley, or any portion thereof in the City asking that such street, lane, alley or portion thereof be curbed or guttered, or that a sidewalk or the sidewalks thereof be constructed or repaired or paved, the City Council may order or direct that such improvements be made.
- (b) The City Council without petition may make any or all of the improvements described in the preceding section and shall assess against the owner or owners of the lands or buildings abutting upon such street, lane or alley and adjoining the part where such improvement may be made, whether made upon petition or otherwise, so much of the cost and expense of making such improvements as it shall judge such land and buildings to be benefited thereby; but in no case shall the cost and expense of making such improvements be assessed against the abutting owner on either side of such street or portion thereof in excess of one-half of such cost and expense in making any of the other improvements specified in the preceding section, and the City shall pay the remaining cost and expense of all improvements therein mentioned; provided that all assessments heretofore made shall remain in full force and effect until paid or abated.

Sec. 319. Sewers.

The City Council is authorized subject to ordinances of the City Council to establish, construct and maintain public sewers in the City; and it may assess according to frontage of the owners of land or buildings adjoining or abutting said streets of any portion thereof, in which such sewers may be established, so much of the expense of constructing such sewers as the City Council shall adjudge such land or buildings to be specifically benefited thereby; but in no case shall the expense of construction of any sewer be assessed against the abutting owner on either side of any street or any portion thereof in excess of one-half of such expense; provided that all sewer assessments heretofore made shall remain in full force and effect until paid or abated.

Sec. 320. Authority to take land.

The City Council is also authorized and empowered to establish, construct and maintain public sewers in and through the lands of individuals and corporations, on making compensation for lands taken therefor, in the same manner as provided by law in the laying out and establishing of highways.

Sec. 321. Collection of assessments; liens.

Special assessments shall constitute a lien on the property against which the assessment is made in the same manner and to the same extent as taxes assessed on the grand list of a municipality, and all procedures and remedies for the collection of taxes shall apply to special assessments.

Sec. 322. Tax stabilization contract.

- (a) The City Council shall have the authority to enter into a contract with owners, lessees, bailees, or operators of agricultural, industrial, residential, or commercial real property for the purpose of:
 - (1) fixing and maintaining the valuation of such property on the grand list;
 - (2) fixing and maintaining the rate or rates of tax applicable to such property;
 - (3) fixing the amount in money which shall be paid as an annual tax upon such property; or
 - (4) fixing the tax applicable to such property at a percentage of the annual tax. (Amend. of 11-2-05)
- (b) The authority to enter into such contract shall be by vote of two-thirds of those present and voting at an annual or special meeting warned for that purpose for a contract relating to agricultural, commercial, residential, or industrial real property. (Amend. of 9-13-88, 11-2-05)
- (c) The voters may provide general authority to the City Council to enter into such contracts as application is made, or provide limited authority to the City Council to negotiate contracts which shall be effective upon ratification by a majority of those present and voting at an annual or special meeting warned for that purpose.

(d) Any contract entered into pursuant to this section:

- (1) shall be for a period not in excess of 10 years;
- (2) shall be filed with the City clerk and shall be available for public inspection;
- (3) may be with existing or new owners, lessees, bailees, or operators of such property or with persons who intend to become owners, lessees, bailees, or operators of such property; and
- (4) may be applicable to existing agricultural property, renovations of or additions to existing agricultural, commercial, residential, or industrial real property, or to new agricultural, commercial, residential, or industrial real property. (Amend. of 11-2-05)

CHAPTER IV. CITY OFFICIALS**ARTICLE I. CITY MANAGER****Sec. 401. Appointment and qualifications.**

The City Manager shall be appointed annually on the first day of July by the Council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or knowledge of, accepted practice in respect to the duties of his or her office, as hereinafter set forth. At the time of his or her appointment, he or she need not be a resident of the City or State, but during his or her tenure of office he or she may reside outside the City only with the approval of the Council. The City Manager shall hold office at the will of the Council.

Sec. 402. Removal.

