

1 H.534

2 Introduced by Representatives Bissonnette of Winooski and Cross of Winooski

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; City of Winooski;

6 amendment

7 Statement of purpose of bill as introduced: This bill proposes to approve the

8 comprehensive revision of the charter of the City of Winooski.

9 An act relating to approval of amendments to the charter of the City of  
10 Winooski

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. CHARTER AMENDMENT APPROVAL

13 The General Assembly approves the amendments to the charter of the City  
14 of Winooski as set forth in this act. Proposals of amendment were approved by  
15 the voters on March 5, 2013.

16 Sec. 2. REPEAL

17 24 App. V.S.A. chapter 17 (City of Winooski) is repealed.

18 Sec. 3. 24 App. V.S.A. chapter 19 is added to read:

19 CHAPTER 19. CITY OF WINOOSKI

20 Article 1. Incorporation and Grant of Powers

1     § 101. CORPORATE EXISTENCE RETAINED; FORM OF  
2             GOVERNMENT

3             (a) The City of Winooski as constituted by No. 314 of the Acts of 1921, as  
4             amended, is hereby continued to be incorporated as a body corporate and  
5             politic. The boundaries of the City are depicted on a plan recorded as Slide 10  
6             Map 77-3 (formerly Book 2 Page 14), attached hereto as Exhibit A.

7             (b) The municipal government provided by this charter shall be known as a  
8             council-manager form of government. Pursuant to its provisions and subject  
9             only to the limitations imposed by the State Constitution and by this charter, all  
10            powers of the City shall be vested in an elective council, hereinafter referred to  
11            as “the Council,” which shall enact ordinances, codes, and regulations, adopt  
12            budgets, determine policies, appoint the City Manager, and exercise the powers  
13            of a municipal legislative body. All powers of the City shall be exercised in  
14            the manner prescribed by this charter or prescribed by ordinance or by  
15            resolution.

16            (c) Upon petition of a number of legal voters equal to four percent of the  
17            total vote cast for Governor at the last preceding general election, the legal  
18            voters of the City may, at any annual meeting or a special meeting duly warned  
19            and held for that purpose, vote to change the council-manager form of  
20            government to any other legal form. A majority of the legal votes cast shall be  
21            needed to effect a change of government.

1     § 102. POWERS OF THE CITY

2             The City of Winooski shall have all powers possible for a city to have under  
3     the Constitution and laws of this State as fully and completely as though they  
4     were specifically enumerated in this charter.

5     § 103. CONSTRUCTION

6             The powers of the City under this charter shall be construed liberally in  
7     favor of the City, and the specific mention of particular powers in the charter  
8     shall not be construed as limiting in any way the general power stated in this  
9     article. The City shall have and may exercise all of the powers given to towns  
10    by the general law.

11    § 104. INTERGOVERNMENTAL RELATIONS

12            The City may exercise any of its powers or perform any of its functions and  
13    may participate in the financing thereof, jointly or in cooperation by contract or  
14    otherwise, with the State and any one or more of the political subdivisions of  
15    the State or agencies thereof, or the United States or any agency thereof.

16    § 105. POWER OVER WATER RESOURCES

17            (a) No citizen, association of citizens, domestic corporation, or  
18    municipality, or any combination thereof, may develop, conserve, or use in  
19    whole or in part the water resources of the Winooski River as it flows through  
20    the City of Winooski for a water power project located in whole or in part in  
21    the City of Winooski without obtaining the approval of the City Council of the

1 City of Winooski in addition to any other necessary state or federal agency  
2 approvals.

3 (b) The City of Winooski may make, amend, repeal, and enforce any  
4 ordinances, regulations, rules, and bylaws not contrary to the laws of the State  
5 of Vermont or of the United States as it may deem necessary to carry into  
6 effect the powers and duties conferred and imposed by this section.

7 Article 2. City Meetings

8 § 201. CITY MEETINGS

9 The annual city meeting shall occur on the first Tuesday in March, and shall  
10 be warned in the manner provided by general law. Special city meetings shall  
11 be called and warned as provided by general law. All elections, voter  
12 registration and qualifications, absentee voting, and the conduct of such city  
13 meetings shall be controlled by general law. All matters shall be considered by  
14 Australian ballot.

15 § 202. QUALIFIED VOTERS

16 Voter registration, qualification, absentee voting, and conduct of elections  
17 at all annual and special meetings shall be as provided by general law. The  
18 qualifications of voters in the city meetings shall be the same as those  
19 prescribed by law for voters in town meetings.

1     § 203. SPECIAL MEETINGS

2           The City Clerk shall, when directed by the City Council on its own motion  
3     or upon receipt of a proper petition, call a special meeting of the City at such  
4     time and place as the City Council may direct. The warning for such special  
5     meeting shall state the purposes for which is it called, shall designate the time  
6     and place thereof, and shall be posted and published in the manner provided by  
7     general law.

8     § 204. RECONSIDERATION AND RESCISSION

9           Actions taken at an annual or special meeting may be reconsidered or  
10    rescinded in the manner provided by general law.

11    § 205. NOMINATIONS IN GENERAL

12           Nominations for the office of Mayor and Councilor shall be made by  
13    petitions which shall be filed with the City Clerk not less than 30 days nor  
14    more than 40 days before an annual city election or a special city election  
15    called for that purpose. The petition shall state the name of the candidate, the  
16    candidate's residence, and the office sought, and shall be signed by at least  
17    50 legal voters of the City qualified to vote at the time the petition is filed. The  
18    petitions shall contain no party designations. A person shall not sign more  
19    than one petition for each individual office to be filled. The City Clerk shall  
20    cause the names of the persons so nominated to be printed on a ballot in

1 alphabetical arrangement according to surname, and sample ballots shall be  
2 posted in at least three public places at least ten days before election.

3 § 206. NOMINATION OF INCUMBENT

4 No person may be permitted to seek the nomination for the office of Mayor  
5 or Councilor while a member of the City Council, unless his or her present  
6 term of office expires on or before the annual March meeting next to be held.

7 If a member of the City Council resigns to seek another office on the City  
8 Council, the resignation must be filed with the City Council and become  
9 effective at least 15 days prior to the last day of filing nomination papers of  
10 candidates for the offices of Mayor or Councilor. In special elections called  
11 for the purpose of filling a vacancy or vacancies on the City Council, a person  
12 intending to become a candidate for an office to be filled at a special city  
13 election must first resign the present office at least 15 days before the last day  
14 for filing nomination papers for the election.

15 § 207. VOTING MACHINES

16 The Council may provide for the use of mechanical or other devices for  
17 voting or counting the votes not inconsistent with law.

18 Article 3. Governance

19 § 301. COMPOSITION; ELIGIBILITY; ELECTION AND TERMS

20 (a) Composition. There shall be a City Council consisting of a Mayor and  
21 four Councilors elected by the qualified voters of the City at large.

1       (b) Eligibility. Only qualified voters of the City shall be eligible to hold  
2       the office of Mayor or Councilor.

3       (c) Election and terms. At the annual city meeting, the City shall elect four  
4       Councilors, as hereinafter set forth, who shall hold office for two years and  
5       until their successors are chosen. Two Councilors shall be elected at the  
6       annual city meeting to be held on the first Tuesday of March, following  
7       adoption of this charter, who shall hold office for two years. At each  
8       succeeding annual city meeting, two Councilors shall be elected for two years.  
9       A Councilor in office on the effective date of this charter shall continue to  
10       serve the term balance until a successor is chosen.

11       § 302. COMPENSATION; EXPENSES

12       The Mayor and Councilors shall receive as compensation for official  
13       services such sums, if any, as the legal voters of the City present and voting at  
14       an annual or special meeting duly warned and held for that purpose shall order  
15       paid. The Mayor and Councilors shall receive their actual and necessary  
16       expenses incurred in the performance of their duties in office as approved by  
17       the City Council.

