

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 13: City Of South Burlington

Subchapter 1: Power Of The City

§ 101. Corporate existence retained

The inhabitants of the Town of South Burlington, within the corporate limits as now established, shall continue to be a municipal corporation by the name of the City of South Burlington.

§ 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 South Burlington, all provisions of the statutes of this State relating to municipalities shall apply provisions to the City of South Burlington. Prior acts or enactments of the Town of South Burlington shall not be affected by this charter, except as otherwise provided herein. Except when changed, enlarged, or modified by the provisions of this charter, all provisions of the statutes of this State relating to schools or school districts shall apply to the South Burlington School District. (Amended 1997, No. M-15 (Adj. Sess.), § 2.)

§ 103. Powers of the City

(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, and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.

(b) The City may acquire real and personal property within or without its corporate limits for any City purpose, including storm water collection and disposal; waste water collection and disposal; solid waste collection and disposal; provision of public water supply; provision of public parks and recreation facilities; provision of municipal facilities for office, fire protection, and police protection; provision of public libraries; provision of public parking areas; provision of sidewalks, bicycle paths, and green strips; provision of public roadways; provision of public view zones and open spaces; and such other purposes as are addressed under the general laws of the State of Vermont. The City may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.

(c) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned.

§ 104. Ordinances; subjects

The general grant of ordinance-promulgating authority in section 103 of this charter shall include the authority:

(1) to adopt and enforce ordinances relating to making and installation of local improvements, including curbs, sidewalks, and storm drains; requiring the installation of curbs, sidewalks, and storm drains 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 systems or regulations for signs and billboards, including provisions for the termination of nonconforming signs and billboards through a schedule for removal that takes into consideration the interests of nonconforming sign and billboard owners in amortizing their investments, 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, air rifles, and devices having a capacity to inflict personal injury and the parking, operation, and speed of motor vehicles upon town 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; collection, removal of such materials by the City either by contract or by a City officer or department now existing or created for that purpose; establishment of service rates to be paid the City for such services;

(5) to adopt and enforce ordinances relating to the operation, parking, soliciting, delivery, or fares in the taxi business within the City;

(6) the specification of powers herein shall not be deemed to limit the general grant of ordinance-promulgating authority conferred by section 103 of this charter;

(7) to adopt and enforce ordinances for the purpose of regulating and licensing the following activities, or other activities that the City has the power to regulate or license by virtue of the law of this State or this charter, and to fix reasonable and necessary license fees therefore; places or public resort or public amusement whether indoor or outdoor; places dispensing food and drink to the public, such as restaurants, bars, or inns; theaters; public dances; itinerant vendors; the exclusive occupancy of any specified portion of a public street or right-of-way; and the keeping of dogs or other pets.

§ 105. Ordinances; enforcement; adoption

(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 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 sections 106 through 109 of this subchapter.

§ 106. Introduction; first and second readings; public hearing

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Council of the City of South Burlington hereby ordains . . .". If the Council passes the proposed ordinance upon first reading, it shall cause a short and concise one-paragraph description of the effects of the proposed ordinance to be published in a newspaper of general circulation in the City, at least once, together with a notice of the time and place where and when there shall be a public hearing to consider the same for final passage. Such publication shall include reference to a place within the City where copies of the entire text of the proposed ordinance may be examined. The first such publication shall be at least one week prior to the date of said public hearing.

(b) At the time and place so advertised, or at any time and place to which such hearing may from time to time be adjourned, such ordinance shall be read in full, except that by vote of a majority of the Council the ordinance may be read by title, and after such reading, all persons interested shall be given an opportunity to be heard.

§ 107. Further consideration; final passage

After the hearing, the Council may finally pass the ordinance with or without amendment, except that if the Council makes an amendment it shall cause a short, concise one-paragraph description of the effects of the amended ordinance, including a concise description of the proposed amendments, to be published at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least one week prior to the public hearing. The publication shall include a reference to a place within the City where copies of the entire text of the amended ordinance may be examined. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be read in full, except that by vote of a majority of the Council, the ordinance may be read in full, except that by vote of a majority of the Council, the ordinance may be read by title. After the hearing, the Council may finally pass the amended ordinance or again amend it subject to the same procedures as outlined herein.

§ 108. Effective date

Every ordinance shall become effective upon passage unless otherwise specified or, if the ordinance be conditioned upon approval of the voters of the City, then upon a favorable vote of a majority of those voting thereon.

