

### **§ 19-101. Corporate existence retained; form of government**

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

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

(c) [Repealed.] (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-102. Powers of the City**

The City of Winooski shall have all powers possible for a City to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-103. Construction**

The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article. The City shall have and may exercise all of the powers given to towns by the general law. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-104. Intergovernmental relations**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State and any one or more of the political subdivisions of the State or agencies thereof, or the United States or any agency thereof. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-105. Power over water resources**

(a) No ~~citizen~~person, association of ~~citizens~~persons, ~~domestic corporation~~corporate entity, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City

of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

(b) The City of Winooski may make, amend, repeal, and enforce any ordinances, regulations, rules, and bylaws not contrary to the laws of the State of Vermont or of the United States as it may deem necessary to carry into effect the powers and duties conferred and imposed by this section. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-201. City meetings

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of such City meetings shall be controlled as set forth in Section 19-202 below~~by general law~~. All matters shall be considered by Australian ballot. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-202. Qualified voters

(a) Voter registration, ~~qualification,~~ absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters for state and federal elections shall be as provided by general law. The qualifications of voters in ~~the~~ City meetings and all municipal elections shall be as set forth in subsection (b) below~~the same as those prescribed by law for voters in town meetings.~~

(b) Any person (including persons who are non-U.S. citizens, notwithstanding the provisions of 17 V.S.A. §2121(a)(1)) may register to vote in any City meeting or municipal election who, on election day:

(i) Is a legal resident of the City;

(ii) Has taken the voter's oath; and

(iii) Is 18 years of age or older.

(c) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) above, and separate and apart from the voter checklist maintained for state and federal elections.

(d) The voter checklists maintained by the City Clerk for both municipal elections and state and federal elections shall be subject to the protections given to the

statewide voter checklist as set forth in 17 V.S.A. § 2154(b), (c), and (d).  
(Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-203. Special meetings

The City Clerk shall, when directed by the City Council on its own motion or upon receipt of a proper petition, call a special meeting of the City at such time and place as the City Council may direct. The warning for such special meeting shall state the purposes for which it is called, shall designate the time and place thereof, and shall be posted and published in the manner provided by general law. Special city meetings shall be called and warned as provided by general law. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### § 19-204. Reconsideration and rescission

Actions taken at an annual or special meeting may be reconsidered or rescinded in the manner provided by general law. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-205. Nominations in general

Nominations for the office of Mayor and Councilor shall be made by petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a, or any successor statutes ~~which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed.~~ The petitions shall contain no party designations. ~~A person shall not sign more than one petition for each individual office to be filled.~~ The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and sample ballots shall be posted in at least three public places at least ten days before election. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-206. Nomination of incumbent

No person may be permitted to seek the nomination for the Office of Mayor or councilor while a member of the City Council, unless his or her present term of office expires on or before the annual March meeting next to be held. If a member of the City Council resigns to seek another office on the City Council, the resignation must be filed with the City Council and become effective at least 15 days prior to the last day of filing nomination papers of candidates for the offices of Mayor or councilor. In special elections called for the purpose of filling a vacancy or vacancies on the City Council, a person intending to become a candidate for an office to be filled at a special city election must first resign the present office at least 15 days before the last

day for filing nomination papers for the election. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-207. Voting machines**

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-301. Composition; eligibility; election and terms**

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

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

(c) Election and terms. At the annual City meeting, the City shall elect four councilors, as hereinafter set forth, who shall hold office for two years and until their successor takes office. Two councilors shall be elected at the annual City meeting to be held on the first Tuesday of March, following adoption of this charter, who shall hold office for two years. At each succeeding annual City meeting, two councilors shall be elected for two years. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

**§ 19-302. Compensation; expenses**

The Mayor and councilors shall receive as compensation for official services such sums, if any, as the legal voters of the City present and voting at an annual or special meeting duly warned and held for that purpose shall order paid. The Mayor and councilors shall receive their actual and necessary expenses incurred in the performance of their duties in office as approved by the City Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-303. Mayor and Deputy Mayor; election, terms, and duties**

At the annual City meeting to be held on the first Tuesday of March, commencing March 3, 2015, and every three years thereafter, the Mayor shall be elected for a term of three years, and until the Mayor's successor takes office. The Mayor shall be the City Council presiding officer and Chair of the City's Strategic Planning Committee. The Mayor shall be the City Council liaison with regard to the City Manager, governmental entities, and independent agencies and shall be permitted to take any action approved by the City Council, including the execution of documents. The Council shall elect from its members a Deputy Mayor who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs in the office of the