18       § 303. MAYOR AND DEPUTY MAYOR, ELECTION, TERMS, AND

19               DUTIES

20       At the annual city meeting to be held on the first Tuesday of March,  
21       commencing March 3, 2015, and every three years thereafter, the Mayor shall

1 be elected for a term of three years, and until the Mayor's successor is chosen.  
2 The Mayor in office on the effective date of this charter shall continue to serve  
3 the term balance until a successor is chosen. The Mayor shall be the City  
4 Council presiding officer and Chair of the City's strategic planning committee.  
5 The Mayor shall be the City Council liaison with regard to the City Manager,  
6 governmental entities, and independent agencies. The Council shall elect from  
7 its members a Deputy Mayor who shall act as Mayor during the absence or  
8 disability of the Mayor and, if a vacancy occurs in the office of the Mayor, the  
9 Deputy Mayor shall become Mayor for the remainder of the unexpired term if  
10 the vacancy occurs less than 180 days prior to the termination of the original  
11 term: otherwise a special election shall be called as provided in this charter, to  
12 elect a successor for the unexpired term.

13 § 304. GENERAL POWERS AND DUTIES

14 (a) General powers. All powers of the City shall be vested in the Council,  
15 except as otherwise provided by law or this charter, and the Council shall  
16 provide for the exercise thereof for the performance of all duties and  
17 obligations imposed on the City by law.

18 (b) Additional powers. In addition to powers otherwise conferred upon it  
19 by law, the City, by the action of the Council or, if specifically required by law  
20 or this charter, by the action of its voters, has the following powers and rights,  
21 including:

1           (1) To acquire property within or outside its corporate limits for any  
2           lawful purpose, including urban renewal and by any lawful means, including  
3           condemnation, in fee simple or any lesser interest or estate, by purchase, gift  
4           device, lease, or other means of transfer, and may sell, lease, mortgage, hold,  
5           manage, and control such property, as its interest may require, in the manner  
6           provided by general law.

7           (A) In addition to and not in limitation of the powers set forth in  
8           subdivision (1) of this subsection, the power to acquire lands for the purpose of  
9           eventual rental, lease, or resale to industrial or to commercial users or  
10           purchasers, or for the purpose of erecting thereon and with the further right and  
11           power by the City to erect thereon one or more speculative industrial or  
12           commercial buildings and to rent, sell, or lease the same to others, with or  
13           without option to purchase, as the City Council may find to be necessary in the  
14           public interest and to issue its bonds or other evidence of debt therefor in an  
15           amount as the City Council shall establish by two-thirds' vote. However, no  
16           such indebtedness shall be authorized unless the City Council shall determine  
17           first that the value of such lands and buildings together with the amount of the  
18           sale agreement if sold or the rents accruing therefrom if rented and the  
19           purchase option (if any) thereto appertaining will be reasonably sufficient from  
20           time to time to cover the payment of bonds or other debt outstanding issued to  
21           defray the cost of any such lands or buildings; and provided further no such

1 expenditure shall be made or indebtedness incurred unless authorized by a  
2 majority vote of the legal voters voting on such question at an annual or at a  
3 special meeting duly warned and held for that purpose.

4 (B) All monies received from the sale, rental, or lease of any such  
5 lands and buildings shall be kept in a separate fund to be used solely to pay any  
6 such expenditure or indebtedness as the same becomes due and payable. In the  
7 event the amount in the fund shall have become more than sufficient to meet  
8 such expenditures or indebtedness, the legal voters may authorize the transfer  
9 of any surplus to the general fund of the City.

10 (C) Any speculative commercial or industrial building or urban  
11 renewal improvement authorized herein shall be exempt from local, county,  
12 and state taxes.

13 (2) To adopt, amend, repeal, and enforce ordinances relating to the  
14 construction of improvements, including without limitation curbs, sidewalks,  
15 street lighting, and storm drains; to the installation of curbs, sidewalks, street  
16 lighting, and storm drains; in a manner specified under the ordinance as a  
17 condition precedent to the issuance of a building permit, to the assessment of  
18 part or all of the expenses of such improvements against property owners  
19 benefited thereby in proportion to respective frontage upon highways or to  
20 respective values of property or by such standard, as determined from time to  
21 time by the City Council, and to provide for violation or nonperformance.

1           (3) To adopt, amend, repeal, and enforce civil and criminal ordinances  
2 relating to the regulation or prohibition of any condition, activity, enterprise,  
3 public nuisance, or matter concerning the promotion of public health, safety,  
4 and welfare, as permitted by the general law of the State.

5           (4) To adopt, amend, repeal, and enforce ordinances relating to the  
6 regulation or prohibition of the possession and use of dangerous objects and  
7 substances, and of firearms, air rifles, and other weapons and devices having a  
8 capacity to inflict personal injury, and to provide for the enforcement of  
9 penalties for violation or nonperformance.

10           (5) To adopt, amend, repeal, and enforce ordinances relating to the  
11 licensing of any activity or enterprise, as permitted by the general law of the  
12 State.

13           (6) To adopt and amend personnel policies.

14           (7) To provide for citizen participation in appropriate departments.

15           (8) To fix, demand, impose, and enforce such items, conditions, and  
16 regulations for the excavation of any street or highway by any person, as shall  
17 be just and reasonably related to the City's reconstruction and maintenance  
18 costs, including any sum or sums of money to be paid to the City for the  
19 damages resulting from excavation of any street or highway, or for the purpose  
20 of therein erecting and maintaining any poles, wires, or any other apparatus in

1 or under the surface of the street; and to prohibit the use of any street by any  
2 such person until such terms have been complied with.

3 (9) To be responsible for the financial affairs of the City.

4 (10) To appoint a City Treasurer for a term of up to three years. The  
5 Council may reappoint the Treasurer.

6 (11) In consultation with the City Manager to establish, alter, and  
7 abolish city departments for the purpose of budgeting and managing all  
8 operations of the City.

9 (12) To serve as, and exercise the powers of, the local Board of Health,  
10 the local Liquor Control Board, the Personnel Board, and the Board of Water  
11 and Sewer Commissioners, and serve as members of the Board of Civil  
12 Authority.

13 § 305. PROHIBITIONS; CONFLICT OF INTEREST

14 (a) Holding other office. Except where authorized by law, no Councilor  
15 shall hold any other city office or city employment during the term of election  
16 to the Council. Notwithstanding any charter provision to the contrary, a paid  
17 or unpaid volunteer member of the Fire Department, other than an officer or  
18 member of the Department appointed directly by the City Manager, may serve  
19 as a member of the City Council.

20 (b) Appointments and removals. Neither the Council nor any of its  
21 members shall in any manner dictate the appointment or removal of any city

1 administrative officers or employees whom the Manager or any of the  
2 Manager's subordinates are empowered to appoint, but the Council may  
3 express its views and fully and freely discuss with the Manager anything  
4 pertaining to the appointment and removal of such officers and employees.

5 (c) Interference with administration. Except for the purpose of inquiries  
6 and investigations under this charter, the Council or its members shall deal  
7 with city officers and employees who are subject to the direction and  
8 supervision of the Manager solely through the Manager, and neither the  
9 Council nor its members shall give orders to any such officer or employee,  
10 either publicly or privately.

11 (d) Conflict of interest. By ordinance, resolution, parliamentary rule, or  
12 prohibition, the Council shall adopt measures relating to the definition,  
13 disclosure, and consequences of a conflict of interest involving elected and  
14 appointed city officials.

15 § 306. VACANCIES, FORFEITURE OF OFFICE: FILLING OF  
16 VACANCIES

17 (a) Vacancies. The office of a Councilor shall become vacant upon the  
18 death, resignation, removal from office in any manner authorized by law, or  
19 forfeiture of office.