§ 109. Filing

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

§ 110. Annual City report

The annual City report shall be made available to the legal voters of the City and School District not later than 20 days prior to the annual City and School District meeting. (Amended 2009, No. M-19 (Adj. Sess.), § 2, eff. May 5, 2010.)

§ 111. 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 South Burlington and the Council of said City 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.

Subchapter 3: Officers

§ 301. Officers; general provisions

The officers of the City of South Burlington shall be those provided by law for towns, except as otherwise provided by this charter. The officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The offices of Fence Viewer, Weigher of Coal, and Inspector of Lumber shall be abolished.

(1) The officers of the South Burlington School District shall continue to be those provided by law for school or school districts; provided, however, that the School Directors shall hold no other School District or City office with the exception of the Board of Civil Authority, the Board of Abatement, and as provided otherwise in this charter. When a vacancy occurs on the Board of School Directors, the remaining members of the Board may fill the vacancy until the next annual meeting when the School District shall fill the vacancy.

(2) The Council by majority vote of all its members shall appoint annually the City Treasurer, whose office shall be no longer elective, and the City Attorney, Zoning Administrator, Auditor, First and Second Constable, Grand Juror, and Trustee of Public Funds.

(3) [Repealed.] (Amended 2019, No. 84 (Adj. Sess.), § 6.)

§ 302. City Council; number; terms of office; election

- (a) There shall be a City Council consisting of five members.
- (b) Three members shall have terms of office of three years; two members shall have terms of office of two years.
- (c) All present Selectboard members shall serve as Council members until the expiration of their terms and their successors have been duly elected and have qualified.
- (d) All Council members shall be elected at large, and shall hold no other City or School District office, except as provided otherwise in this charter.

§ 303. Organization

(a) Forthwith after its election and qualification, the Council shall organize and elect a Chair, a Vice Chair and a Clerk by a majority vote of the entire Council and file a certificate of such election for record in the Office Of the City Clerk.

(b) The Chair of the Council or, in his or her absence, the Vice Chair shall preside at all meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes.

(c) Agenda for regular meetings.

(1) The Chair of the Council or, in his or her absence, the Vice Chair with the City Manager, shall prepare a written agenda for each regular meeting of the Council. The Chair may, and upon written petition of 15 voters shall, add to the agenda any items requested by persons not members of the Council, subject to the time limitations of subdivision (2) of this subsection.

(2) The agenda shall be posted in at least three public places in the City, and shall be related to the local news media, at least 24 hours prior to the time of the meeting.

(3) Any member of the Council may add times of business to the written agenda upon commencement of the meeting, provided that all of the Council members present at such meeting vote to add such items to the agenda.

(4) Any irregularities or defects in the notice for, or conduct of any meeting of the Council may be cured at any subsequent regular meeting of the Council by resolution for that purpose adopted by majority vote of all its members, provided that such resolution is included in the agenda for such subsequent meeting.

(d) Special meetings of the Council may be called at any time by the Chair or, in his or her absence, the Vice Chair. Notice of special meetings shall be served on the members of the Council, unless service thereof shall be waived in writing by all Council members, by delivering to each member at least 24 hours previous to the time of the meeting a written notice of such meeting stating the time, place, and purpose thereof or by leaving such notice 24 hours prior to the meeting at the place of his or her usual abode. Notice of the special meeting shall be released to the local news media.

§ 304. Vacancies

When a vacancy occurs on the City Council, the remaining members may fill the vacancy until the next annual meeting when the City shall fill the vacancy.

§ 305. Meetings

(a) As soon as possible after the election of the Chair and Vice Chair, the Council shall fix the time and place of its regular meetings, and such meetings shall be held at least twice a month.

(b) The Council shall determine its own rules and order of business.

(c) The presence of three members shall constitute a quorum.

(d) All meetings of the Council shall be open to the public unless by an affirmative vote of the majority of the members present the Council shall vote that any particular session shall be an executive session in accordance with 1 V.S.A. § 313.

(e) As appropriate, the City Council shall strive to meet twice a year in each elementary school within the School District.

§ 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.

(b) The minutes of each meeting shall be approved by the Council at the next meeting and official copy authenticated by the signature of the Clerk.