- (a) On 90 days' notice, the Manager may be removed without cause by a majority of the Council so voting. He or she may be suspended during this period, but his or her pay shall continue until his or her removal.
- (b) Notwithstanding the above, the Council may adopt a resolution stating its intention to remove the Manager and the reasons therefore, a copy of which shall be served forthwith on the Manager who may, within 10 days, demand a public hearing. Upon or after passage of such resolution, the Council may suspend him or her from duty, but his or her pay shall continue until his or her removal. If no appeal is filed, the Council may dismiss him or her. In the event of an appeal, the Council shall hold a public hearing not less than 10 days or more than 20 days from the date of appeal, after which they may dismiss him or her.

Sec. 403. Manager's absence.

The City Manager may designate a qualified administrative officer of the municipality to perform his or her duties during his or her temporary absence or disability. In the event of his or her failure to make such designation, the Council may, by resolution, appoint an officer of the City to perform the duties of the Manager during such absence or disability, until he or she shall return or his or her disability shall cease.

Sec. 404. Duties and responsibilities.

The City Manager shall:

- (1) be the chief administrative official of the City;
- (2) enforce all laws and ordinances of the City;
- (3) appoint and remove all department heads and all other officers, subordinates and assistants and fix their salary or compensation, for whose selection or removal no other method is provided in this act, except that he or she may authorize the head of a department to appoint

and remove subordinates in such department, supervise and control his or her appointees and report the appointment or removal at the next meeting thereafter of the City Council;

- (4) negotiate contracts for the City, provided, however, that all contracts must conform with the Barre City Procurement Policy, as adopted by the City Council; make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the City Council (Amend. of 3-6-18);
- (5) see that all terms and conditions imposed in favor of the municipality or its inhabitants by any statute, public utility, franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the City Council;
- (6) attend meetings of the City Council with the right to take part in the discussion, but without the right to vote;
- (7) recommend to the City Council for adoption such measures as he or she may deem necessary or expedient, keep the Council advised of the financial condition of the City, make reports to the Council, as requested by it, and at least once a year make an annual report of his or her work for the benefit of the Council and the public;
- (8) investigate at any time the affairs of any officer or department;
- (9) perform such other duties as may be required of the City Manager by ordinance or resolution of the City Council.

Sec. 405. Council policy.

The City Manager shall be responsible to the Council for carrying out all policies established by it and for the proper administration of all affairs of the City within the jurisdiction of the Council.

Sec. 406. Budget.

The City Manager shall prepare his or her recommended budget for the next fiscal year and present the same to the City Council not later than 45 days prior to the annual meeting date each year. At the same time, the City Manager shall submit his or her request for a specific sum of money under provisions of section 207 of this charter. (Amend. of 05-10-05)

Sec. 406a. Capital improvement plan

- (a) Preparation and submission. The Manager, after consultation with department heads, shall submit a proposed five-year capital improvement plan to the Council at least three months prior to the annual meeting.
- (b) Contents. The capital expenditure plan shall include:
 - (1) a clear narrative summary of needs;

- (2) a list of all capital expenditures to be proposed for the next five years with appropriate supporting data;
 - (3) actual cost estimates, proposed methods of financing, and necessary time schedules for each improvement; and
 - (4) estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (c) Revision and update. The capital expenditure plan shall be revised and extended each year to reflect progress or projects still pending. (Amend. of 3-1-22)

Sec. 407. Appointments.