20 (b) Forfeiture of office. A Councilor shall forfeit office if at any time  
21 during the term of office, the Councilor:

- 1           (1) lacks any qualification for the office prescribed by this charter or  
2 by law;
- 3           (2) violates any express prohibition of this charter;
- 4           (3) is convicted of any felony or a misdemeanor involving the affairs or  
5 property of the City;
- 6           (4) fails to attend three consecutive regular meetings of the Council  
7 without being excused by the Council; or
- 8           (5) violates an express conflict of interest prohibition.
- 9           (c) Filling vacancies. A vacancy in the office of Councilor shall be filled  
10 for the remainder of the unexpired term, if any, at the next regular election  
11 following not less than 60 days upon the occurrence of the vacancy, but the  
12 Council by a majority vote of all its remaining members shall appoint a  
13 qualified person to fill the vacancy until the person elected to serve the  
14 remainder of the unexpired term takes office. If the Council fails to appoint  
15 within 30 days following the occurrence of the vacancy, the City Clerk shall  
16 call a special election to fill the vacancy, to be held not sooner than 90 days  
17 and not later than 120 days following the occurrence of the vacancy and to be  
18 otherwise governed by the provisions of Article 2 of this charter. Should the  
19 City Clerk fail to call a special election as aforesaid, this duty shall be  
20 performed by the Mayor.

1     § 307. JUDGE OF QUALIFICATION

2         The Council shall be the judge of the election and qualifications of its  
3     members and of the grounds for forfeiture of their office and for that purpose  
4     shall have power to subpoena witnesses, administer oaths, and require the  
5     production of evidence. A member charged with conduct constituting grounds  
6     for forfeiture of this office shall be entitled to a public hearing on demand, and  
7     notice of such hearing shall be given as for notice of a special City Council  
8     meeting.

9     § 308. CLERK OF THE CITY COUNCIL

10        The City Council shall designate the City Clerk as the Clerk of the Council  
11     who shall give notice of council meetings to its members and the public, keep  
12     the journal of its proceedings, and perform such other duties as are prescribed  
13     by law and assigned by this charter or as directed by the City Council.

14     § 309. INVESTIGATIONS

15        The Council may make investigations into the affairs of the City and the  
16     conduct of any city department, office, or agency and for this purpose may  
17     subpoena witnesses, administer oaths, take testimony, and require the  
18     production of evidence. Any city official, appointee, or employee who fails or  
19     refuses to obey a lawful order issued in the exercise of these powers by the  
20     Council shall be removed from office or employment upon majority vote of the  
21     Council.

1        § 310. INDEPENDENT AUDIT

2            The Council shall provide for an independent annual audit of all city  
3            accounts and may provide for such more frequent audits as it deems necessary.  
4            Such audits shall be made by a certified public accountant or firm of such  
5            accountants who have no personal interest, direct or indirect, in the fiscal  
6            affairs of the city government or any of its officers. The Council may  
7            designate such accountant or firm annually or for a period not exceeding three  
8            years, provided that the designation of any particular fiscal year shall be made  
9            no later than 30 days after the beginning of such fiscal year. The Council may  
10           accept the report of an audit conducted by the State in satisfaction of all or a  
11           part of the requirements of this section.

12        § 311. PROCEDURE

13           (a) Meetings. The Council shall meet regularly at least once in every  
14           month at such times and places as the Council may prescribe by rule. Special  
15           meetings may be held on the call of the Mayor or of three or more members,  
16           and, whenever practicable, upon no less than 12 hours' notice to each member.  
17           All meetings shall be conducted in accordance with the open meeting laws of  
18           the State.

19           (b) Rules and journal. The Council shall determine its own rules and order  
20           of business and shall provide for keeping a journal of its proceedings. This  
21           journal shall be a public record, and available to inspection and copying as for

1 other public records of the City, in accordance with the access to public  
2 records laws of the State.

3 (c) Voting. Voting, except on procedural motions, shall be by roll call and  
4 the ayes and nays shall be recorded in the journal. Three members of the  
5 Council shall constitute a quorum, but a smaller number may meet from time  
6 to time and may compel the attendance of absent members in the manner and  
7 subject to the penalties prescribed by the rules of the Council. No action of the  
8 Council, except as otherwise provided in this charter, shall be valid or binding  
9 unless adopted by the affirmative vote of three or more members of the  
10 Council.

11 Article 4. Ordinances

12 § 401. ACTION REQUIRING AN ORDINANCE

13 In addition to other acts required by law or by specific provisions of this  
14 charter to be done by ordinance, those acts of the City Council shall be by  
15 ordinance which:

16 (1) provide for a fine or other penalty or establish a rule or regulation for  
17 violation of which a fine or other penalty is imposed;

18 (2) levy taxes, including any voter-authorized local option tax, and  
19 special benefit assessments, except as otherwise provided in Article 6 of this  
20 charter with respect to the property tax levied by adoption of the budget:

21 (3) grant, renew, or extend a franchise;

1           (4) regulate the rate charged for municipal water, sewer (acting as the  
2           commission), and utility services, and for the operation of such enterprises;

3           (5) adopt with or without amendment ordinances proposed under the  
4           initiative power;

5           (6) amend or repeal any ordinance previously adopted, except as  
6           otherwise provided in Article 8 of this charter with respect to repeal of  
7           ordinances reconsidered under the referendum power. Acts other than those  
8           referred to in the preceding sentence may be done either by ordinance or by  
9           resolution; and

10           (7) establish, amend, or repeal a fee.

11           § 402. ORDINANCES IN GENERAL

12           (a) Form. Every proposed ordinance shall be introduced in writing and in  
13           the form required for final adoption. No ordinance shall contain more than one  
14           subject which shall be clearly expressed in its title. The enacting clause shall  
15           be “The City of Winooski hereby ordains . . .” Any ordinance which repeals or  
16           amends an existing ordinance or part of the city code shall set out in full the  
17           ordinance, sections, or subsections to be repealed or amended, and shall  
18           indicate the matter to be omitted by enclosing it in brackets or by strikeout type  
19           and shall indicate new matter by underscoring or by italics.

20           (b) Procedure. An ordinance may be introduced by any member at any  
21           regular or special meeting of the Council. Upon introduction of any ordinance,

1 the City Clerk shall distribute a copy to each council member and to the  
2 Manager, shall file a reasonable number of copies in the office of the City  
3 Clerk, and shall post and publish the ordinance, or synopsis thereof, as  
4 provided by general law, together with a notice setting out the time and place  
5 for a public hearing thereon and for its consideration by the Council. The  
6 public hearing may be held separately or in connection with a regular or  
7 special council meeting and may be adjourned from time to time; all persons  
8 interested shall have an opportunity to be heard. After the hearing, the Council  
9 may adopt the ordinance with or without amendment or reject it but, if it is  
10 amended as to any matter of substance, the Council may not adopt it until the  
11 ordinance or its amended sections have been subjected to all the procedures  
12 herein required in the case of a newly introduced ordinance.

13 (c) Effective date. Except as otherwise provided in this charter, every  
14 adopted ordinance shall become effective at the expiration of 30 days after  
15 adoption or at any later date specified therein.