§ 307. Appointments

(a) The Council shall appoint and may remove the members of the following commissions and boards provided for in this charter or by State laws:

(1) Development Review Board.

(2) Planning Commission.

(3) Board of Library Trustees, but in no event shall one-half or more of the members of such Board be at any one time from the Board of School Directors or employees of the South Burlington School District.

(4) Annually, such additional boards, commissions, committees, or similar bodies as the Council feels to be in the best interests of the City or required by this charter or by State law, except for the Board of School Directors, and except where specifically provided otherwise in this charter.

(b) In making any appointment under this section, notice of the position or positions to be filled shall be published in a newspaper of general circulation within the City, or by electronic means, at least 15 days prior to the appointment. (Amended 1997, No. M-15 (Adj. Sess.), § 3; 1999, No. M-4, § 2, eff. Aug. 1, 1999.)

§ 308. Jurisdiction over other officers or employees

Neither the City Council nor any of its members shall direct or request the appointment, by any other officer or employee of the City, of any person to office or employment, or his or her suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the City, except as otherwise provided in this charter. The City Council and its members shall deal with that portion of the service of the City for which the Manager is responsible solely through the Manager, and neither the City Council nor any of its members shall give any orders to or request any action by any subordinate in office. This shall not be construed to prohibit the Council from recommending to the City Manager a prospective employee for his or her consideration.

§ 309. Compensation of Council members; appointees

(a) Compensation to be paid to the Council members shall be set forth in the proposed budget of the City.

(b) The Council shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

§ 310. Powers and duties

(a) The members of the Council shall be and constitute the legislative body of the City of South Burlington for all purposes required by statutes and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, city legislative bodies under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the Council shall have the power to:

(1) Appoint and remove the City Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.

(2) 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.

(3) Make, amend, and repeal ordinances.

(4) Provide for an independent audit by a registered or certified public accountant who shall perform an annual audit of all City departments, including the Water Department. Said auditor shall also perform an annual audit of the South Burlington School District accounts. The elective Office of Auditor shall be abolished and the appointed auditor shall be responsible for and have all the powers and duties as are prescribed for town auditors under the laws of this State.

(5) Adopt an official seal for the City.

(6) Direct the City Treasurer to create and maintain a Special Reserve Fund for the City Fire Department to be used exclusively for the purchase or rebuilding of necessary vehicles and attendant equipment. The Council shall have the authority to purchase or rebuild such necessary vehicles and attendant equipment by utilizing the proceeds of the Special

Reserve Fund and may partially fund any expenditure by incurring indebtedness in an amount not to exceed four times the amount of proceeds paid from the Special Reserve Fund for the purchase or rebuilding. Any indebtedness shall be paid within four years of the date it is originally incurred in as equal annual installments as possible. The funds appropriated to this Special Reserve Fund and the funds used to pay any indebtedness incurred shall be included in the allowable net cost of operations as specified in section 1309.1 of this charter.

(7) The City Council and the School Board, by their own actions, may establish reserve funds to pay for public improvements, replacement of equipment, and planned or unplanned operating expenditures. Monies to be deposited in any fund shall be included in a City or School District budget and shall not be excluded in calculating the net cost of operation pursuant to subsection 1309(a) of this charter. Reserve funds shall be kept in separate accounts and invested in the same manner as other public funds. The City Council and the School Board may, from time to time, expend monies in those Funds for purposes for which they were established without voter approval.

(8) Neighborhood forums.

(A) Whenever the City Council or the School Board (either individually being the convening Board) shall determine that there has been a sufficient showing of interest or need to suggest that a public forum should be conducted in a neighborhood or neighborhoods within the City on a matter of public interest or concern, the convening Board may, in its discretion, issue a call for a neighborhood forum. The convening Board may make such a determination on the request of an interested citizen or citizens or on its own motion.

(B) Promptly upon such a determination, the convening Board shall describe the neighborhood or neighborhoods having a community interest in the issue at hand; specify a date, time, and place for a neighborhood forum; describe the issues to be considered; appoint any suitable person as a temporary chair to convene the meeting; and issue a public warning of the meeting. The convening Board shall further specify the objective or objectives of the meeting, such as to: (1) share information with the residents of the specified community; (2) solicit information or opinions; (3) permit the residents to make recommendations relating to the issues; or (4) serve some other appropriate objective. The temporary chair shall begin the meeting as warned and shall assist the meeting in the election of a meeting chair.