Mayor, the Deputy Mayor shall become Mayor until the next annual meeting, at which a new Mayor shall be elected to serve any remainder of the prior Mayor's unexpired term. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-304. General powers and duties**

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

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

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

(A) In addition to and not in limitation of the powers set forth in subdivision (1) of this subsection, the power to acquire lands for the purpose of eventual rental, lease, or resale to industrial or to commercial users or purchasers, or for the purpose of erecting thereon and with the further right and power by the City to erect thereon one or more speculative industrial or commercial buildings and to rent, sell, or lease the same to others, with or without option to purchase, as the City Council may find to be necessary in the public interest and to issue its bonds or other evidence of debt therefor in an amount as the City Council shall establish by a majority of the entire Council. However, no such indebtedness shall be authorized unless the City Council shall determine first that the value of such lands and buildings together with the amount of the sale agreement if sold or the rents accruing therefrom if rented and the purchase option (if any) thereto appertaining will be reasonably sufficient from time to time to cover the payment of bonds or other debt outstanding issued to defray the cost of any such lands or buildings; and provided further no such expenditure shall be made or indebtedness incurred unless authorized by a majority vote of the legal voters voting on such question at an annual or at a special meeting duly warned and held for that purpose.

(B) All monies received from the sale, rental, or lease of any such lands and buildings shall be kept in a separate fund to be used solely to pay any such expenditure or indebtedness as the same becomes due and payable. In the event the amount in the fund shall have become more than sufficient to meet such expenditures

or indebtedness, the City Council may transfer any surplus to the general fund of the City.

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

(2) To adopt, amend, repeal, and enforce ordinances relating to the construction of improvements, including curbs, sidewalks, street lighting, and storm drains; to the installation of curbs, sidewalks, street lighting, and storm drains; in a manner specified under the ordinance as a condition precedent to the issuance of a building permit, to the assessment of part or all of the expenses of such improvements against property owners benefited thereby in proportion to respective frontage upon highways or to respective values of property or by such standard, as determined from time to time by the City Council, and to provide for violation or nonperformance.

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

(4) To adopt, amend, repeal, and enforce in accordance with the general laws of the State ordinances relating to the regulation or prohibition of the possession and use of dangerous objects and substances; the discharge of firearms and air rifles; and the possession and use of other weapons and devices having a capacity to inflict personal injury.

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

(6) To adopt, amend, repeal, and enforce personnel and other policies relating to any activity or enterprise that does not require adoption of an ordinance under this charter.

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

(8) To fix, demand, impose, and enforce such items, conditions, and regulations for the excavation of any street or highway by any person, as shall be just and reasonably related to the City's reconstruction and maintenance costs, including any sum or sums of money to be paid to the City for the damages resulting from excavation of any street or highway, or for the purpose of therein erecting and maintaining any poles, wires, or any other apparatus in or under the surface of the street; and to prohibit the use of any street by any such person until such terms have been complied with.

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

(10) To appoint and, when deemed necessary for the good of the service, suspend or remove the following, who shall hold office at the will of the City Council:

- (A) a City Treasurer;
- (B) a City Attorney or firm;
- (C) an Auditor or firm; and
- (D) a Health Officer and his or her deputies.

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

(12) To serve as, and exercise the powers of, the local Board of Health, the local Liquor Control Board, and the Board of Water and Sewer Commissioners, and serve as members of the Board of Civil Authority. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-305. Prohibitions; conflict of interest**

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council.

~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

(b) Appointments and removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of the Manager's subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to the appointment and removal of such officers and employees.

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

(d) Conflict of interest. By ordinance, resolution, parliamentary rule, or prohibition, the Council shall adopt measures relating to the definition, disclosure, and consequences of a conflict of interest involving elected and appointed City officials. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### **§ 19-306. Vacancies; forfeiture of office; filling of vacancies**

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

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

(1) lacks any qualification for the office prescribed by this charter or by law;

(2) violates any express prohibition of this charter;

(3) is convicted of any felony or a misdemeanor involving the affairs or property of the City;

(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council; or

(5) violates an express conflict of interest prohibition.