16 § 403. EMERGENCY ORDINANCES

17 To meet a public emergency affecting life, health, property, or the public  
18 peace, the Council may adopt one or more emergency ordinances, but such  
19 ordinances may not levy taxes, grant, renew, or extend a franchise or regulate  
20 the rate charged by any public utility. An emergency ordinance shall be  
21 introduced in the form and manner prescribed for ordinances generally, except

1 that it shall be plainly designated as an emergency ordinance and shall contain,  
2 after the enacting clause, a declaration stating that an emergency exists and  
3 describing it in clear and specific terms. The declaration of an emergency shall  
4 be deemed to be conclusive as to its existence. An emergency ordinance may  
5 be adopted with or without amendment or rejected at the meeting at which it is  
6 introduced, but the affirmative vote of at least three members shall be required  
7 for adoption. After its adoption, the ordinance shall be posted and published  
8 immediately. It shall become effective upon adoption or at such later time as it  
9 may specify. Every emergency ordinance shall expire and be of no further  
10 force and effect as of midnight on the 61st day following the date on which it  
11 was adopted, but this shall not prevent reenactment of the ordinance in the  
12 manner specified in this section if the emergency still exists. An emergency  
13 ordinance may also be repealed by adoption of a repealing ordinance in the  
14 same manner specified in this section for adoption of emergency ordinances.

15 § 404. CODES OF TECHNICAL REGULATIONS

16 (a) Adoption by reference. The Council may adopt any standard technical,  
17 building, life safety, housing, and construction code by reference thereto in an  
18 adopting ordinance. The procedure and requirements governing such an  
19 adopting ordinance shall be as prescribed for ordinances generally except that:

1           (1) the requirements of this charter for distribution and filing for copies  
2           of the ordinance shall be construed to include copies of the code of technical  
3           regulations as well as of the adopting ordinance; and

4           (2) a copy of each adopted code of technical regulations as well as of the  
5           adopting ordinance shall be authenticated and recorded by the City Clerk  
6           pursuant to this charter.

7           (b) Copies for regulations. Copies of an adopted code of technical  
8           regulations shall be made available by the City Clerk for distribution or for  
9           purchase at a reasonable price.

10           § 405. AUTHENTICATION AND RECORDING; CODIFICATION;

11                   PRINTING

12           (a) Authentication and recording. The City Clerk shall authenticate by  
13           signature and record in full in a properly indexed book kept for the purpose of  
14           all ordinances and resolutions adopted by the Council.

15           (b) Codification. Within three years after adoption of this charter and at  
16           least every ten years thereafter, the Council shall provide for the preparation of  
17           a general codification of all city ordinances and resolutions having the force  
18           and effect of law. The general codification shall be adopted by the Council by  
19           ordinance and shall be published promptly together with this charter and any  
20           amendments thereto, pertinent provisions of the Constitution and other laws of  
21           the State of Vermont and such codes of technical regulations and other rules

1 and regulations as the Council may specify. This compilation shall be known  
2 and cited officially as the Winooski City Code. Copies of the Code shall be  
3 furnished to city officers.

4 § 406. ORDINANCE ENFORCEMENT

5 (a) The violation of an ordinance, regulation, or bylaw adopted by the City,  
6 including without limitation zoning, and subdivision bylaws adopted pursuant  
7 to 24 V.S.A. chapter 117, as the same may be amended from time to time,  
8 may be processed as a criminal or civil action in the manner provided by  
9 general law.

10 (b) All penalties collected for the violation of an ordinance, regulation, or  
11 bylaw shall be paid over to the City, except for a surcharge that shall be set and  
12 retained by the Court.

13 § 407. COURT AUTHORIZED TO ORDER ABATEMENT

14 In any prosecution for a nuisance resulting in a judgment or conviction, the  
15 court before which the nuisance action has been brought shall order the  
16 nuisance or offense complained of to be removed or abated and shall determine  
17 the expense of removing or abating the same and tax such expense as part of  
18 the costs of prosecution.

19 § 408. OFFENDERS MAY BE LIABLE IN DAMAGES

20 A person violating any ordinance, regulation, or bylaw of the City shall be  
21 liable in damages to the City or to the person who shall sustain damage as the

1 direct result of the violation; such damages may be recovered in an action  
2 declaring upon such ordinance, regulation, or bylaw.

3 § 409. CITY COUNCIL TO ESTABLISH PENALTY

4 The City Council may provide for the violation of any ordinance,  
5 regulation, or bylaw as provided by law, and may establish that each day such  
6 violation continues constitutes a separate and distinct offense.

7 Article 5. City Officers

8 § 501. APPOINTMENT; QUALIFICATIONS; COMPENSATION OF CITY  
9 MANAGER

10 The Council shall appoint a City Manager for an agreed-upon term and fix  
11 the Manager's compensation. The Manager shall be appointed solely on the  
12 basis of executive and administrative qualifications. The Manager need not be  
13 a resident of the City or State at the time of appointment but may reside outside  
14 the City while in office only with the approval of the Council.

15 § 502. ACTING CITY MANAGER

16 By letter filed with the City Clerk, the Manager shall designate, subject to  
17 approval of the Council, a qualified city administrative officer to exercise the  
18 powers and perform the duties of Manager during a temporary absence or  
19 disability. During such absence or disability, the Council may revoke such  
20 designation at any time and appoint another officer of the City to serve until  
21 the Manager shall return or the disability shall cease.

1     § 503. REMOVAL OF CITY MANAGER

2           (a) Procedure. The Council may remove the City Manager from office in  
3     accordance with the following procedures.

4           (1) The Council shall adopt by affirmative vote of a majority of all its  
5     members a preliminary resolution which must state the reasons for removal  
6     and may suspend the Manager from duty for a period not to exceed 45 days. A  
7     copy of the resolution shall be delivered promptly to the City Manager. In the  
8     event of suspension, the City Council may assume the duties of the Manager or  
9     appoint an Interim Manager.

10          (2) Within five days after a copy of the resolution is delivered to the  
11     Manager, the Manager may file with the Council a written request for a public  
12     hearing. This hearing shall be held at a Council meeting not earlier than  
13     15 days nor later than 30 days after the request is filed. The Manager may file  
14     with the Council a written reply not later than five days before the hearing.

15          (3) The Council may adopt a final resolution of removal, which may be  
16     made effective immediately by affirmative vote of a majority of all its  
17     members at any time after five days from the date when a copy of the  
18     preliminary resolution was delivered to the Manager, if the Manager has not  
19     requested a public hearing, or at any time after the public hearing if one has  
20     been requested.

1       (b) Salary; review. The Manager shall continue to receive a salary until the  
2       effective date of a final resolution of removal, except that in the event of  
3       criminal behavior or gross negligence by the Manager, the Council may cease  
4       payment upon its initial resolution. The action of the Council in suspending or  
5       removing the Manager shall not be subject to review by any court or agency.

6       § 504. POWERS AND DUTIES OF THE CITY MANAGER

7       The City Manager shall be the Chief Administrative Officer of the City.  
8       The City Manager shall be responsible to the Council for the administration of  
9       all city affairs placed in the Manager's charge by or under this charter. The  
10       City Manager shall have the following powers and duties:

11       (1) Appoint and, when deemed necessary for the good of the service,  
12       suspend or remove any city employees and appointive administrative officers  
13       provided for by or under this charter, except as otherwise provided by law, this  
14       charter, or personnel rules adopted pursuant to this charter. The Manager may  
15       authorize any administrative officer who is subject to the Manager's direction  
16       and supervision to exercise these powers with respect to subordinates in that  
17       officer's department, office, or agency.

18       (2) Direct and supervise the administration of all departments, offices,  
19       and agencies of the City, except as otherwise provided by this charter or  
20       by law.

1           (3) Attend all council meetings and shall have the right to take part in  
2 discussion but may not vote.

3           (4) Ensure that all laws, provisions of this charter, and acts of the  
4 Council, subject to enforcement by the Manager or by officers subject to his or  
5 her direction and supervision, are faithfully executed.

6           (5) Prepare and submit the capital program and annual budget to the  
7 Council.

8           (6) Submit to the Council and make available to the public a complete  
9 report on the finances and administrative activities of the City as of the end of  
10 each fiscal year, or more frequently upon request of the Council.

