

# The Vermont Statutes Online

## **Title 24 Appendix: Municipal Charters**

### **Chapter 225: Village Of Hyde Park**

#### ***Subchapter 1: Village Officers Responsible To Citizens; Village Meetings***

##### **§ 225-1. Authority of citizens**

All governmental authority of the Village of Hyde Park rests with the citizens of the Village, who exercise their powers in Village meeting, and to whom the elected and appointed officers of the Village are ultimately responsible. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

##### **§ 225-2. Village meetings**

(a) An annual Village meeting for the consideration of the budget and other Village business shall be held on the first Tuesday of May according to State law except as hereinafter provided.

(b) A special Village meeting:

(1) may be called by a majority of the Village trustees; or

(2) shall be called by the Village trustees upon receipt of a petition signed by at least five percent of the voters, specifying the business to be transacted at the meeting. The meeting shall be held pursuant to Title 17 of Vermont Statutes Annotated.

(c) Whenever an issue or election is to be decided by Australian ballot, the ballot boxes shall be opened no earlier than 6:00 a.m. but no later than 10:00 a.m., as determined by the trustees, and shall close at 7:00 p.m. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

##### **§ 225-3. Postponement and combining of Village meetings.**

The trustees may postpone the vote on any question to be voted at a special meeting to the annual meeting if such special meeting would fall within 75 days of the annual meeting. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

##### **§ 225-4. Australian ballots**

At an annual or special Village meeting, the voters may decide whether the provisions of the Australian ballot system shall apply pursuant to 17 V.S.A. § 2680. A meeting at which any question is to be decided by Australian ballot shall be preceded by a public hearing for discussion. The warning for the meeting shall include a notice of the time and place of the public hearing. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

##### **§ 225-5. Warnings**

(a) Public notice of every annual or special Village meeting or Village election shall be given by a warning posted in at least three places in the Village at least 30 days but not more than 40 days prior to the meeting; and published at least five days before the meeting, in a newspaper having general circulation in the Village. Except that the warning for the annual meeting need not be published if the warning is published in the Village report and the Village report is mailed or distributed to the voters at least 10 days before the meeting.

(b) The warning shall:

(1) state the date, time, and place of the meeting;

(2) be signed by a majority of the trustees, except for meetings required by this charter to be called by the Village trustees;

(3) specifically indicate by separate articles what business is to be transacted at the meeting;

(4) contain any article approved by the trustees; and

(5) contain any article requested by petition signed by at least five percent of the voters and filed with the Village Clerk at least 40 days prior to the day of the meeting.

(Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-6. Conduct**

(a) The President shall preside at all Village meetings, but in the President's absence, the Village Clerk shall call the meeting to order, and the first order of business shall be the election of a President Pro Tempore to preside for the duration of the meeting. The President, as Moderator, shall conduct every meeting according to this charter, the laws of the State of Vermont, and Roberts' Rules of Order, Newly Revised, when not in conflict with this charter or the laws of the State of Vermont. The President shall preserve order in the conduct of the business of the meeting and in all things preserve the principles of fairness and openness in Village government.

(b) The Village Clerk shall be the presiding officer at all Village elections by Australian ballot and shall cooperate with the Board of Civil Authority to assure that all laws relating to elections are faithfully observed. While the polls are open, the Village Clerk may rule on all questions concerning the conduct of the election and shall not be disqualified from performing any duties by reason of his or her own candidacy for any office. In the Village Clerk's absence, the members of the Board of Civil Authority who are residents of the Village may designate one of their members to perform the Village Clerk's duties under this subsection. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-7. Reconsideration of actions taken**