(c) The Council shall approve the budget of the City for submission to the voters, as provided herein. (Amended 2007, No. M-14, § 2, eff. Nov. 11, 2007.)

Subchapter 5: City Meetings

§ 501. Application of general laws

Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to 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.

§ 502. Time of holding

(a) The annual City meetings of the City and the South Burlington School District for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings shall be on a date established and legally warned by the Council.

(b) The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be open for 12 consecutive hours between 6:00 a.m. and 7:00 p.m. as shall be determined and warned by the Council. (Amended 2007, No. M-14, § 3, eff. Nov. 11, 2007.)

§ 503. Special City and School District meetings

Special City meetings, and special School District 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.

§ 504. Polling places

In any annual or special City or School District meeting, for the purpose of the election of officers and the voting on all questions to be decided by Australian ballot, there shall be polling places that shall be the polling places designated for the election of Representatives to the General Assembly of each representative district. The checklist for each polling place shall be composed of those voters residing in that representative district. The votes cast shall be separately counted in the manner provided in the election of Representatives to the General Assembly. Except as provided in this section, the conduct of such meeting shall conform to the requirements where applicable, set forth in 17 V.S.A. chapters 51 and 55.

§ 505. Rescission of ordinances

All ordinances shall be subject to rescission by a special City meeting, as follows: if, within 10 days after final passage by the Council of any such ordinance, a petition signed by electors of the City not less in number than 10 percent of the number of votes cast in the last municipal election is filed with the City Clerk requesting its reference to a special City meeting, the Council shall fix the time and place of such meeting, within 14 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special City meeting. An ordinance so referred shall remain in effect upon the conclusion of such meeting unless electors, not less in number than 10 percent of the number of votes cast in the last municipal election and constituting a majority of those voting thereon, shall have voted against the ordinance.

§ 506. Petition for enactment of ordinance; special meeting

(a) Subject to the provisions of section 505 of this charter, voters of the City may at any time petition in the same manner as in section 505 of this charter for the enactment of any proposed lawful ordinance by filing such petition, including the text of such ordinance, with the City Clerk. The Council shall call a special City meeting to be held within 45 days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the Council. The warning for such meeting shall include a short, concise one-paragraph description of the effects of the proposed ordinance and shall provide for an aye and nay vote as to its enactment. The warning shall also include reference to a place within the City where copies of the entire text of the proposed ordinance may be examined. Such ordinance shall take effect on the 10th day after the conclusion of such meeting, provided that the electors as qualified in section 505 of this charter, constituting a majority of those voting thereon, shall have voted in the affirmative.

(b) Any such proposed ordinance shall be examined by the City Attorney before being submitted to the special City meeting. The City Attorney is authorized subject to the approval of the Council, to correct such ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and preciseness in its phraseology, but he or she shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the Council, or to the appointment of designation or Council members, or to rules governing the procedure of the Council.

Subchapter 7: Planning

§ 701. Planning Commission

(a) The Planning Commission shall consist of seven persons appointed by the Council. In addition, the City Manager shall serve as a member ex-officio without vote.

(b) Four commissioners shall have terms of four years and three commissioners shall have terms of three years. Present commissioners shall continue in office until the expiration of their terms. In implementing this section, the initial terms of commissioners shall be arranged by the City Council so that the terms of two members shall expire each year. Any appointment to fill a vacancy shall be for the unexpired term.

§ 702. Powers and duties

(a) The Planning Commission shall exercise all powers and duties as provided for Planning Commissions by the laws of the State for a municipality that has established a development review board under 24 V.S.A. chapter 117. The Commission may appoint subcommittees composed of its own members or other persons and may employ consultants, when necessary for the performance of its duties, subject to the limitation of its budget and the approval of the expenditure by the Council.

(b) The Commission shall be responsible to the Council and shall assume all duties imposed upon it by said Council in addition to those duties referred to in subsection (a) of this section. (Amended 1999, No. M-4, § 3, eff. Aug. 1, 1999.)

Subchapter 9: City Manager

§ 901. Appointment

The Council shall appoint a City Manager for an indefinite term.

§ 902. Qualifications

The Manager shall be chosen solely on the basis of his or her executive and administrative and professional qualifications.

§ 903. Oath; bond

Before entering upon his or her duties, the Manager shall be sworn to the faithful performance of his or her duties by the City Clerk and shall give a bond to the City in such amount and with such sureties as the Council may require.