(c) Filling vacancies. A vacancy in the office of councilor shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to appoint within 30 days following the occurrence of the vacancy, the City Clerk shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article 2 of this charter. Should the City Clerk fail to call a special election as aforesaid, this duty shall be performed by the Mayor. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-307. Judge of qualification**

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of this office shall be entitled to a public hearing on demand, and notice of such hearing shall be given as for notice of a special City Council meeting. A decision that a Councilor has forfeited his or her office shall require a two-thirds vote of the entire Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-308. Clerk of the City Council**

The City Council shall designate the City Clerk, or such other person as the City Council shall appoint or designate, as the Clerk of the Council who shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, and perform such other duties as are prescribed by law and assigned by this charter or as directed by the City Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-309. Investigations**

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any City official, appointee, or employee who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be removed from office or employment upon majority vote of the entire Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-310. Independent audit**

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may designate such accountant or firm annually or for a period not exceeding three years, provided that the designation of any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. The Council may accept the report of an audit conducted by the State in satisfaction of all or a part of the requirements of this section. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-311. Procedure**

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

(b) Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record, and available to inspection and copying as for other public records of the City, in accordance with the access to public records laws of the State.

(c) Voting. Voting shall be by voice, unless, upon such a vote, the margin of affirmation or denial is one member or a member of the Council calls for a roll call vote, in which case, voting shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the Council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in this charter, shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum of the Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-401. Action requiring an ordinance**

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

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

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

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

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

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

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

(7) establish, amend, or repeal a fee. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-402. Ordinances in general**

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Winooski hereby ordains...". Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, sections, or

subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

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

(c) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-403. Emergency ordinances**

To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise or regulate the rate charged by any public utility. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. The declaration of an emergency shall be deemed to be conclusive as to its existence. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three members shall be required for adoption. After its adoption, the ordinance shall be posted and published immediately. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall expire and be of no further force and effect as of midnight on the 31st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-404. Codes of technical regulations**

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

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

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

(b) Copies for regulations. Copies of an adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### **§ 19-405. Authentication and recording; codification; printing**

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

(b) Codification. Within three years after adoption of this charter and at least every 10 years thereafter, the Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Vermont and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Winooski City Code. Copies of the Code shall be furnished to City officers. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### **§ 19-406. Ordinance; enforcement**

(a) The violation of an ordinance, regulation, or bylaw adopted by the City, including zoning, and subdivision bylaws adopted pursuant to 24 V.S.A. chapter 117, as the same may be amended from time to time, may be processed as a criminal or civil action in the manner provided by general law.

(b) All penalties collected for the violation of an ordinance, regulation, or bylaw shall be paid over to the City, except for a surcharge that shall be set and retained by the court. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-407. Court authorized to order abatement**

In any prosecution for a nuisance resulting in a judgment or conviction, the court before which the nuisance action has been brought shall order the nuisance or offense complained of to be removed or abated and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-408. Offenders may be liable in damages**

A person violating any ordinance, regulation, or bylaw of the City shall be liable in damages to the City or to the person who shall sustain damage as the direct result of the violation; such damages may be recovered in an action declaring upon such ordinance, regulation, or bylaw. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-409. City Council to establish penalty**

The City Council may provide for the violation of any ordinance, regulation, or bylaw as provided by law, and may establish that each day such violation continues constitutes a separate and distinct offense. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-410. General authority for initiative and referendum**

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

(b) Referendum. The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital improvements program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

**§ 19-411. Commencement of proceedings; affidavit**

(a) Any qualified voter or group of voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating that he, she, or they will

be responsible for circulating the petition and filing it in proper form, stating the name and address of the voter who will serve as petitioner to which all notices are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the petitioner is filed, the Clerk shall issue the appropriate petition forms to the petitioner. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-412. Petitions**

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

(b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

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

(d) Time for filing referendum petitions. Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-413. Procedure after filing**

(a) Certificate of Clerk; amendment. Within 20 days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner files a notice of intention to amend it with the Clerk within two days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections 412(b) and (c) of this charter, and within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner by registered mail as in the

case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present the certificates to the Council and the certificates shall then be a final determination as to the sufficiency of the petition.

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

(c) Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-414. Referendum petitions; suspension of effect of ordinance**

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

- (1) there is a final determination of insufficiency of the petition;
- (2) the petitioner withdraws the petition;
- (3) the Council repeals the ordinance; or

(4) 30 days have elapsed after a vote of the City on the ordinance. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-415. Action on petitions**

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

(b) Submission to voters. The vote of the City on a proposed or referred ordinance shall be held not less than 30 days from the date of the final Council vote thereon. If

no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by the petitioners. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-416. Results of election**

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

(b) Referendum. If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results. (Added 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-501. Appointment; qualifications; compensation of City Manager**