A question considered at any Village meeting or election may not be submitted to the voters for reconsideration or rescission except at a subsequent annual or special meeting or election, specifically warned for the purpose and called by the Trustees by resolution or by the Village Clerk pursuant to a petition requesting reconsideration or rescission except

with the approval of the legislative body. The petition must be signed by not less than 10 percent of the voters and filed with the Village Clerk within 30 days following the date of the meeting or election at which the question was first considered. The Village Trustees shall call for a vote in accordance with the petition within 60 days of the date of filing. The manner of reconsideration shall be the same manner by which the question was originally considered. A question voted on or considered shall not be presented for reconsideration or rescission more than one time; provided, however, that after the passing of at least 12 months from the date of any such reconsideration or rescission, the same or a similar question may be newly submitted for consideration. Unless rescinded as provided in this section, any vote or action lawfully taken at a Village meeting or election shall remain in effect indefinitely. A reconsideration or rescission vote shall not be effective unless the number of votes cast in favor of reconsideration or rescission exceeds 65 percent of the number of votes cast for the prevailing side at the original meeting. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### **§ 225-8. Board of Civil Authority**

(a) The Board of Civil Authority shall consist of the justices of the peace residing within the Village, the Village Clerk, and the trustees. At the first meeting following each annual Village election, the Board of Civil Authority shall elect a Chair from among its members; the Village Clerk shall be the Clerk of the Board. In the event of the absence of either the Chair or the Clerk from any meeting of the Board, the first order of business shall be the election of a Chair or Clerk Pro Tempore to serve for the balance of the meeting.

(b) The Board of Civil Authority shall meet prior to every regular or special Village meeting or election to prepare, revise, and post in the manner required by law, an alphabetical list of all the legal voters in the Village. For that purpose, the Board shall have access to any books or lists belonging to the Village, except as provided by law, and may require the assistance of any of the Village officers. The Board shall post in three places an attested copy of the list of voters so prepared and corrected, at least four days prior to the meeting or election, and the said list of voters so prepared and corrected, and no others, shall be used at the meeting or election. In preparing the list of voters, the Board shall record each name in such manner as to identify each voter precisely, so as to avoid any possible confusion. The Board of Civil Authority shall be governed by State laws relating to voter qualification, checklist maintenance, and removal of names from the checklist, as they appear in 17 V.S.A. chapter 43.

(c) In addition to any other requirement of law, the Board shall cause at least two notices of the time and place of each of its meetings for the purpose of revising the checklist to be published in the newspaper of general circulation in the Village. Publication shall be at least two and not more than 10 days prior to such meeting, but no notice need be published with respect to an adjourned session of a meeting for which notice has been given.

(d) The Board shall assist the Village Clerk and Village President in supervising all Village elections and meetings, and shall take care that all laws and requirements relating to elections and election procedures and Village meetings are fully and faithfully kept. The

Board may require the presence of any law enforcement officers it may judge necessary to preserve the integrity of any election or Village meeting.

(e) The members of the Board of Civil Authority present shall constitute a quorum for all purposes. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### **§ 225-9. Nomination of candidates**

Unless proceeding by Australian ballot, nomination of persons to fill Village offices shall be from the floor at the Village meeting. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 3: Boundaries And Powers Of The Village***

#### **§ 225-31. General powers**

(a) The Village of Hyde Park shall have all the powers granted to villages by the Constitution and laws of this State, together with all the implied powers necessary to carry into execution all the powers granted; the Village may enact ordinances pursuant to 24 V.S.A. chapter 59 not inconsistent with the Constitution and laws of the State of Vermont or with this charter, and impose penalties for violation thereof.

(b) The Village may acquire property within or without its corporate limits for any Village purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, consistent with the Constitution and laws of the State of Vermont and may sell, lease, mortgage, hold, manage, and control such property as its interest may require consistent with the Constitution and laws of the State. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-32. Boundaries**

The bounds of said Village of Hyde Park shall be as presently constructed and described in the Report of Selectmen dated May 14, 1895, as the boundaries may subsequently be altered by acts of Village and Town meetings adding real estate to and deleting real estate from said corporate limits. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 5: Elected Officers***

#### **§ 225-51. Elected officers**

(a) At the annual meeting, the following officers shall be elected by the voters of the Village of Hyde Park, and unless the voters have previously voted to proceed by Australian ballot pursuant to 17 V.S.A. § 2680, voting for all such officers shall be by paper ballot.