11           (7) Make such other reports as the Council may require concerning the  
12 operations of city departments, offices, and agencies subject to his or her  
13 direction and supervision.

14           (8) Keep the Council fully advised as to the financial condition and  
15 future needs of the City and make such recommendations to the Council  
16 concerning the affairs of the City as deemed desirable.

17           (9) Perform such other duties as are specified in this charter or may be  
18 required by the Council.

19           (10) Have all other powers and duties prescribed by law upon municipal  
20 managers and not herein specifically enumerated or withheld.

1     § 505. CITY MANAGER, VACANCY IN OFFICE OF

2         In the event of a vacancy in the office of City Manager or the Manager's  
3     incapacity to perform the duties and functions set forth in this article, the  
4     powers and duties shall, subject to the provisions of section 502 of this charter,  
5     be performed by the City Council until such vacancy has been filled or  
6     incapacity removed. Such vacancy shall be filled within a period not to exceed  
7     180 days.

8     § 506. CITY OFFICERS, APPOINTMENT OF

9         (a) General. The officers of the City of Winooski shall be those provided  
10     by law for towns, except as otherwise provided or limited by this charter. Such  
11     officers shall have all the powers and duties necessary to carry out the  
12     provisions of this charter as well as those provided by law, and, unless  
13     otherwise provided by law, shall hold office at the will of the appointing  
14     authority.

15         (b) Appointment. All officers of the City shall be appointed annually by  
16     the City Manager, unless otherwise herein provided, on the first Monday  
17     following the annual city meeting. The City Manager shall fill any vacancy in  
18     such offices.

19         (c) Officers. In accordance with the provisions of this section, the City  
20     Manager shall appoint:

21         (1) a City Clerk;

- 1           (2) a City Grand Juror;
- 2           (3) a Constable;
- 3           (4) a Collector of Taxes;
- 4           (5) a Police Chief;
- 5           (6) a Fire Chief;
- 6           (7) a Fire Marshal;
- 7           (8) a City Assessor;
- 8           (9) a Zoning Administrator; and
- 9           (10) other officers required by law.

10           (d) The City Treasurer shall be appointed or reappointed, or both, by the  
11           City Council for a term of up to three years. The powers of the Collector of  
12           Taxes may be delegated to another appointed officer or department head.

13           (e) Appointment by City Council. In the event of a vacancy in the office of  
14           City Manager or of the Manager's incapacity to perform any one of his or her  
15           appointive duties, the powers of appointment above set forth shall be exercised  
16           by the City Council in filling vacant offices.

17           (f) A nonresident of the City shall be eligible for appointment to any office  
18           enumerated in this Section.

1 Article 6. Government Organization

2 § 601. ORGANIZATION

3 (a) Creation of departments. The City Council, in consultation with the  
4 Manager, may create, modify, or eliminate administrative departments, offices,  
5 or agencies which shall be under the direction and supervision of the City  
6 Manager, who shall appoint the head of such departments.

7 (b) The City Manager, with the approval of the City Council, shall have the  
8 authority to merge one department with another for purposes of efficiency and  
9 to establish divisions within a department.

10 (c) The Water Department shall continue to operate under, and have the  
11 same powers and duties as set forth in No. 184 of the Acts of 1900 and all  
12 amendments thereto, and any other provisions of the laws of the State of  
13 Vermont applying to the Department, except as otherwise herein provided.  
14 The management of the Department, the appointment or removal of the  
15 Superintendent, or both, the hiring and dismissal of the department employees  
16 and all other administrative duties required by the act shall hereafter be and  
17 become duties and responsibilities of the City Manager.

18 § 602. GENERAL PROVISIONS

19 (a) Direction by Manager. All departments, offices, and agencies under the  
20 direction and supervision of the Manager shall be administered by an officer  
21 appointed by and subject to the direction and supervision of the Manager.

1 With the consent of the Council, the Manager may serve as the head of one or  
2 more such departments, offices, or agencies or may appoint one person as the  
3 head of two or more of them.

4 (b) Council appointment. The City Council may appoint additional boards  
5 and commissions at its discretion or as required by law.

6 (c) The boards, committees, commissions, and agencies shall exercise all  
7 powers and duties as prescribed by law, ordinance, or administrative code, or a  
8 combination of these.

9 (d) All unpaid appointments of citizens to the boards, committees,  
10 commissions, and agencies shall be for a term certain. Citizens once appointed  
11 to a term may only be removed for cause or after unanimous vote by the City  
12 Council. If ad hoc committees are created, the appointment will cease upon  
13 completion of the Committee's task.

14 § 603. PERSONNEL SYSTEM

15 (a) Merit principle. All appointments and promotions of city officers and  
16 employees shall be made solely on the basis of merit and fitness demonstrated  
17 by examination or other evidence of competence.

18 (b) Personnel Director. There shall be a Personnel Director who shall  
19 administer the personnel system of the City. The Personnel Director shall be  
20 the City Manager. The Personnel Director shall be responsible for collective

1 bargaining and administration of negotiated contracts subject to approval by  
2 the City Council.

3 (c) Personnel Board. There shall be a Personnel Board consisting of the  
4 Mayor and the four Councilors.

5 (d) Personnel policies. The Personnel Director shall prepare personnel  
6 policies. The personnel rules shall be proposed to the Council, and the Council  
7 may adopt them with or without amendment. These rules shall provide for:

8 (1) the classification of all city positions, based on the duties, authority,  
9 and responsibility of each position, with adequate provision for reclassification  
10 of any position whenever warranted by changed circumstances; and

11 (2) compensation, benefits, work rules, hiring and termination,  
12 grievance procedures, and other matters required by law or deemed appropriate  
13 by the City Council.

14 § 604. LEGAL OFFICER

15 The City Council may retain or engage one or more attorneys or firms of  
16 attorneys to provide general or specialized legal services.

17 § 605. SURETY BONDS

18 All city officers and employees, as directed by the City Council, shall  
19 annually give bonds to the satisfaction of the Council for the faithful discharge  
20 of their duties. In the event any officer or employee neglects to give a bond as  
21 herein specified, after ten days' notice from the City Council that a bond is

1 required, the office shall thereupon become vacant, and the vacancy shall be  
2 filled as provided in this charter.

3 Article 7. Finances

4 § 701. FISCAL YEAR

5 The fiscal year of the City shall begin on the first day of July and end on the  
6 last day of June.

7 § 702. SUBMISSION OF BUDGET AND BUDGET MESSAGE

8 On or before 90 days prior to the City annual meeting, the Manager shall  
9 submit to the Council a budget for the ensuing fiscal year and an  
10 accompanying message.

11 § 703. BUDGET MESSAGE

12 The Manager's message shall explain the budget both in fiscal terms and in  
13 terms of the work programs. It shall outline the proposed financial policies of  
14 the City for the ensuing fiscal year, describe the important features of the  
15 budget, indicate any major changes from the current year in financial policies,  
16 expenditures, and revenues together with the reasons for such changes,  
17 summarize the City's debt position, and include such other material as the  
18 manager deems desirable.

19 § 704. BUDGET

20 (a) Budget. Notwithstanding any prior acts of the voters, the budget for the  
21 ensuing fiscal year submitted by the Manager shall clearly define all

1 anticipated operational expenditures for all city departments, offices, or  
2 agencies and a sum sufficient to pay the interest and principal for all  
3 obligations of the City. The budget shall also include the estimated revenues  
4 from taxation, fines, and all other lawful sources necessary to meet the  
5 anticipated expenditures. The budget shall be presented by department, office,  
6 or agency.

7 (b) Estimated tax. The budget shall include an estimate of the tax to be  
8 levied and assessed upon the grand list of the City for the ensuing fiscal year.

