

## **WHAT IS THE PROCESS FOR ADOPTING, AMENDING, OR REPEALING BYLAWS?**

Prior to the adjournment of this year's legislative session, the default process for adopting, amending, or repealing zoning bylaws was by a majority of the members of a town's legislative body. That action would be effective 21 days after adoption unless five percent of the voters petition to consider the legislative body's vote. Alternatively, the legislative body or the electorate in a rural town had the option of adopting bylaws, amendments or repeals by Australian ballot at a duly warned special or regular town meeting.

The enactment of the municipal technical amendments bill (H. 436) has changed this process.

The default process for adopting, amending, or repealing zoning bylaws continues to be by a majority of the members of a town's legislative body. But, now, a legislative body in any sized municipality may elect to place a bylaw, amendment or repeal squarely before the voters on a case-by-case basis. 24 V.S.A. § 4442(c)(1). This is in contrast to the enabling authority of Act 115, which allowed a legislative body to give voters the authority to adopt, amend or repeal all bylaws by Australian ballot. Under the prior law, once a legislative body granted that authority to the voters, it could not take it back. Now, depending upon when it deems it appropriate, a legislative body may either take action or defer to the voters.

This new default process is applicable to all towns, though there continues to be a difference in rural towns. Although rural towns retain the ability to adopt, amend or repeal bylaws by vote of the town by Australian ballot, that option can only be exercised at the election of the voters. The legislative body of a rural town can no longer simply give this authority to the voters. The electorate must vote at a special or regular town meeting to adopt bylaws, amendments or repeals by Australian ballot, and it is only they who can return this authority to the legislative body.

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