- (1) Five trustees.
- (2) One President.
- (3) Three Bliss Fund trustees.
- (4) Three auditors.

(b) Only a voter of the Village of Hyde Park may seek election to or hold a Village elective office except for an individual seeking the Office of President, who may be a resident of the Town of Hyde Park. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-52. Trustees**

(a) Except as otherwise provided in this charter, all the powers of the Village shall be entrusted to and exercised by the trustees consisting of five members chosen by the voters of the Village of Hyde Park. Three members shall be elected for terms of three years and two members shall be elected for terms of two years. The Board shall discharge all the duties

conferred or imposed upon trustees by law, including the duties of water, electric and sewer commissioners, and any similar ex officio duties; and when sitting in such official capacity, it shall not be necessary to convene in a separate capacity.

(b) The trustees shall meet within 14 business days after the annual election to elect a Chair and to designate one of their Board or the Village Clerk as Clerk of the Board. Special meetings of the trustees may be called at any time by the Chair, or, in the Chair's absence, by a majority of the trustees.

(c) No action of the Board shall be valid or binding unless approved by a majority of the Board of Trustees. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-53. Auditors**

Auditors shall be elected for terms of three years, with one elected each year. They shall be responsible for the proper financial accountability of the Village, and for this purpose, all Village officers shall, within 20 days after the close of the fiscal year, submit to the auditors such reports, records and materials as the auditors require for the discharge of their duties. The auditors shall then proceed to examine and adjust the accounts of all Village officers and report their findings in writing, not later than 50 days after the close of the fiscal year. They shall cause their findings to be printed and made available to the voters. The auditors may employ the services of a certified public accountant at Village expense, for such purposes as they shall deem proper, should they believe there has been gross misuse of Village funds. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-54. Bliss Fund trustees**

The Bliss Fund trustees shall consist of three trustees, one elected each year for a term of three years. The trustees shall have the powers and duties prescribed for the Bliss Fund and those listed in the Village bylaws. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-55. President**

A President shall be elected for a term of one year and shall perform all duties required by this charter, and to the extent not in conflict with this charter, all duties required by laws of the State of Vermont. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 7: Appointed Officers***

#### **§ 225-71. Appointed officers**

(a) Within 14 days following the annual Village meeting, the Board of Trustees shall meet and, by a majority vote, shall appoint other Village officers as allowed by law, including the following:

- (1) One Village Clerk.
- (2) One Village Treasurer.
- (3) One Delinquent Tax Collector.
- (4) One Constable.

(b) A vacancy in any appointive office may be filled for the duration of the unexpired term by the trustees. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-72. Village Clerk**

(a) The Village Clerk shall be appointed by the Board of Trustees for a one year term and shall:

- (1) maintain a record of all action taken at special or annual Town meetings;
- (2) maintain all Village records and an index to those records if appropriate;
- (3) maintain and file all reports required by law;

(4) perform any other duties required of the Clerk by law, this charter, ordinances, or the Board of Trustees.

(b) Before entering upon the duties of the office, the Village Clerk shall give a bond conditioned for the faithful performance of the Clerk's duties. The bond shall be of a sum and with such surety as prescribed and approved by the trustees, and the premium shall be paid by the Village. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-73. Village Treasurer**

(a) The Village Treasurer shall be appointed by the Board of Trustees for a one year term and shall:

- (1) receive taxes, assessments, charges and levies, and maintain a record of monies collected and uncollected;
- (2) serve in the capacity of Tax Collector and, in the absence of a Delinquent Tax Collector, handle delinquencies;
- (3) pay orders drawn by officials authorized to draw orders;
- (4) deposit and invest funds in a financially sound manner;
- (5) provide detailed financial statements and reports, as may be required by the trustees;
- (6) perform any other duties required of the Treasurer by law, this charter or ordinances and by the trustees.