§ 904. Powers and duties

(a) The Manager shall carry out the policies laid down by the Council and to that end he or she shall be the Chief Executive Officer and the head of the administrative branch of the City government and shall be responsible to the Council for the efficient administration thereof.

(b) The Manager shall attend all meetings of the Council, except when his or her removal is being considered, and keep them informed of the financial condition and future needs of the City and shall make such reports as may be required by law, this charter, or ordinance or may be requested by the Council. He or she shall make such other reports and recommendations as he or she may deem advisable, but may not vote. He or she shall perform such other duties as may be prescribed by this charter or required of him or her by law, ordinance, or resolution of the Council not inconsistent with this charter.

(c) The Manager shall be an ex-officio member of all standing committees except the Zoning Board, but may not vote.

(d) The Manager shall prepare the annual budget and submit it to the Council and be responsible for its administration after adoption, in accordance with subchapter 13 of this charter.

(e) The Manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the City for the year.

(f) The Manager shall provide to the Council a monthly financial statement, with a copy to the City Treasurer.

(g) The Manager shall be responsible for the enforcement of all City laws and ordinances.

(h) The Manager shall be responsible for the collection of all taxes due the City.

(i) The Manager shall be the General Purchasing Agent of the City and purchase all supplies for every department thereof.

(j) The Manager shall be responsible for the system of accounts, except where otherwise delegated under this charter.

(k) The Manager shall be responsible for the operation of all departments of the City not otherwise provided for in this charter or the laws of the State.

(l) The Manager shall have exclusive authority to appoint, fix the salary of, suspend, and remove all employees of the City appointed by him or her subject to the provisions of this charter. He or she should advise the Council of his or her intention before appointing, removing, or suspending the head of a department.

(m) The Manager may, when advisable or proper, delegate to subordinate officers and employees of the City, any duties conferred upon him or her by this charter or by action of the Council, and hold them responsible for the faithful discharge of such duties, but the City Manager shall remain ultimately responsible to the Council for all administrative actions under his or her jurisdiction.

(n) The Manager, by letter filed with the City Clerk, may appoint an officer or employee of the City to perform his or her duties during his or her temporary absence or disability. In the event of failure of the Manager to make such designation, the Council may by resolution appoint an officer or employee of the City to perform the duties of the Manager until he or she shall return or his or her disability shall cease. However, if the Manager has within his or her administration formed and appointed the position of Assistant City Manager, said Assistant shall automatically assume the Manager's responsibilities during his or her temporary absence or disability.

§ 905. Compensation

The Managers shall receive such pay as may be fixed by the Council.

§ 906. Removal

(a) On 90 days' notice, the Manager may be removed without cause by a majority of 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.

Subchapter 11: Steering Committee

§ 1101. Membership

(a) There shall be a Steering Committee, the members of which shall be the City Manager, the Superintendent of South Burlington School District, the members of the Council, and members of the Board of School Directors.

(b) The Committee shall elect a Chair and a Clerk at its first meeting following the annual City meeting, who shall serve until their successors are duly appointed and qualified.

§ 1102. Powers and duties

(a) The Steering Committee shall hold public meetings on the City and School District budgets as set forth in this charter. The Committee shall review proposed programs to be implemented by the City and the School District in the next fiscal year, or for future years, and may inquire into and review any matters of financial interest to the City and the School District.

(b) The Steering Committee shall hold at least one regular meeting in each calendar quarter. Notice of any regular or special meeting, including a general statement of the purpose thereof, shall be placed in a newspaper of general circulation within the City, or by electronic means, at least seven days prior to the date for such meeting.

(c) All meetings of the Committee shall be open to the public, and executive sessions shall not be permitted.

(d) Any expenses of the Steering Committee shall be approved by the Steering Committee, the cost to be divided equally between the City and the South Burlington School District.

Subchapter 13: Budget

§ 1301. Fiscal year

The fiscal year of the City and the City School District shall begin the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 1302. Preparation and submission

(a) The City Manager and Superintendent of Schools shall prepare the budgets for the City and School District, respectively, and submit same to the Council and Board of School Directors at such time as required by said boards. The budgets shall contain:

(1) an estimate of the financial condition of the City and School District as of the end of the fiscal year;

(2) an itemized statement of appropriations recommended for current expenses, and for capital improvements during the next fiscal year, with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the next preceding fiscal year;

(3) an itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; a statement of taxes required for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and next preceding fiscal years;

(4) a capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements;

(5) such other information as may be required by the Council and the Board of School Directors, respectively.