The Council shall appoint a City Manager for a mutually agreed-upon term and fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or State at the time of appointment but may reside outside the City while in office only with the approval of the Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-502. Acting City Manager**

By letter filed with the City Clerk, the Manager shall designate, subject to approval of the Council, a qualified city administrative officer to exercise the powers and perform the duties of Manager during a temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or the disability shall cease. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-503. Removal of City Manager**

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

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

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

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

(b) Salary; review. The Manager shall continue to receive a salary until the effective date of a final resolution of removal, except upon a judicial finding of criminal behavior or gross negligence by the Manager, the Council may cease payment upon its initial resolution. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-504. Powers and duties of the City Manager**

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

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

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

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

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

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

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

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

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

(9) Act as the Emergency Management Director consistent with 20 V.S.A. chapter 1.

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

(11) Have all other powers and duties prescribed by law upon municipal managers and not herein specifically enumerated or withheld. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-505. City Manager; vacancy in office of**

In the event of a vacancy in the office of City Manager or the Manager's incapacity to perform the duties and functions set forth in this article, the powers and duties shall be performed by the Acting City Manager, subject to the provisions of section 502 of this charter, until such vacancy has been filled or incapacity removed. Such vacancy shall be filled within a period not to exceed 60 days. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

#### **§ 19-506. City officers; appointment of**

(a) General. The officers of the City of Winooski shall be those provided by law for towns, except as otherwise provided or limited by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

(b) Appointment. All officers of the City shall be appointed by the City Manager, unless otherwise herein provided. The City Manager shall fill any vacancy in such offices.

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

- (1) a City Clerk;
- (2) a City Grand Juror;
- (3) a Constable;
- (4) a Collector of Taxes;
- (5) a Police Chief;
- (6) a Fire Chief;
- (7) a Fire Marshal;
- (8) a City Assessor;
- (9) a Zoning Administrator;
- (10) an Emergency Management Coordinator; ~~and~~
- (11) a Human Resource Director; and
- (~~12~~4) other officers required by law.

(d) The powers of the Collector of Taxes may be delegated to another appointed officer or department head. In the event the Collector of Taxes is a City employee, that person is not entitled to charge and collect from the taxpayers a commission on the amount of tax collected.

(e) [Repealed.]

(f) A nonresident of the City shall be eligible for appointment to any office enumerated in this section. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

## § 19-601. Organization

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

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

(c) All departments, offices, and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

(d) The Water Department shall continue to operate under, and have the same powers and duties as set forth in No. 184 of the Acts of 1900 and all amendments thereto, and any other provisions of the laws of the State of Vermont applying to the Department, except as otherwise herein provided. The management of the Department, the appointment or removal of the Superintendent, or both, the hiring and dismissal of the Department employees and all other administrative duties required by the act shall hereafter be and become duties and responsibilities of the City Manager. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016; 2017, No. 74, § 112.)

## § 19-602. ~~Citizen~~Resident engagement

(a) [Repealed.]

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

(c) The boards, committees, commissions, and agencies shall exercise all powers and duties as prescribed by law, ordinance, or administrative code, or a combination of these, and the City Council shall approve a charter and bylaws specifying the powers, duties, organization, and procedures of each board, committee, commission, and agency.

(d) All unpaid appointments of ~~citizens~~residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens~~Residents once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016; 2017, No. 74, § 113.)

### § 19-603. Personnel system

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

(b) ~~Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council.~~ **[Repealed.]**

(c) [Repealed.]

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

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

(2) compensation, benefits, work rules, hiring and termination, grievance procedures, and other matters required by law, collective bargaining, or deemed appropriate by the City Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### § 19-604. Repealed. 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.

### § 19-605. Surety bonds

All City officers and employees, as directed by the City Council, shall annually give bonds to the satisfaction of the Council for the faithful discharge of their duties, the premiums of which shall be paid by the City. In the event any officer or employee neglects to give a bond as herein specified, after 10 days' notice from the City Council that a bond is required, the office shall thereupon become vacant, and the vacancy shall be filled as provided in this charter. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### § 19-701. Fiscal year

The fiscal year of the City shall begin on the first day of July and end on the last day of June. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-702. Submission of budget and budget message

On or before 60 days prior to the City annual meeting, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-703. Budget message**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-704. Budget**

(a) Budget. Notwithstanding any prior acts of the voters, the general fund budget for the ensuing fiscal year submitted by the Manager shall clearly define all anticipated operational expenditures for all City departments, offices, or agencies and a sum sufficient to pay the interest and principal for all obligations of the City. The budget shall also include the estimated revenues from taxation, fines, and all other lawful sources necessary to meet the anticipated expenditures. The general fund budget shall not include enterprise or special revenue funds.