- (a) Any provision of general law conferring the appointing power or other power upon the Mayor, the Mayor and City Council, the City Council, or other executive heads of a municipality, shall be construed as meaning the City Manager and the appointments or power exercised by the City Manager, in accordance with such provision, shall be given the same force and effect as if executed by the official named therein, except as herein otherwise provided. (Amend. of 5-8-12)
- (b) There shall be appointed by the City Manager after the annual City election in the manner as hereinafter provided a Superintendent of Streets, Superintendent of Waterworks, Recreation Director, a City Engineer, Building Inspector, an Inspector of Electric Wiring, a Tree Warden, three members of the Board of Health (see section 512 of this charter, Board of Health). All officers shall hold their offices respectively for one year or until their successors shall be appointed and qualified. The City Manager may also appoint such other subordinate officers as may be elected or appointed in towns. Members of the various boards shall be appointed in the same manner, who shall hold office as otherwise herein provided or until their successor shall be appointed and qualified. (Amend. of 11-3-98, 11-07-00, 3-1-22)

Sec. 408. Streets

It shall be the duty of the City Manager to see that all streets and highways laid out and established in the City are properly constructed and maintained.

ARTICLE II. MAYOR.

Sec. 409. Duties.

- (a) The Mayor shall be chief conservator of the peace and safety of the City and, as such, is empowered to control and direct the police force, in case of riot, insurrection or other emergency, when he or she may take command of the whole police force, including the chief executive thereof, and may, for the occasion, appoint and commission as many special policemen as he or she may deem necessary who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be

construed to be the operation of the police force in its routine duty. The Mayor shall have the power to administer oath before the City Council and official oaths to the several officers of the City, when required by law.

- (b) The Mayor shall preside at all meeting of the City Council and shall have a voice and vote in its proceedings. He or she shall be recognized as head of the municipal government for all ceremonial purposes and by the Governor for the purposes of military law. In the event of his or her inability to act, his or her absence or disability, the Council shall designate one of its members to act as Mayor during his or her absence or disability.

ARTICLE III. CLERK

Sec. 410. Duties.

- (a) The City Clerk shall perform for the City the same duties as prescribed by the laws of this state upon town clerks, except insofar as the same are changed or modified by the provisions of this charter and shall charge and receive for the benefit of the City the same fees therefor. The Clerk shall be ex-officio Clerk of the City Council and Board of Civil Authority. The Clerk shall have exclusive charge and custody of the public records of the City and all records, papers and documents belonging to the Town of Barre at the time the City of Barre was organized. Such records shall not be taken out of or away from the City Clerk's office except upon the order of process of a court of competent jurisdiction; but said City Council may, by ordinance or bylaw, regulate the removal from said office of all papers and documents belonging to the City and in the custody of the Clerk as aforesaid. The Clerk shall, on being tendered therefor the fees allowed town clerks under the law of this State for similar services, make duly certified copies of said records, documents, and copies so certified shall be legal evidence of the same validity and effect as those of town clerks, in all courts and for all purposes. Compensation for the Clerk shall be fixed by the City Council.
- (b) All the books of records, papers and documents belonging to the Town of Barre at the time the City of Barre was organized shall continue to be kept and deposited in the office of the City Clerk, copies of which, duly certified by him or her, shall be legal evidence for all purposes for which they would have been evidenced if the City had not been created, and they had been duly certified by the Clerk of the Town of Barre. (Amend. of 3-2-80)

Sec. 411. Official notices.

Whenever any notice signed by the Mayor, City Council, or any City officer or officers, or any advertisement, ordinance, resolution or bylaw has been published in some newspaper or newspapers or publicly posted under the provisions of the general law, this charter or the ordinances, thereby authorized, the City Clerk shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted; and if such be the fact, shall so certify upon the proper City record, and such record or duly certified copy thereof shall be treated as prima facie evidence of the facts so certified.

ARTICLE IV. CITY TREASURER**Sec. 412. Duties of Treasurer.**

Except as otherwise provided, the City Treasurer shall have the same duties, powers, and liabilities prescribed by law for town treasurer. The Treasurer's compensation shall be fixed by the City Council. (Amend. of 3-2-82)

[**Sec. 413. School District.** Repealed amend of 5-14-24]

ARTICLE V. CITY ATTORNEY**Sec. 414. Duties and responsibilities.**

The City Attorney shall be corporation counsel for the City. He or she may prosecute and defend in behalf of the City all suits in which the City is interested. He or she is authorized to file information and complaints in criminal causes involving violation of an ordinance of the City, and shall prosecute the same. A copy of all his or written opinions shall be filed by him or her in the office of the City Clerk.