(b) The Council and the Board of School Directors shall cause copies of the proposed budgets to be delivered to each member of the Steering Committee forthwith after the final preparation of the budgets but not less than 45 days prior to the date of the annual City and School District meeting. The Steering Committee may hold a meeting for the review of such budgets, giving notice of the meeting as required in section 1102 of this charter. No less than 35 days prior to the annual City and School District meeting, the Steering Committee may submit to the Council and the Board of School Directors its report and recommendations concerning the proposed budgets.

(c) The Council shall warn the City budget for submission to the voters not less than 30 days before the annual City meeting, and in the same manner, the Board of School Directors shall warn its budget for submission to the voters. (Amended 2007, No. M-14, § 4, eff. Nov. 11, 2007; 2009, No. M-19 (Adj. Sess.), § 3, eff. May 5, 2010.)

§ 1303. City and School District annual meeting warning and budget

The proposed budgets of the City and School District shall be made available to the legal voters of the City and School District at least 20 days before the annual City and School District meeting. Not more than 40 nor less than 30 days prior to the annual City and School District meeting, notice shall be published in a newspaper having general circulation within the City, informing voters of the date of a public hearing on the budgets and availability of the warnings for the annual City and School District meetings, the proposed City and School District budgets, and the City and School District annual reports. The Council and the Board of School Directors shall hold a public hearing on their respective budgets not more than 10 days before the annual City and School District meetings. (Amended 2007, No. M-14, § 5, eff. Nov. 11, 2007; 2009, No. M-19 (Adj. Sess.), § 4, eff. May 5, 2010.)

§ 1304. Amount to be raised by taxation

(a) Budgets for the City and the South Burlington School District shall be adopted when approved by the voters. Upon adoption of the budgets for the City and the South Burlington School District, the amounts stated therein as the amount of the budget for the City to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year, and the Council shall levy such taxes on the grand list furnished by the Assessor for the corresponding tax year. The amounts stated therein as the amount of the budget for the South Burlington School District shall be used to determine the education property tax rates in accordance with 32 V.S.A. § 5402.

(b) If the budget of the City or School District is not approved by the voters at the annual meeting, the City Council or School Board may submit the budget, with or without change, to the voters at a special meeting that shall be held within 30 days of the annual meeting. This special meeting shall be warned in the same manner as that for the annual meeting with the exception that the warning for this meeting shall be filed with the City Clerk and posted not fewer than 15 days before the meeting.

(c) If the budget for the City or School District is not approved by the voters at the special meeting provided for in subsection (b) of this section, the City Council or School Board shall diligently pursue voter approval of its budget. Pending voter approval of a City or School District budget, the City and School District shall be authorized to borrow funds and make expenditures that do not exceed the amount of the budget approved by the voters for the preceding year. (Amended 2007, No. M-14, § 6, eff. Nov. 11, 2007; 2007, No. M-16 (Adj. Sess.), § 2, eff. Feb. 1, 2008; 2011, No. M-9 (Adj. Sess.), § 2, eff. Jan. 30, 2012.)

§ 1305. Appropriation

From the effective date of the budgets, the several amounts stated therein become appropriated to the several agencies and purposes therein named. (Amended 2007, No. M-14, § 7, eff. Nov. 11, 2007.)

§ 1306. Departmental budget

The budget for all departments shall include all proposed expenditures, and the Council and Board of School Directors shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department of the City and School District shall not be exceeded except for consent of the Council and Board of Directors, respectively.

§ 1307. Transfers of appropriations

The Manager and School Superintendent, respectively, may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency under his or her jurisdiction. At the request of the Manager or School Superintendent and within the last three months of the budget year, the Council and Board of School Directors, respectively, may by resolution transfer any unencumbered appropriation balance or portion thereof within the budgets from one department, office, or agency under their jurisdiction to another.

§ 1308. [Reserved.]

§ 1309. Repealed. 2011, No. M-9 (Adj. Sess.), § 3, eff. January 30, 2012.

§§ 1309.1-1309.8. Repealed. 2007, No. M-14, § 10, eff. Nov. 11, 2007.