9 (c) Budget summary. The budget shall include a three-year summary  
10 comparison by departments, offices, or agencies which clearly defines the  
11 previous fiscal year's budget and actual expenditures, the current fiscal year's  
12 budget and anticipated expenditures, and the ensuing fiscal year's budget.

13 (d) Surplus/deficit. Fund balances shall be carried forward as revenue in  
14 the next fiscal year. Fund deficits shall be liquidated in the manner provided  
15 by general law.

16 (e) The budget shall be prepared and managed by the Manager, and shall be  
17 monitored by the City Treasurer who shall make timely periodic reports  
18 thereof to the Council.

1        § 705. CAPITAL IMPROVEMENT PLAN

2            (a) Submission to Council. The Manager shall prepare and submit to the  
3        Council a five-year capital improvement program at least three months prior to  
4        the final date for submission of the budget.

5            (b) Contents. The capital improvement program shall include:

6            (1) a clear general summary of its contents;

7            (2) a list of all capital improvements which are proposed to be  
8        undertaken during the five fiscal years next ensuing with appropriate  
9        supporting information as to the necessity for such improvements;

10          (3) cost estimates, method of financing, and recommended time  
11        schedules to be constructed or acquired; and

12          (4) a complete list of all capital assets, a depreciation and replacement  
13        schedule, and a five-year repair and replacement plan.

14          (c) The information in this section may be revised and extended each year  
15        with regard to capital improvements still pending or in process of construction  
16        or acquisition.

17        § 706. COUNCIL AND ANNUAL MEETING ACTION ON BUDGET

18          (a) Notice and hearing.

19          (1) The Council shall post and publish the general summary of the  
20        budget and proposed capital improvements and a notice stating:

1           (A) the times and places where copies of the message and budget are  
2 available for inspection by the public; and

3           (B) the time and place, not less than two weeks after such posting  
4 publication, and not more than 30 days prior to the annual meeting for a public  
5 hearing on the budget.

6           (2) The time and place of the annual meeting shall be posted as set forth  
7 in Article 2 of this charter.

8           (b) Amendment before submission to the voters. After the public hearing,  
9 the Council may approve the budget for submission to the voters with or  
10 without amendment. In amending the budget, it may add or increase programs  
11 or amounts and may delete or decrease any programs or amounts, except  
12 expenditures required by law or for debt service or for estimated cash deficit,  
13 provided that no amendment to the budget shall increase the Manager's  
14 recommended expenditures to an amount greater than the total of estimated  
15 income.

16           (c) Budget vote. The Council shall warn the budget to the voters for  
17 approval at the annual meeting held on the first Tuesday in March. The budget  
18 vote shall be conducted in accordance with the provisions set forth in Article 2  
19 of this charter. If the voters fail to approve the budget at the annual meeting,  
20 the Council shall reconsider the budget and submit a revised budget to the  
21 voters prior to June 1 of that same year. The vote on the revised budget shall

1 be conducted as set forth in Article 2 of this charter. If the voters fail to  
2 approve the revised budget, the amounts appropriated for current operation for  
3 the current fiscal year shall be deemed adopted for the ensuing fiscal year on a  
4 month-to-month basis, with all items in it prorated accordingly, until such time  
5 as the Council warns and the voters approve a budget for the ensuing fiscal  
6 year. Voter approval of the budget shall constitute appropriations of the  
7 amounts specified therein as expenditures from the funds indicated and shall  
8 constitute a levy of the property tax therein proposed.

9 § 707. PUBLIC RECORDS

10 Copies of the budget approved by the voters and the capital program shall  
11 be public record and shall be made available to the public.

12 § 708. AMENDMENTS AFTER ADOPTION

13 (a) Supplemental appropriations. If during the fiscal year the Manager  
14 certifies that there are available for appropriation revenues in excess of those  
15 estimated in the budget, the Council by resolution may make supplemental  
16 appropriations for the year up to the amount of such excess.

17 (b) Reduction of appropriations. If at any time during the fiscal year it  
18 appears probable to the Manager that the revenues available will be insufficient  
19 to meet the amount appropriated, the Manager shall report to the Council  
20 without delay, indicating the estimated amount of the deficit, and any other  
21 steps to be taken. The Council shall then take such further action as it deems

1 necessary to prevent or minimize any deficit, and for that purpose it may by  
2 resolution reduce one or more appropriations.

3 (c) Transfer of appropriations. At any time during the fiscal year, the  
4 Manager may transfer part or all of any unencumbered appropriation balance  
5 among programs within a department, office, or agency and, upon written  
6 request by the Manager, the Council may by resolution transfer part or all of  
7 any unencumbered appropriation balance from one department, office, or  
8 agency to another.

9 (d) Limitations; effective date. No appropriation for debt service may be  
10 reduced or transferred, and no appropriation may be reduced below any  
11 amount required by law to be appropriated or by more than the amount of the  
12 unencumbered balance thereof except as described in this section. The  
13 supplemental appropriations and reductions or transfer of appropriation  
14 authorized by this section may be made effective immediately upon adoption.

15 § 709. LAPSE OF APPROPRIATIONS

16 Every appropriation, except an appropriation for a capital expenditure, shall  
17 lapse at the close of the fiscal year to the extent that it has not been expended  
18 or encumbered. An appropriation for a capital expenditure shall continue in  
19 force until the purpose for which it was made has been accomplished or  
20 abandoned. The purpose of any such appropriation shall be deemed

1 abandoned if three years pass without any disbursement from or encumbrance  
2 of the appropriation.

3 § 710. ADMINISTRATION OF BUDGET

4 (a) Work programs and allotments. At such time as the Manager shall  
5 specify, each department, office, or agency shall submit work programs for the  
6 ensuing fiscal year showing the requested allotments of its appropriation by  
7 periods within the year. The Manager shall review and authorize such  
8 allotments with or without revision as early as possible in the fiscal year. The  
9 Manager may revise such allotments during the year if deemed desirable and  
10 shall revise them to accord with any supplemental, reduced, or transferred  
11 appropriations made pursuant to section 708 of this charter.

12 (b) Payments and obligations prohibited. No payment shall be made or  
13 obligation incurred against any allotment or appropriation except in accordance  
14 with appropriations duly made and unless the Manager or designee first  
15 certifies that there is a sufficient unencumbered balance in such allotment or  
16 appropriation and that sufficient funds therefor are or will be available to cover  
17 the claim or meet the obligation when it becomes due and payable. Any  
18 authorization of payment or incurring of obligation in violation of the  
19 provisions of this charter shall be voided and any payment so made illegal;  
20 such action shall be cause for removal of any officer who knowingly  
21 authorized or made such payment or incurred such obligation, and the officer

1 shall also be liable to the City for any amount so paid. However, except where  
2 prohibited by law, nothing in this charter shall be construed to prevent the  
3 making or authorizing of payments or making of contracts for capital  
4 improvements to be financed wholly or partly by the issuance of bonds or to  
5 prevent the making of any contract or lease providing for payments beyond the  
6 end of the fiscal year, provided that such action is made or approved by  
7 resolution.

8 § 711. BONDS AND INDEBTEDNESS

9 Whenever the City shall vote in the manner prescribed by general law to  
10 incur debt for the purpose of making improvements, the vote to incur such  
11 indebtedness shall authorize the Manager to include in each annual budget a  
12 sum sufficient to pay the interest on such indebtedness and that part of  
13 principal thereof next coming due.