[**ARTICLE VI. CITY GRAND JUROR, Sec. 415.** Repealed amend. of 3-3-20]

ARTICLE VII. COLLECTOR OF TAXES**Sec. 416. Appointment.**

The City Council shall annually appoint from among the legally qualified voters of the City a Collector of Taxes and fix his or her compensation; and for cause, incapacity, negligence or misconduct, they may remove such officer and fill any vacancy in such office by the appointment of a successor Collector of Taxes from among the legally qualified voters of the City arising from any cause. The successor Collector of Taxes shall hold the office for the unexpired term of his or her predecessor in office.

Sec. 417. Duties.

The Collector of Taxes shall have the same powers and be under the same duties and liabilities as are prescribed for collectors of taxes by the statutes of this State, except where such statutes are in conflict with this charter and then the provisions of this charter shall control.

[**ARTICLE VIII. CONSTABLE Sec. 418.** Repealed amend 3-1-22]

ARTICLE IX. CITY ENGINEER**Sec. 419. Duties.**

The City Engineer shall make all public surveys of the streets and public grounds of the City and

shall perform such other services as he or she may be required by the City Manager.

ARTICLE X. SUPERINTENDENT OF CITY WATERWORKS

Sec. 420. Duties.

The Superintendent of the City Waterworks shall have the care and management of the City Waterworks and shall, at all times, be subject in respect thereto to the orders of the City Manager.

ARTICLE XI. SUPERINTENDENT OF STREETS

Sec. 421. Duties.

The Superintendent of Streets, subject to the order of the City Manager, shall have immediate care and supervision of the public streets, highways and sewers of the City. He or she shall be under the general direction and control of the City Manager.

CHAPTER V. DEPARTMENTS AND BOARDS**ARTICLE I. DEPARTMENT OF BUILDING AND HOUSING****Sec. 501. Creation and organization.**

For the purpose of coordinating and integrating the inspection services and allied services of the City, and to provide proper and effective administration of building, plumbing, fire prevention, housing and zoning laws of the City and State within the City, the City Council shall, by ordinance, create a department to be designated the Department of Buildings and Housing, and prescribe its powers, duties and functions. Within the Department shall be:

- (1) the Building Inspector who shall be the administrative head of the Department subject, at all times, to the control and direction of the City Manager;
- (2) the Inspector of Electrical Wiring; and
- (3) any other inspector or officer of the City designated by the City Council. (Amend. of 3-1-22)

ARTICLE II. DEPARTMENT OF CEMETERIES AND PARKS**Sec. 502. Creation and organization.**

For the purpose of coordinating and integrating the management and control of all City parks and cemeteries and all other lands as may from time to time be turned over to the City for park or cemetery purposes, the City shall, by ordinance, create a department to be designated the Department of Cemeteries and Parks, and prescribe its powers, duties and functions. (Amend. of 3-1-11)

[Secs. 503 & 504. Repealed amend. of 3-1-11]

ARTICLE III. POLICE DEPARTMENT**Sec. 505. Established.**

The City Council may establish a Police Department for the City subject to control and supervision of the City Manager and may, by ordinance, determine of what officers and members of the Department may consist, prescribe the time and modes of their appointment and removal, define their powers, duties, and periods of service, fix their compensation, and make such other regulations regarding their conduct and government as the City Council may deem expedient. All police officers shall have authority to serve anywhere within the State and return processes in criminal causes returnable within the State, and for such duties shall be allowed the fees provided by law to sheriffs for similar services, which fees shall belong to the City and be paid into the City Treasury, whenever such policemen shall be under pay from the City. The police officers shall have the power of constables in all matters arising under the criminal and police laws of the State and the police regulations of the City. Such officers shall not serve civil process. (Amend.

of 3-7-89, 4-21-93, 11-07-06)

Sec. 506. [Reserved.]