(b) Before entering upon the duties of the office, the Village Treasurer shall give a bond conditioned for the faithful performance of the Treasurer's duties. The bond shall be of a sum and with such surety as prescribed and approved by the trustees, and the premium shall be paid by the Village. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-74. Delinquent Tax Collector**

A Delinquent Tax Collector may be appointed for a one year term by the Board of Trustees. Taxes assessed and collected shall be as stated in section 93 of this chapter, entitled-"Taxes". In the absence of an appointed Tax Collector, the duties of such position shall revert to the Village Treasurer. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-75. Constable**

A Constable may be appointed for a one year term by the trustees. The Constable's training and duties shall be set by the trustees. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 9: Financial***

#### **§ 225-91. Fiscal year**

The fiscal year shall begin the first day of January and end the last day of December unless another date is fixed by the voters at any annual Village meeting. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-92. Appropriations**

(a) All amounts specified in the budget and approved by the voters at the annual Village meeting are appropriated for the purpose specified. The trustees may transfer appropriated amounts between general classifications and expenditures. All unexpended and unencumbered appropriations, except appropriations for capital expenditures, shall lapse at the close of the fiscal year.

(b) The majority of the trustees shall sign the orders at each regularly scheduled meeting. However, the Board may adopt to use the provisions of 24 V.S.A. § 1623 in lieu of this provision. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-93. Taxes**

(a) All real and personal property taxes shall be paid to the Village Treasurer in full or in not more than four equal installments as set forth by specific article in the Village warning.

(b) The tax rate shall be annually set by the trustees as soon as practicable after final adoption of the Village budget and filing by the listers of the grand list for the Village. In setting the rate, the Board shall consider only that amount that is necessary to offset the difference between revenues and expenses, including any surplus carried over from the previous year.

(c) Taxes shall become delinquent on the first business day following the due date of the final installment. The Treasurer, within 10 days, shall turn all unpaid tax accounts over to the Tax Collector together with a warrant for the collection of such accounts. Accounts forwarded to the Tax Collector shall include interest accrued to that date, and simple interest shall continue to accrue at a rate as set forth by a specific article in the Village meeting warning and approved by the voters. A delinquency fee as determined by the Village meeting warning and approved by the voters shall be added to the amount of tax due. The Tax Collector shall be empowered under general law of the State to levy on personal property, bring actions at law, conduct tax sales of real estate, and bring petitions for foreclosures on tax liens in accord with State law. Such acts shall be done in the name of the Village of Hyde Park.

(d) The grand list of rateable estate within said Village, as made out by the listers of the Town of Hyde Park, shall be the grand list of said Village, and the trustees shall cause a copy of said list to be made out and filed in the office of the Clerk of said Village at the same time it is completed in the Town Clerk's office. In case a parcel of real estate is situated partially within and partially without the limits of said Village, said listers shall designate in said list the appraised value of said real estate which lies within said limits. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-94. Tax abatements**

The Board of Civil Authority, along with the Treasurer and the listers, shall constitute the Board of Abatement. The Board shall meet at least once a year, elect a Chair and Clerk, and consider all the taxpayers' requests for abatement of their taxes, special assessment, or other levy made by the Village in accordance with 24 V.S.A. § 1535. The Clerk shall call the meeting, and public notice of the meeting must appear in at least three public places at least two days prior to the meeting. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-95. Indemnification**

The Village shall indemnify and hold all elective and appointive officers harmless from and against all liability claims and suits of any type brought against them as a consequence of their service, except those caused by and arising out of their intentional or willful misconduct. Said indemnity shall include all damages, costs, and attorney fees. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 11: Procedural Matters***

#### **§ 225-111. Ordinances**

(a) Village legislation shall be by ordinance adopted pursuant to 24 V.S.A. chapter 59.