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

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

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

(e) Reports. The budget shall be prepared and managed by the Manager, who shall issue an annual report on all City budgets, in accordance with section 504 of this charter. The budget shall be monitored by the City Treasurer who shall make timely periodic reports thereof to the Council.

(f) Enterprise and special revenue budgets. The Manager shall submit enterprise and special revenue budgets to the Council. The Council may amend and shall approve the enterprise and special revenue budgets prior to the start of each fiscal

year. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016; 2017, No. 74, § 114.)

### **§ 19-705. Capital improvement plan**

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital improvement program at least 60 days prior to the final date for submission of the budget.

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

(1) a clear general summary of its contents;

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

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

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

(c) Revisions and extensions. The information in this section may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016; 2017, No. 74, § 115.)

### **§ 19-706. Council and annual meeting action on budget**

(a) Notice and hearing.

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

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

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

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

(b) Amendment before submission to the voters. After the public hearing, the Council may approve the budget for submission to the voters with or without

amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the Manager's recommended expenditures to an amount greater than the total of estimated income.

(c) Budget vote. The Council shall warn the budget to the voters for approval at the annual meeting held on the first Tuesday in March. The budget vote shall be conducted in accordance with the provisions set forth in Article 2 of this charter. If the voters fail to approve the budget at the annual meeting, the Council shall reconsider the budget and submit a revised budget to the voters prior to June 1 of that same year. The vote on the revised budget shall be conducted as set forth in Article 2 of this charter. If the voters fail to approve the revised budget, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council warns and the voters approve a budget for the ensuing fiscal year. Voter approval of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### **§ 19-707. Public records**

Copies of the budget approved by the voters and the capital program shall be public record and shall be made available to the public. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### **§ 19-708. Amendments after adoption**

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

(b) Reduction of appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Manager shall report to the Council without delay, indicating the estimated amount of the deficit, and any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one or more appropriations, or transfer all or any portion of the balance of a capital reserve fund.

(c) Transfer of appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Manager, the

Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another, or set aside all or any portion of an unencumbered appropriation in a capital reserve fund.

(d) Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof except as described in this section. The supplemental appropriations and reductions or transfer of appropriation authorized by this section may be made effective immediately upon adoption. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-709. Lapse of appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### **§ 19-710. Administration of budget**

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

(b) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be voided and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the officer shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by resolution. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

## **§ 19-711. Bonds**

Whenever the City shall vote in the manner prescribed by general law to incur debt by issuance of bonds for the purpose of making improvements, the vote to incur such indebtedness shall authorize the Manager to include in each annual budget a sum sufficient to pay the interest on such indebtedness and that part of principal thereof next coming due. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

## **§ 19-712. Warrants for payment**

Money shall not be paid out of the City Treasury except on a warrant signed by at least three members of the Council and approved by the City Council, and such approval shall be authenticated by the City Clerk. A full record of all expenditures for all City funds, by departments, shall be kept, and a clear statement of all receipts and disbursements of City monies and of the affairs of the City generally, shall be published annually in the City report under the direction of the City Council. The City Treasurer shall establish and maintain charts of account detailing all receipts, revenues, expenditures, and disbursements, and shall report all such activity to the Manager and the Council no less frequently than quarterly. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

## **§ 19-713. Tax levy; authority for**

The City Council shall have the power annually to levy and assess upon the grand list such tax, as set forth in the budget approved by the voters at the annual or a special meeting called for the purpose, and such other tax as may be necessary for the payment of all State, county, and State highway taxes. Such tax bills, with a resolution signed by at least three members of the Council, shall be delivered to the Treasurer, to whom all taxes shall be paid in money. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

## **§ 19-714. Credit of the City for current expenses**

The money raised by taxation, from fines and other lawful sources, including tax increments in excess of sums necessary to pay and secure the City's tax increment obligations and the costs of managing the City's tax increment financing district shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the City Council. The credit of the City may be pledged by the City Council for the purpose of raising funds to meet the current expenses of the City. Such loans shall be paid on or before one year from date thereof. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

## **§ 19-715. Expenditures not to exceed revenues**

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

(b) The City Council, without special direction of the voters of the City, shall not draw orders on the City Treasury in excess of the current revenues, except to meet obligations imposed by law. The City Treasurer, without special direction of the voters of the City, shall not honor orders drawn in excess of the current revenues, except to meet obligations imposed by law. (Added 2013, No. M-9, § 3, eff. June 4, 2013; amended 2015, No. M-19 (Adj. Sess.), § 2, eff. May 17, 2016.)