ARTICLE IV. WATER DEPARTMENT

Sec. 507. Creation.

The City of Barre is authorized and empowered to provide a suitable supply of water for the City, and the inhabitants that may live along or near its line of pipes in other municipalities, against fire and for sanitary, domestic, and general industrial uses, beneficial to the public; to establish water rates and the compensation for the use of water, and regulate the use of the same; to acquire by gift or purchase and to take, as the convenience and necessity of the inhabitants require, the lands, water, water privileges, rights and property of any person, company, or corporation within the limits of the City and any other municipality in the State, except such waters as are in actual use by other municipalities and fire districts for fire, domestic, sanitary or other purposes at the time of the passage of this act, also excepting the Brush Brook watershed in the Town of Williamstown, and to establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus or buildings necessary for such purposes upon, in and through the lands of any person, company or corporation, on making compensation therefor, and to lay and establish its pipes, mains, aqueducts in and on the public highways in the City and municipalities, and also to purchase or take lands or other property that may be necessary and convenient to protect said water supply against contamination. The general care and supervision of the City water system, its extension and maintenance shall be vested in the City Manager and shall be subject to the ordinances and resolutions of the City Council.

Sec. 508. Condemnation.

The taking of lands for use pursuant to this article shall be in accordance with the State statutes.

Sec. 509. Borrowing.

The Water Department and Sewer Department may borrow such money from time to time, as may be necessary to enable the Department to carry on the work of adequately supplying the City with water and sewer facilities. Any amount borrowed shall be considered to be in anticipation of revenues, and shall be subject to the approval of the Council, without the need of authorization by the voters.

ARTICLE V. FIRE/AMBULANCE DEPARTMENT

Sec. 510. Established.

The City Council may establish and operate a Fire/Ambulance Department for the City, subject to the control and supervision of the City Manager and may, by ordinance, determine of what officers and members this Department may consist, prescribe the time and mode of their appointment and removal, define their powers, duties and periods of service, fix their

compensation and make such other regulations regarding their conduct and government as they deem expedient. The City may procure and hold such land, buildings, furniture, engines, ambulances and other apparatus as may be necessary for the purpose of the Fire and Ambulance Department, and the City Council may, by ordinance, make regulations regarding the use, control and preservation thereof. The City Council may contract with surrounding and nearby towns, villages and fire and or ambulance districts, for the use of part or parts of the facilities and equipment of the Fire/Ambulance Department to assist such towns and villages in case of emergency; provided, however, that no assistance shall be rendered to any town or village that does not satisfy within sixty (60) days any obligation to the City for any such past service rendered. (Amend. of 3-7-89, 4-21-93, 11-07-06)

[ARTICLE VI. RESERVED. Repealed amend. of 5-4-17]

ARTICLE VII. BOARD OF HEALTH

Sec. 512. Formation; duties.

The Board of Health shall consist of the Health Officer and three legal voters of the City. The Health Officer shall be the Secretary and Executive Officer of the Board, and shall hold office for three years, and until a successor is appointed. The Board of Health created as herein provided shall be for the City in lieu of the local board of health provided for by the Vermont Statutes and shall have all the powers vested in local boards of health for the preservation of health and abatement of nuisances and the removal of other causes injuriously affecting health, and shall have powers to adopt such rules and regulations as they deem wise for the regulation of the work of the Board and concerning health in the City. Said Board shall be subject, at all times, to the direction of the City Manager. All rules and regulations of said Board, when the same are approved by the City Manager and duly published as herein prescribed for ordinances, shall have the force and effect of ordinances of the City. Any person who shall refuse to obey a lawful order of such Board shall be punished not more than \$500.00. Said Board shall make in duplicate a record of all its doings and reports and a copy of such shall be placed on file with the City Clerk. (Amend of. 3-5-96)

Sec. 513. [Reserved.] Repealed amend. of 3-5-96

Sec. 514. [Reserved.] Repealed amend. of 3-5-96

ARTICLE VIII. BOARD OF CIVIL AUTHORITY

Sec. 515. Formation.