(b) The Village Clerk shall prepare and keep in the Village Clerk's office a book of ordinances which shall contain each Village ordinance, together with a complete index of the ordinances according to subject matter. Failure to comply with this provision shall not invalidate any Village ordinance lawfully passed.

(c) An ordinance adopted by the Board in the manner set forth shall be subject to its repeal by a Village meeting if a petition signed by not less than 10 percent of the voters is filed with the Village Clerk on or before the effective date of the ordinance. The Clerk shall warn a Village meeting to be held within 45 days of the filing, to consider the question of repeal of the ordinance. Until the vote and question of repeal is held, the ordinance shall not become effective. If a majority of the votes cast shall be in favor of repealing the ordinance, the same shall be repealed and no further action shall be taken. If a majority of the votes cast shall be opposed to repeal, the ordinance shall become effective as of 12:01 a.m. on the day following such a vote.

(d) To meet a real public emergency affecting life, health, property, or the public peace, the trustees may adopt one or more emergency ordinances which may be adopted or rejected at the meeting at which they are introduced, but the affirmative vote of at least four trustees shall be required for adoption. Every emergency ordinance shall be repealed as of

the 61st day following the day of adoption, but the ordinance may be reenacted if the emergency still exists.

(e) A Village ordinance may provide for any or all of the following:

(1) The general penalty for violation of an ordinance shall be a fine in an amount not to exceed the sum of \$500.00 for a single offense;

(2) Each week a violation continues shall constitute a separate offense, the fine not to exceed \$100.00 per day for each day the violation continues;

(3) The Village may seek to enjoin the offense by applying to the Superior Court, in addition to the penalty of a fine;

(4) The trustees may authorize the Village Attorney to bring an action in the name of the Village of Hyde Park for any relief which the trustees may deem appropriate for the enforcement of any Village ordinance.

(f) All valid Village ordinances, resolutions, bylaws, and regulations which are in force when this charter becomes effective, shall remain in full force and effect, excepting only those ordinances, resolutions, bylaws and regulations which are inconsistent with this charter. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### **§ 225-112. Compensation and fees**

(a) The Village meeting may annually vote the compensation to be paid to the following officers:

(1) Trustees.

(2) Auditors.

(3) President.

(4) Board of Civil Authority and Abatement.

(b) All fees prescribed by State law, charter, ordinance, or otherwise shall be collected for the benefit of the Village and paid to the Village Treasurer. No fees shall be used directly by any receiving officer or inure directly to the benefit of the officer. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 13: Hyde Park Electric Utility***

#### **§ 225-131. Electric utility**

(a) There shall be a Village of Hyde Park electric utility, which shall serve the area so designated by the Vermont Public Utility Commission.

(b) The Electric Utility Commission shall be composed of the five trustees of the Village of Hyde Park.

(c) The trustees shall serve as electric commissioners under 30 V.S.A. §§ 2915 and 2916. The trustees shall have authority to construct an electric light plant, for the purpose of lighting the street, walks, and other public grounds, and lighting any buildings therein, and supplying and furnishing electricity for domestic and other purposes and to such persons and corporations in Hyde Park and adjoining towns as it may desire upon such terms as may be agreed upon. And for this purpose may take, purchase, or acquire and hold any water power, land, and rights-of-way in said towns needed for the construction, maintenance and operation of said electric light plant, and may use any public highway over which it may be necessary or desirable to pass with the poles and wire of the same, provided the use of such public highway for the purpose of public travel is not thereby unnecessarily impaired. The trustees shall have the power to purchase, hire, construct, or otherwise acquire an interest in, to maintain, operate, and to sell, lease, or otherwise dispose of any plant (including a gas plant) or system (including existing rights-of-way, poles, lines, towers, and fixtures and transmission line serving the existing system owned by others) located within or outside the State, for the production, distribution, purchase, or sale of electricity, to extend, enlarge, or improve the same and for that purpose to purchase, hire, construct, or otherwise acquire any real or personal property. These powers may be exercised through a taking by eminent domain in the manner prescribed by law. The trustees shall also have the power to purchase, sell, and otherwise acquire and dispose of electricity, including sale to electric distribution companies, cooperatives, municipal and privately

owned, within or outside the State, and to make all agreements, conveyances, and regulations necessary or convenient in connection therewith. All of the foregoing powers are in addition to and not in substitution for or in limitation of any other powers conferred by law, and are subject to regulatory review for municipal utilities as provided in Title 30 of the Vermont Statutes Annotated.