### § 19-716. Authority to pledge credit of City

Whenever the legal voters of the City shall authorize the City Council to pledge the credit of the City for any purpose, the City shall have authority to issue negotiable orders, warrants, notes, or bonds, not to exceed the limit prescribed by law, for which the legal voters aforesaid have given authority to so pledge the credit of the City. Such notes or bonds shall be payable at such time and at such rate of interest as shall be established by resolution of the City Council. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-717. Tax classification

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and public recreation, conservation, or open space lands ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ shall be classified as nonresidential property and shall be ~~assessed~~ taxed by applying the tax rate on ~~at~~ 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

(b) As used in this section, "residential property" is hereby defined to include all property used for dwelling purposes, including accessory property which is subordinate to or customarily incidental to the main residential use such as garages and outbuildings. Where a property is used for both residential and nonresidential purposes, it shall be apportioned according to such uses and then classified and assessed as herein provided. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### § 19-718. Tax increment financing

Nothing contained in this Article shall impair, affect, or alter any revenues or sources of revenues now or hereafter existing which are derived from the City's Tax Increment Financing District created under 2000 Acts and Resolves No. 159, Secs. 37 and 38, as amended by 2003 Acts and Resolves No. 68, Sec. 40. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-719. Local option tax**

(a) If the City Council by a majority vote recommends, the voters of the City may, at an annual or special meeting warned for the purpose, by a majority vote of those present and voting, assess any or all of the following:

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

(b) Any local option tax assessed under subsection (a) of this section shall be collected and administered and may be rescinded as provided by the general laws of this State. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§§ 19-801-807. Repealed. 2015, No. M-19 (Adj. Sess.), § 3, eff. May 17, 2016.**

### **§ 19-901. Personal financial interest**

Any City councilor, officer, or employee who has a substantial financial interest, direct or indirect or by reasons of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies, or services to the City, or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in any capacity as a City officer or employee in the making of such sale or the making or in the performance of such contract. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-902. Separability**

If any provisions of this charter are held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

### **§ 19-903. Oath of office**

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

"I \_\_\_\_\_ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of \_\_\_\_\_ of the City of Winooski to the best of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~" (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### § 19-904. Savings clause

The passage of this act shall not affect any ordinance, resolution, or bylaw lawfully enacted, ordained, and established under the provisions of the acts hereby amended by this act, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until repealed, altered, or amended. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### § 19-905. Title of charter

This act shall be designated as the charter of the City of Winooski. A copy of this act shall be kept in the office of the City Clerk of the City of Winooski, to which copy shall be affixed a certificate under the hand of the Secretary of State and the Seal of the State of Vermont that the laws therein contained are statute laws of the State of Vermont, and such certificate copy shall be an authentic record of such laws. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### § 19-906. Continuation in office

The Mayor and Council members of the City, and all City officials holding office therein by virtue of the general laws of this State or the acts hereby amended shall hold office until expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this State, or the provisions of this act. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

#### § 19-907. Amendment of the charter

This ~~act~~ Charter may be altered, amended, or repealed as follows:

- (1) ~~By~~ By the General Assembly whenever the public good shall require; or-
- (2) By the General Assembly upon proposal by the City in compliance with the provisions of 17 V.S.A. § 2645 (or successor statute); or
- (3) By the City Council, upon approval by a majority vote of the voters of the City. Any Charter amendments approved by the City Council under this Subsection (3) must conform to a charter provision authorized by the General Assembly for another municipality of the State. Such amendment by the City Council and approved by the voters shall be effective only upon written notice of such amendment given to the Secretary of State.

A copy of all acts in alteration, amendment, or repeal shall be kept in the office of the City Clerk of the City of Winooski, and the copy shall be certified by the Secretary of State as provided in section 905 of this charter. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-908. Penalties; forfeitures or suits not affected**

This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-909. Continuation of acts not amended**

The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-910. Application of State statutes**

Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of the City, all provisions of the statutes of this State, relating to towns or town officers shall apply to the City, and to the several officers thereof corresponding to like officers of towns. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

**§ 19-911. Charter effective**

This act shall take effect when adopted by the majority vote of the legal voters of the City of Winooski present and voting at an annual or special meeting duly warned for that purpose, and upon legislative approval in accordance with the laws of the State of Vermont. (Added 2013, No. M-9, § 3, eff. June 4, 2013.)

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