Subchapter 15: Taxation

§ 1501. Taxes on real and personal property

Taxes on real and personal property shall be due and payable in no fewer than three equal installments on such dates of each tax year as shall be determined annually by the City Council. (Amended 1999, No. M-4, § 4, eff. April 27, 1999.)

§ 1502. Penalty

A late charge of eight percent will be added to any tax not paid on or before the dates specified in section 1501 of this subchapter. In addition, interest at the rate of one percent per month will be added to any tax not paid on or before its due date, for each month or fraction thereof after the date on which the tax payment was due.

§ 1503. Waiver of penalty

(a) The City Manager may waive the penalty incurred by any taxpayer because of the late payment of the installment of real and personal property taxes, but only when all of the following requirements have been met:

(1) the total amount of such installment was paid in full within 30 days from its due date; and

(2) the taxpayer specifically requests in writing the waiver of such penalty, stating the reason for the request; and

(3) the City Manager finds that the taxpayer was unable to make payment of said taxes by the due date because of circumstances beyond his or her control.

(b) If the City Manager waives the penalty for any taxpayer, such fact and the reasons therefore shall be forthwith reported to the Council.

(c) The City Manager shall also waive the penalty and interest incurred by a taxpayer because of the mathematical error of the City Tax Department in computing this tax, and such waiver shall be forthwith reported to the Council.

§ 1504. Business inventory and business personal property

(a) The City shall exempt business inventory as defined in 32 V.S.A. § 3848 from the property tax.

(b) Business personal property as defined in 32 V.S.A. § 3618(c) shall be appraised in accordance with the provisions of 32 V.S.A. § 3618, as such provisions are from time to time amended.

(c) Subsection (b) of this section notwithstanding, all business personal property first located in the City after April 1, 1996, shall be exempt from property tax.

(d) Subsection (b) of this section notwithstanding, the listed value of business personal property included in the City grand list for fiscal year 1996, shall be reduced by 20 percent for fiscal year 1997, and each year thereafter, or the maximum amount authorized under the provision of 32 V.S.A. § 3618(a), whichever is greater, and deleted from the grand list when reduced to zero listed value.

§ 1505. Tax stabilization agreements

Notwithstanding any other provisions of this charter or the requirements of the general law of the State of Vermont, the City Council is authorized and empowered to negotiate and execute agreements between the City and taxpayers regarding assessment and taxation of taxable commercial and industrial property located within the City, subject only to requirements of the Vermont Constitution and the limitation that no agreement shall be for a term longer than 10 years. Any agreement entered into under this provision shall require approval by four members of the City Council.

§ 1506. Sales, rooms, meals, and alcoholic beverages tax

(a) The City Council may impose a tax on those transactions in the City involving sales, rooms, meals, and alcoholic beverages that are subject to taxation by the State of Vermont. The authority of the City Council to impose a tax on these transactions was approved by the voters on November 7, 2006. Imposition of any tax by the City Council under this section shall be at the rate or rates specified in 24 V.S.A. § 138 and shall be imposed in accordance with the requirements of 24 V.S.A. § 138(a)(2), (c), and (d).

(b) The City Council shall impose a tax authorized by this section by adopting an ordinance in the manner provided by sections 106-109 of this charter.

(c) Sales tax revenue received by the City shall be used to reduce the municipal property tax collected on the City grand list and shall not be used to increase total City revenues.

(d) Rooms, meals, and alcoholic beverage tax revenues received by the City may, at the sole discretion of the City Council, be used in any of the following ways:

(1) to deposit in a reserve fund established by the City Council to fund the purchase of land or for construction or reconstruction of City buildings and infrastructure;

(2) to reduce the municipal property tax collected on the City grand list without increasing total City revenues; or

(3) any combination of subdivisions (1) and (2) of this subsection. (Added 2007, No. M-13, § 2; eff. May 8, 2007.)

Subchapter 17: Personnel

§ 1701. Appointment and removal

(a) All City employees not elected by the voters shall be appointed, supervised, and removed by the City Manager unless otherwise specified in this charter. There shall be no discrimination in employment on account of race, religion, or political affiliation. Appointments, layoffs, suspensions, promotions, demotions, and removals shall be made solely on the basis of training, experience, fitness, and performance of duties of the individual, in such manner as to ensure that the responsible administrative officer may secure efficient service.