14 § 712. WARRANTS FOR PAYMENT

15 Money shall not be paid out of the City Treasury except on a warrant signed  
16 by at least three members of the Council and approved by the City Council,  
17 and such approval shall be authenticated by the City Clerk. A full record of all  
18 expenditures, by departments, shall be kept, and a clear statement of all  
19 receipts and disbursements of city monies and of the affairs of the City  
20 generally, shall be published annually in the city report under the direction of  
21 the City Council. The City Treasurer shall establish and maintain charts of

1 account detailing all receipts, revenues, expenditures, and disbursements, and  
2 shall report all such activity to the Manager and the Council no less frequently  
3 than quarterly.

4 § 713. TAX LEVY; AUTHORITY FOR

5 The City Council shall have the power annually to levy and assess upon the  
6 grand list such tax, as set forth in the budget approved by the voters at the  
7 annual or a special meeting called for the purpose, and such other tax as may  
8 be necessary for the payment of all state, county, and state highway taxes.

9 Such tax bills, with a warrant signed by at least three members of the Council,  
10 shall be delivered to the Treasurer, to whom all taxes shall be paid in money.

11 § 714. CREDIT OF THE CITY FOR CURRENT EXPENSES

12 The money raised by taxation, from fines and other lawful sources,  
13 including tax increments in excess of sums necessary to pay and secure the  
14 City's tax increment obligations and the costs of managing the city's tax  
15 increment financing district shall constitute the entire sum from which  
16 appropriations and payments are to be made, according to law, by or under the  
17 authority of the City Council. The credit of the City may be pledged by the  
18 City Council for the purpose of raising funds to meet the current expenses of  
19 the City. Such loans shall be paid on or before one year from date thereof.

1     § 715. EXPENDITURES NOT TO EXCEED REVENUES

2           (a) The City Council shall not exceed in expenditures, except by authority  
3           of the legal voters of the City, or to meet obligations imposed by law upon the  
4           City, the current revenues of the City during the current fiscal year. If the  
5           current revenues of the City shall have been expended before the end of the  
6           fiscal year and there remain discretionary expenditures to be met, the City  
7           Council shall call a special meeting of the legal voters of the City to consider  
8           the means of financing such expenditures.

9           (b) The City Council, without special direction of the voters of the City  
10          shall not draw orders on the City Treasurer in excess of the current revenues,  
11          except to meet obligations imposed by law. The City Treasurer, without  
12          special direction of the voters of the City, shall not honor orders drawn in  
13          excess of the current revenues, except to meet obligations imposed by law.  
14          Any official violating the provisions of this section shall be liable to the full  
15          amount of all orders so drawn or so honored.

16     § 716. AUTHORITY TO PLEDGE CREDIT OF CITY

17           Whenever the legal voters of the City shall authorize the City Council to  
18           pledge the credit of the City for any purpose, the City shall have authority to  
19           issue negotiable orders, warrants, notes, or bonds, not to exceed the limit  
20           prescribed by law, for which the legal voters aforesaid have given authority to  
21           so pledge the credit of the City. Such notes or bonds shall be payable at such

1 time and at such rate of interest as shall be established by resolution of the City  
2 Council.

3 § 717. TAX CLASSIFICATION

4 (a) Except for the property of utilities subject to regulation by the Vermont  
5 Public Service Board, all personal and real property set out in the grand list  
6 which is not used as residential property, farmland, and vacant land zoned  
7 “recreation, conservation and open space (RCO)” shall be classified as  
8 nonresidential property and shall be assessed at 120 percent of fair market  
9 value; and further provided that inventories shall no longer be set out in the  
10 grand list of the City as taxable personal estate. Properties upon which  
11 in-lieu-of-tax payments are made shall be likewise classified and assessed for  
12 the purposes of such payments.

13 (b) As used in this section, “residential property” is hereby defined to  
14 include all property used for dwelling purposes, including accessory property  
15 which is subordinate to or customarily incidental to the main residential use  
16 such as garages and outbuildings. Where a property is used for both residential  
17 and nonresidential purposes, it shall be apportioned according to such uses and  
18 then classified and assessed as herein provided.

19 § 718. TAX INCREMENT FINANCING

20 Nothing contained in this article shall impair, affect, or alter any revenues  
21 or sources of revenues now or hereafter existing which are derived from the

1 City's tax increment financing district created under 2000 Acts and Resolves  
2 No. 159, Secs. 37 and 38, as amended by 2003 Acts and Resolves No. 68,  
3 Sec. 40.

4 § 719. LOCAL OPTIONS TAX

5 Upon approval by the City at an annual meeting or a special meeting called  
6 for that purpose, the City Council may impose any or all of the following:

- 7 (1) a one percent meals and alcoholic beverages tax;  
8 (2) a one percent rooms tax; and  
9 (3) a one percent sales tax.

10 Article 8. Initiative and Referendum

11 § 801. GENERAL AUTHORITY

12 (a) Initiative. The qualified voters of the City shall have power to propose  
13 ordinances to the Council and, if the Council fails to adopt an ordinance so  
14 proposed without any change in substance, to adopt or reject it at a City  
15 election, provided that such power shall not extend to the budget or capital  
16 improvements program or any ordinance relating to appropriation of money,  
17 levy of taxes, or salaries of city offices or employees.

18 (b) Referendum. The qualified voters of the City shall have power to  
19 require reconsideration by the Council of any adopted ordinance and, if the  
20 Council fails to repeal an ordinance so reconsidered, to approve or reject it at a  
21 city election, provided that such power shall not extend to the budget or capital

1 improvements program or any emergency ordinance or ordinance relating to  
2 appropriation of money or levy of taxes.

3 § 802. COMMENCEMENT OF PROCEEDINGS; PETITIONERS'

4 COMMITTEE; AFFIDAVIT

5 (a) Any five qualified voters may commence initiative or referendum  
6 proceedings by filing with the City Clerk an affidavit stating that they will  
7 constitute the Petitioners' Committee and be responsible for circulating the  
8 petition and filing it in proper form, stating their names and addresses and  
9 specifying the address to which all notices to the Committee are to be sent, and  
10 setting out in full the proposed initiative ordinance or citing the ordinance  
11 sought to be reconsidered.

12 (b) Promptly after the affidavit of the Petitioners' Committee is filed, the  
13 Clerk shall issue the appropriate petition forms to the Petitioners' Committee.

14 § 803. PETITIONS

15 (a) Number of signatures. Initiative and referendum petitions must be  
16 signed by at least 100 legal voters of the City.

17 (b) Form and content. All papers of a petition shall be uniform in size and  
18 style and shall be assembled as one instrument for filing. Each signature shall  
19 be executed in ink or indelible pencil and shall be followed by the address of  
20 the person signing. Petitions shall contain or have attached thereto throughout

1 their circulation the full text of the ordinance proposed or sought to be  
2 reconsidered.

3 (c) Affidavit of circulator. Each paper of a petition shall have attached to it  
4 when filed an affidavit executed by the circulator thereof stating that he or she  
5 personally circulated the paper, the number of signatures thereon, that all the  
6 signatures were affixed in his or her presence, that they are believed to be the  
7 genuine signatures of the persons whose names they purport to be, and that  
8 each signer had an opportunity before signing to read the full text of the  
9 ordinance proposed or sought to be reconsidered.

10 (d) Time for filing referendum petitions. Referendum petitions must be  
11 filed within 30 days after adoption by the Council of the ordinance sought to  
12 be reconsidered.