(d) The trustees shall administer their responsibilities in the Electric Department. The Department shall have its own professional management, staff, plan, equipment, and entirely separate financial accounts. The Department shall be directly managed under the trustees by a General Manager. The trustees shall hire and fire Electric Department personnel. The General Manager shall have the special and immediate care and practical supervision of the Electric Department. The General Manager shall at all times be subject in respect to his or her responsibilities to the order of the trustees. With approval of the trustees' Utility Commission, the General Manager of the Electric Department shall receive all funds due the Village of Hyde Park Electric Department, shall issue account, execute and issue on behalf of the Village of Hyde Park Electric Department drafts, checks, and/or other negotiable orders for the payment of bills and charges of the Electric Department, provided that any such payment shall be made exclusively from the revenue of the Department. All such accounting functions of the Electric Department shall be subject to the review by the auditors of the Village of Hyde Park.

(e) The Village of Hyde Park shall inherit all of the assets, accounts, and liabilities of the Village of Hyde Park Electric Department under the general supervision of the trustees. It shall operate under the statutory authority and requirements of 30 V.S.A. chapter 79, relating to municipal electric plants, and 24 V.S.A. chapter 53, relating to municipal indebtedness, all of which control the financing, improvements, expansion and disposal of the municipal electric plant and its operations. With specific reference to the legislative authorization contained in 24 V.S.A. chapter 53, subchapter 2, "Indebtedness for Public Utility Purposes," sections 1821-1828, the Hyde Park trustees are permitted to issue revenue-backed bonds and/or general obligation bonds for any capital improvement purpose related to their responsibilities to operate such utilities for the benefit of the people of the Village of Hyde Park, provided each such issue of bonds is approved by the trustees and the voters according to law.

(f) The charges and rates for electric service shall be a lien on real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real property under 32 V.S.A. § 5061. The owner of such property, furnished with electric service, wherever located, shall be liable for such charges and rates.

(g) The Village of Hyde Park Electric Department shall take over for administrative purposes all contractual benefits and obligations that involve or apply to its operations as an electric utility without any further act, deed, or instrument being necessary, or the approval of any agency of State government.

(h) The Electric Department shall every year make a contribution to the Village of Hyde Park in lieu of taxes in the form of a cash payment and/or the equivalent in free services and municipal rate benefits in an amount equaling the amount of money which would be received by the Village of Hyde Park in ad valorem real taxes and personal property inventory taxes were such Department a privately-owned utility. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 15: Hyde Park Water And Sewer***

#### **§ 225-151. Water and sewer utility**

(a) There shall be a Village of Hyde Park Water and Sewer Department which shall be responsible for continuing the present specific water and sewer services in existence.

(b) The water and sewer system shall be maintained separate from all other departments of the Village and no part of the rents and revenues therefrom may be used for any other purpose.

(c) Unless otherwise voted by the Village at a Village Meeting, all costs of the Water Department shall be paid by the users thereof and the annual water and sewer rents or charges shall be at a rate sufficient to cover annual expenditures, temporary indebtedness, the amortizing of bonded indebtedness and interest, and any dedicated (sinking) funds. With specific reference to the legislative authority contained in 24 V.S.A. chapter 53, subchapter 2, "Indebtedness for Public Utility Purposes," sections 1821-1828, the Village of Hyde Park Water and Sewer Department is permitted to issue revenue-

backed bonds and/or general obligation bonds for any capital improvement purpose related to their responsibilities to operate such utilities for the benefit of the people of the Village of Hyde Park, provided each such issue of bonds is approved by the Trustees and the voters according to law.