The City Council and the justices of the peace elected, qualified and residing in the City, shall constitute the Board of Civil Authority. The Board of Civil Authority and the Assessor, the latter of whom shall have no vote, shall be the Board for the Abatement of Taxes of the City. The City Clerk shall be the Clerk of said Boards. (Amend of 11-3-98)

[ARTICLE IX. BOARD OF SCHOOL COMMISSIONERS, Secs. 516-517. Repealed

amend. of 5-14-24]

ARTICLE X. DEPARTMENT OF ASSESSMENT

Sec. 518. Creation.

There shall be a Department of Assessment, which shall consist of a Chief Assessor and such assistants as are deemed to be necessary by the City Manager with the approval of the Council. The chief assessor and assistant shall be appointed and may be removed by the City Manager subject to approval of the Council.

Sec. 519. Powers and duties.

The Department of Assessment, shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the laws of this State, except as herein otherwise provided.

Sec. 520. Reappraisal.

At least every five years the Department shall review, or cause to be reviewed, their appraisals of all real property in the City which is subject to taxation and conduct a reappraisal of all such properties when necessary to conform their appraisals to the standards for appraising established by the laws of this State.

Sec. 521. [Reserved.]

[**ARTICLE XI, Secs. 522-525.** Repealed amend. of 3-1-11]

[**ARTICLE XII, Secs. 526-528.** Repealed amend. of 3-3-20]

CHAPTER VI. TAXATION**Sec. 601. Payment of taxes.**

- (a) Taxes on real and personal property shall be paid in four equal payments, with one-fourth of the annual tax bill for each taxpayer due and payable on August 15, November 15, February 15, and May 15 of each year to the City Treasurer unless otherwise changed by the City Council. (Amend. of 9-13-88, 5-8-12)
- (b) At the close of the fiscal year, any unexpended funds remaining from the City budget may be retained, if approved by vote of the City Council, as an undesignated fund balance for future use. Any funds retained pursuant to this provision shall be limited to an amount not greater than five percent of the City budget. Any amount remaining in excess of five percent in the City budget must be used in the subsequent budget to cut the tax rate. (Amend. of 5-8-12)

Sec. 602. Penalty and Interest. (Amend. of 3-2-10)

- (a) Any installment not paid by the due dates established in section 601 of this charter shall be delinquent and there shall immediately be added to the amount due a penalty charge for late payment equivalent to three percent of the delinquent installment. After the expiration of 30 days from the due date of each installment, an additional penalty charge of five percent shall be added to the amount due. (Amend. of 3-2-10)
- (b) Interest. An additional interest charge in the amount of one percent of the unpaid tax per month or fraction thereof shall be added to any tax not paid on or before the dates specified in section 601 of this charter. (Amend. of 3-2-10)
- (c) All charges, fees, interest, and other added amounts shall be cumulative and shall accrue at the times and in the manner specified in this charter. (Amend. of 3-2-10)

Sec. 603. Treasurer's warrant.

Upon the failure to pay any installment in full when due, the City Treasurer shall issue a warrant against the delinquent taxpayer for the amount of the tax remaining unpaid. The warrant shall be delivered to the Collector of Taxes together with a bill of the delinquent tax. The Collector shall proceed to collect the taxes due together with the penalties described in Section 602 of this charter. The warrant shall remain in full force until all the taxes thereon have been fully paid or otherwise discharged.

Sec. 604. Notice of tax due.

The City Treasurer shall, upon delivery to him or her of the tax rate, publish at least three times in a newspaper with the general circulation in the City a notice calling upon the taxpayer to pay their respective taxes on the dates provided in section 601 of this charter, and to mail to each taxpayer at his or her last known address a tax bill stating the amount of the grand list, the amount of taxes due, and when those taxes are payable.

Sec. 605. Local sales, rooms, meals, and alcoholic beverages option taxes.