13 § 804. PROCEDURE AFTER FILING

14 (a) Certificate of Clerk; amendment. Within 20 days after the petition is  
15 filed, the City Clerk shall complete a certificate as to its sufficiency,  
16 specifying, if it is insufficient, the particulars wherein it is defective and shall  
17 promptly send a copy of the certificate to the Petitioners' Committee by  
18 registered mail. A petition certified insufficient for lack of the required  
19 number of valid signatures may be amended once if the Petitioners' Committee  
20 files a notice of intention to amend it with the Clerk within two days after  
21 receiving the copy of such certificate. Such supplementary petition shall

1 comply with the requirements of subsections 803(b) and (c) of this charter, and  
2 within five days after it is filed, the Clerk shall complete a certificate as to the  
3 sufficiency of the petition as amended and promptly send a copy of such  
4 certificate to the Petitioners' Committee by registered mail as in the case of an  
5 original petition. If a petition or amended petition is certified sufficient, or if a  
6 petition or amended petition is certified insufficient and the Petitioners'  
7 Committee does not elect to amend or request council review under subsection  
8 (b) of this section with the time required, the Clerk shall promptly present the  
9 certificates to the Council and the certificates shall then be a final  
10 determination as to the sufficiency of the petition.

11 (b) Council review. If a petition has been certified insufficient and the  
12 Petitioners' Committee does not file notice of intention to amend it or if an  
13 amended petition has been certified insufficient, the Committee may, within  
14 two days after receiving the copy of such certificate, file a request that it be  
15 reviewed by the Council. The Council shall review the certificate within five  
16 days following the filing of such request and approve or disapprove it, and the  
17 Council's determination shall then be a final determination as to the  
18 sufficiency of the petition.

19 (c) Court review; new petition. A final determination as to the sufficiency  
20 of a petition shall be subject to court review. A final determination of

1 insufficiency, even if sustained upon court review, shall not prejudice the filing  
2 of a new petition for the same purpose.

3 § 805. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF  
4 ORDINANCE

5 When a referendum petition is filed with the City Clerk, the ordinance  
6 sought to be reconsidered shall be suspended from taking effect. Such  
7 suspension shall terminate when:

8 (1) there is a final determination of insufficiency of the petition;

9 (2) the Petitioners' Committee withdraws the petition;

10 (3) the Council repeals the ordinance; or

11 (4) 30 days have elapsed after a vote of the City on the ordinance.

12 § 806. ACTION ON PETITIONS

13 (a) Action by Council. When an initiative or referendum petition has been  
14 finally determined sufficient, the Council shall promptly consider the proposed  
15 initiative ordinance in the manner provided in Article 4 of this charter or  
16 reconsider the referred ordinance by voting its repeal. If the Council fails to  
17 adopt a proposed initiative ordinance without any change in substance within  
18 60 days or fails to repeal the referred ordinance within 30 days after the date  
19 the petition was finally determined sufficient, it shall submit the proposed or  
20 referred ordinance to the voters of the City.

1       (b) Submission to voters. The vote of the City on a proposed or referred  
2       ordinance shall be held not less than 30 days and not later than one year from  
3       the date of the final council vote thereon. If no regular city election is to be  
4       held within the period prescribed in this subsection, the Council shall provide  
5       for a special election; otherwise, the vote shall be held at the same time as such  
6       regular election, except that the Council may in its discretion provide for a  
7       special election at an earlier date within the prescribed period. Copies of the  
8       proposed or referred ordinance shall be made available at the polls.

9       (c) Withdrawal of petitions. An initiative or referendum petition may be  
10       withdrawn at any time prior to the 15th day preceding the day scheduled for a  
11       vote of the City by filing with the City Clerk a request for withdrawal signed  
12       by at least four members of the Petitioners' Committee. Upon the filing of  
13       such request, the petition shall have no further force or effect and all  
14       proceedings thereon shall be terminated.

15       § 807. RESULTS OF ELECTION

16       (a) Initiative. If a majority of the qualified electors voting on a proposed  
17       initiative ordinance vote in its favor, it shall be considered adopted upon  
18       certification of the election results and shall be treated in all respects in the  
19       same manner as ordinances of the same kind adopted by the Council. If  
20       conflicting ordinances are approved at the same election, the one receiving the  
21       greatest number of affirmative votes shall prevail to the extent of such conflict.

1       (b) Referendum. If a majority of the qualified electors voting on a referred  
2       ordinance vote against it, it shall be considered repealed upon certification of  
3       the election results.

4                               Article 9. General Provisions

5       § 901. PERSONAL FINANCIAL INTEREST

6       Any City Councilor, officer, or employee who has a substantial financial  
7       interest, direct or indirect or by reasons of ownership of stock in any  
8       corporation, in any contract with the City or in the sale of any land, material,  
9       supplies, or services to the City, or to a contractor supplying the City shall  
10       make known that interest and shall refrain from voting upon or otherwise  
11       participating in any capacity as a city officer or employee in the making of  
12       such sale or the making or in the performance of such contract.

13       § 902. SEPARABILITY

14       If any provisions of this charter are held invalid, the other provisions of the  
15       charter shall not be affected thereby. If the application of the charter or any of  
16       its provisions to any person or circumstances is held invalid, the application of  
17       the charter and its provisions to other persons or circumstances shall not be  
18       affected thereby.

19       § 903. OATH OF OFFICE

20       All elective officials of the City shall, before assuming office, take,  
21       subscribe, and file with the City Clerk the following oath:

1           “I \_\_\_\_\_ solemnly swear or affirm that I will faithfully  
2 execute the office of \_\_\_\_\_ of the City of Winooski to the best of my  
3 judgment and abilities, according to law, so help me God or I so affirm.”

4           § 904. SAVINGS CLAUSE

5           The passage of this act shall not affect any ordinance, resolution, or bylaw  
6 lawfully enacted, ordained, and established under the provisions of the acts  
7 hereby amended by this act, and not inconsistent with the provisions of this act,  
8 but the same shall be and remain in full force and effect until repealed, altered,  
9 or amended.

10          § 905. TITLE OF CHARTER

11          This act shall be designated as the Charter of the City of Winooski. A copy  
12 of this act shall be kept in the office of the City Clerk of the City of Winooski,  
13 to which copy shall be affixed a certificate under the hand of the Secretary of  
14 State and the Seal of the State of Vermont that the laws therein contained are  
15 statute laws of the State of Vermont, and such certificate copy shall be an  
16 authentic record of such laws.

17          § 906. CONTINUATION IN OFFICE

18          The Mayor and council members of the City, and all City officials holding  
19 office therein by virtue of the general laws of this State or the acts hereby  
20 amended shall hold office until expiration of their current terms of office,

1 unless such office shall sooner become vacant under the provisions of the  
2 general laws of this State, or the provisions of this act.

3 § 907. AMENDMENT OF THE CHARTER

4 This act may be altered, amended, or repealed by the General Assembly  
5 whenever the public good shall require. A copy of all acts in alteration,  
6 amendment, or repeal shall be kept in the office of the City Clerk of the City of  
7 Winooski, and the copy shall be certified by the Secretary of State as provided  
8 in section 905 of this charter.

9 § 908. PENALTIES; FORFEITURES OR SUITS NOT AFFECTED

10 This act shall not affect a penalty or forfeiture incurred under any acts  
11 amended by this act, nor any suit or proceeding had or commenced in a civil or  
12 criminal cause before this act takes effect, but the proceedings therein shall,  
13 when necessary, conform to the provisions of this act.

14 § 909. CONTINUATION OF ACTS NOT AMENDED

15 The provisions of this act, so far as they are the same as those of acts hereby  
16 amended, shall be construed as a continuation of such acts, and not as new  
17 enactments.

18 § 910. APPLICATION OF STATE STATUTES

19 Except when changed or modified by the provisions of this act, or by any  
20 legal regulation or ordinance of the City, all provisions of the statutes of this

1 State, relating to towns or town officers shall apply to the City, and to the  
2 several officers thereof corresponding to like officers of towns.

3 § 911. CHARTER EFFECTIVE

4 This act shall take effect when adopted by the majority vote of the legal  
5 voters of the City of Winooski present and voting at an annual or special  
6 meeting duly warned for that purpose, and upon legislative approval in  
7 accordance with the laws of the State of Vermont.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on passage.