(d) The trustees shall be the water and sewer commissioners, who in connection with those powers enumerated in the general laws of the State with respect to waterworks and supply, shall have the power to adopt and enforce rules, regulations, or ordinances concerning the control and operation of such water system.

(e) The Water and Sewer Department service area may be enlarged or modified by the trustees after holding a public hearing on any such proposed enlargement or modification. The public notice for each such public hearing shall be by the publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the Village of Hyde Park and by the posting of the same information in one or more public places within the Water and Sewer Department service area.

(f) The charges and rates for sewer and water services shall be a lien on real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real property under 32 V.S.A. § 5061. The owner of such property, furnished with water and sewer service, wherever located, shall be liable for such charges and rates.

(g) The Water and Sewer Department shall every year make a contribution to the Village of Hyde Park in lieu of taxes in the form of a cash payment and/or the equivalent in free services and municipal rate benefits in an amount equaling the amount of money which would be received by the Village of Hyde Park in ad valorem real estate taxes and personal property taxes were such department a privately-owned utility. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

### ***Subchapter 17: General Provisions***

#### **§ 225-171. Application of general law**

All provisions of the laws of the State of Vermont relating to villages, village and town officers, and elections shall apply to the Village of Hyde Park and its officers except as altered, enlarged or modified by the provisions of this charter, or by any current or future lawful ordinance or regulation of the Village of Hyde Park. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-172. Severability**

The sections of this charter and parts thereof are severable. If any portion of this charter or its application to any person or circumstance shall be held invalid, the remainder thereof or the application of such invalid portions to other persons shall not thereby be affected, except that no portion of the charter shall be administered in an erratic, inconsistent, or prejudicial manner or so as to create a double standard. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-173. Officers; appointive**

All offices in the Village of Hyde Park not required by Vermont statute to be filled by election or according to specific provision of this charter shall be deemed appointive offices to be filled by a majority vote of the trustees. The terms of such appointive offices shall be for a definite time, normally one year, but in no case exceeding the maximum term of office of a member of the trustees. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-174. Terms of office**

All officers under this charter shall hold their respective offices until their successors are chosen. No officer shall be qualified until ready to assume the normal duties of his or her office. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-175. Construction**

The provisions of this charter shall be construed liberally in favor of the Village and in such manner that the effect of this charter will be to make government more efficient and more responsive to the citizens of the Village. In such liberal construction of the charter in favor of the Village, it shall be used consistently and uniformly toward all individuals and groups comprising the Village. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-176. Amendment or repeal**

No section of this charter may be amended or repealed without such amendment or repeal making specific reference to this charter and to the sections or provisions to be amended or repealed. Any proposed amendment or repeal of this charter must be submitted to the voters for their approval and, upon such approval, submitted as provided by 17 V.S.A. § 2645. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-177. Effective date**

The charter shall become effective upon approval in accordance with 17 V.S.A. § 2645 and when so approved, two copies shall be maintained in good condition in the Lampher Memorial Library. Further copies shall be made available to the public at cost. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)

#### **§ 225-178. Definitions**

As used in this chapter:

(1) "Trustees" means the duly elected members of the trustees of the Village acting as a group and in their official capacity.

(2) A "vacancy" in any office is deemed to exist if the holder of the office resigns, dies, moves from the Village (except the President), or is judicially declared to be mentally incompetent.

(3) "Day" means a calendar day.

(4) "Voters" means the names included, at any given point in time, on the checklist most recently revised by the Board of Civil Authority for use in a Village meeting or election.

(5) From "time to time" means as the need may become realized or apparent. (Added 1999, No. M-11 (Adj. Sess.), § 2, eff. May 9, 2000.)