(b) Each employee shall have a three- to 12-month period of probation, as specified in the Personnel Rules and Regulations as established under section 1702 of this subchapter, during which time he or she may be freely discharged. After this period, he or she must be notified in writing of his or her suspension, demotion, layoff, or removal, and of the reason for such action. Within 10 days of such notice, he or she may request a public or executive hearing before the Council, which must hold such hearing not less than 10 days or more than 20 days after such request. The Council may support the action of the City Manager or may modify it.

§ 1702. Personnel rules and regulations

(a) The City Manager or his or her appointee shall be the Personnel Director. He or she shall prepare personnel rules and regulations protecting the interests of the City and of the employees. These rules and regulations must be approved by the Council and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of these rules and regulations when he or she is hired.

(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointment, layoff, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

§ 1703. Ethical guideline

The City Council shall further define business conduct and ethics in an approved guideline document to include at least the following:

(1) No person in the service of the City shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

(2) No person appointed in the administrative service of the City, under the City Manager, shall continue in that position after becoming a candidate for nomination or election to any South Burlington public office, nor shall he or she make any contribution to the campaign funds on behalf of any candidate for City office. He or she may not take any part in the management of any political party, except by the ordinary exercise of his or her right as a citizen to belong to a political party, to express his or her opinions, and to vote.

Subchapter 19: Assessment

§ 1901. Department of Assessment

There shall be a Department of Assessment, which shall consist of the position of Chief Assessor and such assistants as are deemed to be necessary by the City Manager and approved by the City Council. The Chief Assessor and assistants will be appointed, and may be removed, by the City Manager in accordance with subchapter 17 of this charter.

§ 1902. 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 law of this State, except as herein otherwise provided. The elective Office of Lister shall be abolished.

§ 1903. Repealed. 2011, No. M-9 (Adj. Sess.), § 3, eff. January 30, 2012.

§ 1904. Appraisal of unimproved land approved for commercial or industrial development

(a) The requirements of general law notwithstanding, the Assessor shall not take into consideration the effect of any local or State approval authorizing commercial or industrial development of unimproved land when determining the appraisal value of such land, except as provided in subsection (c) of this section.

(b) The requirements of general law notwithstanding, the Assessor shall not consider roadway, drainage, or utility improvements constructed on unimproved land pursuant to an approval granted to develop such land for commercial or industrial purposes, except as provided in subsection (c) of this section.

(c) As of April 1 next following the date of issuance of a zoning permit under the City of South Burlington Land Development Regulations authorizing construction of a building or buildings for commercial or industrial purposes, the Assessor shall determine the appraisal value of the land benefitted by said permit, taking into account all factors required under general law, including any permit or approval or any improvements not previously considered pursuant to subsections (a) and (b) of this section. If the permit holder has not taken action to initiate the authorized construction within six months of the date of issuance of the zoning permit and the zoning permit has expired, or if the zoning permit has been appealed to the Vermont Environmental Court, the Assessor shall not consider the land to be benefitted by the permit.

(d) "Unimproved land" means land, together with any improvements thereon, which is not devoted to a commercial or industrial use.

Subchapter 20: Water Department

§ 2001. Continuation of prior law

The City of South Burlington may operate a Water Department in accordance with the general laws of the State of Vermont. (Amended 1997, No. M-15 (Adj. Sess.), § 4.)

§ 2002. Operations

The City Manager shall manage, and be responsible for, the administrative operation of the Water Department, including maintenance, repair, replacement, and expansion of the water system and purchasing. He or she shall generally perform the management and other duties vested in the superintendent of the water department under the general laws of the State, subject to the supervision and authority of the water commissioners. (Amended 1997, No. M-15 (Adj. Sess.), § 5.)

§ 2003. Accounts

The City Manager shall be responsible for the accounting and billing to the Water Department, subject to the supervision and authority of the water commissioners.

§ 2004. Board of Water Commissioners

The City Council shall constitute the Board of Water Commissioners, with authority to exercise all powers granted to water commissions under the general laws of the State. (Amended 1997, No. M-15 (Adj. Sess.), § 6.)

§ 2005. Repealed. 1997, No. M-15 (Adj. Sess.), § 7.

Subchapter 21: Amendment Of Charter

§ 2101. Authority to amend

This charter may be amended in the manner provided by the laws of the State of Vermont for the amendment of municipal charters.