Local option taxes are authorized under this section for the purpose of affording the City an alternative method of raising municipal revenues. Accordingly:

- (1) The City Council may assess sales, rooms, meals, and alcohol taxes of one percent.
- (2) Any tax imposed under the authority of this section shall be collected and administered by the Department of Taxes, in accordance with 24 V.S.A. § 138.
- (3) Revenues received through a tax imposed under this section shall be designated solely for street and sidewalk reconstruction, capital equipment, and capital improvement needs under section 406a of this charter. (Amend. 3-6-18, 3-1-22)

FOOTNOTES

Article II. City Council --*Charter reference—Powers of City council, Sec. 44.

Division 4. Fire -- *Cross reference—Rules and regulations of Fire Department, App. D.

Division 6. Police -- *Cross reference—Rules and regulations of Police Department, App. C.

Buildings and Building Regulations -- *Cross references—Building Department, Ch. 2, Art. V, Div. 2: electricity, Ch. 5: fire prevention and protection. Ch. 6; Housing, Ch. 7; plumbing, Ch. 12; signs, Ch. 13; streets and sidewalks, Ch. 14; swimming pools, Ch. 15; water and sewer services, Ch. 19; zoning, App. A; subdivision regulations, App. B.

Sec. 4-3. Bldg permits required:

*Adopted from National Building Code, section 111.1.

**Adopted from National Building Code, Section 104.1.

***Repairs and replacement for general maintenance of a minor nature, with like materials does not require a permit. (Ord. No. 1985-6, 12-3-85)

Chapter 5. Electricity – Cross references—Buildings and building regulations, Ch.4; fire prevention and protection, Ch. 6; housing, Ch. 7; plumbing, Ch. 12; water and sewer services, Ch. 19.

Chapter 6. Fire Protection and Prevention –Cross references—Fire department, Ch. 2, Art. V, Div. 4; buildings and building regulations, Ch. 4; electricity, Ch. 5; housing, Ch. 7; false fire alarms, Sec. 11-1; explosives, Sec. 11-6 et seq.; bonfires, Sec. 11-9; trash, Ch. 18; rules and regulations of the fire department, App. D.

Chapter 7. Housing -- *Cross references—Building and housing department, Ch. 2, Art. V, Div. 2; buildings and building regulations, Ch. 4; electricity, Ch. 5; fire protection and prevention, Ch. 6; plumbing, Ch. 12; zoning, App. A; subdivision regulation, App. B.

Chapter 12. Plumbing – Cross references—Public works department, Ch. 2, Art. V, Div. 7; buildings and building regulation, Ch. 4; electricity, Ch. 5; housing, Ch.7; water and sewer services, Ch. 19.

Chapter 13. Signs -- *Cross references—Buildings and building regulations, Ch.4; App. A; subdivision regulations, App. C.

Chapter 14. Streets and sidewalks -- *Cross references—Street department, Ch. 2, Art. V, Div. 9; buildings and building regulations, Ch. 4; traffic, Ch.17; zoning, App. A; subdivisions regulations, App. B.

State law reference – Powers of cities generally, Title 19, .V.S.A., Ch.9.

Chapter 16. Taxicabs -- *State law reference—Municipal regulation of taxicabs, Title 24, V.S.A. 2031 et seq.

Chapter 17. Traffic -- * State law referenes – Operation of motor vehicles, Title 23 V.S.A.: Parking, Title 19 V.S.A.

Chapter 19. Water and Sewer Services -- *Cross references—Water department, Ch. 2, Art. V, Div. 10; buildings and building regulations, Ch. 4; electricity, Ch. 5; housing, Ch. 7; plumbing, Ch. 12; zoning, App. A; subdivision regulations. App. B.

Chapter 19. Division 2. Sewers -- *State law reference—Authority for municipal sewage disposal systems 24, V.S.A. Ch. 3601 et seq.

Chapter 20. Trees – Recommended Tree List—Appendix A of this Ordinance—Standards of protocol and Arborcultural specifications of the National Arborists Association— included in Appendix B of this ordinance.