

## LEGAL AND REGULATORY NOTES, AUG. 2014

### 2014 Legislative Changes that Impact Municipalities

Below is a summary of this year's most important legislative changes that affect municipalities:

**Open Meeting Law.** The Municipal Assistance Center has answered many frequently asked questions regarding the changes that were made to the Open Meeting Law. That FAQ document is available on our website at [www.vlct.org/assets/MAC/VLCT\\_Open\\_Meeting\\_Law\\_FAQs\\_June\\_2014.pdf](http://www.vlct.org/assets/MAC/VLCT_Open_Meeting_Law_FAQs_June_2014.pdf).

**Elimination of the Elected Position of Collector of Current Taxes.** Effective July 1, 2014, municipalities are no longer required to vote for a collector of current taxes. A town may vote to have either the municipal treasurer or the town manager (if there is one) assume the duties of collector of current taxes. 32 V.S.A. § 4791; 24 V.S.A. § 1236(10). If a town fails to vote either the treasurer or town manager as the collector of current taxes, then the constable automatically becomes the collector of taxes pursuant to 24 V.S.A. § 1529. Persons who were duly elected to serve as collector of current taxes prior to this statutory change will continue to serve their term until the next annual town meeting.

**Treasurer may be Appointed to Collect Delinquent Taxes.** A municipality may now vote to authorize the legislative body to appoint a collector of delinquent taxes who may be the municipal treasurer. 17 V.S.A. § 2651d. This amendment does not change the municipal authority to have delinquent taxes collected by the town manager, if there is one. 24 V.S.A. § 1236(10). As with current taxes, the constable automatically becomes the collector of delinquent taxes if no other election or appointment is made. 24 V.S.A. § 1529.

**Elimination of the Elected Position of Animal Control Officer.** Municipalities have always had a choice of whether to designate someone to be the local animal control officer either by election or appointment. Effective July 1, 2014, there is no longer an option of electing for this position. 13 V.S.A. § 351(4); 20 V.S.A. § 3621. Municipalities may still *appoint* an animal control officer, whose duties are performed subject to the direction of the selectboard.

**Deadline and Handling of Petitioned Articles.** The deadline for filing a petition for an article to be voted on at town meeting was changed from 40 days to 45 days before the date of the meeting. 17 V.S.A. § 2642(a). Municipal clerks must now, within 24 hours of receipt of such a petition, immediately determine if the petition meets statutory requirements and, if necessary, return it to the petitioners stating in writing the reasons why it can't be accepted. The petitioners may file supplementary petitions but must do so no later than 48 hours after the petition was returned by the clerk and within the 45-day deadline.

**Municipalities may Regulate by Ordinance the Licensing of Pets or Wolf-Hybrids.** Municipalities now have the express legal authority to regulate the licensing of domestic pets or wolf-hybrids and issue tickets to pet owners who fail to comply with those requirements. 22 V.S.A. § 2291(10); 20 V.S.A. § 3549.

**Cemetery Commissioner may not also be Auditor or Treasurer.** The legislature added to the list of incompatible offices found in 17 V.S.A. § 2647(a) such that an individual serving as a cemetery commissioner may not also serve as auditor or treasurer.

**Planning Commission may have Alternates.** Municipalities now have the authority to appoint alternates to serve on a planning commission. Pursuant to the amended 24 V.S.A. § 4460(c), alternates may now be assigned to serve in situations where members of the planning commission are disqualified or otherwise unable to serve. Previously, the law provided that only boards of adjustment and development review boards could have alternates.

**Tiered Law Enforcement Instituted.** Effective next year, the classifications of “part-time law enforcement officer” and “full-time law enforcement officer” will be eliminated. 20 V.S.A. § 2358. As of July 1, 2015, and unless otherwise authorized by the Criminal Justice Training Council, all part-time law enforcement officers will be considered “Level II” law enforcement officers, and all full-time law enforcement officers will be considered “Level III” law enforcement officers. The law also creates a classification for “Level I” law enforcement officers.

The three new classifications, which will each receive basic training and annual in-service training from the Criminal Justice Training Council, are described as follows:

- Level I law enforcement officers are limited to security, transport, vehicle escorts, and traffic control. A Level I officer may, however, react in certain circumstances if he or she determines it to be necessary. Such circumstances include the protection of an individual from the imminent infliction of serious bodily injury, providing immediate assistance to a person who has suffered or is threatened with serious bodily injury, detaining an individual who is suspected by the officer of having committed a crime in the officer’s presence, or detaining an individual whom the officer believes to have committed a felony under Vermont law. If a Level I officer reacts to any of these circumstances, she or he must call upon an officer certified to respond (i.e., an officer of a higher level).
- Level II law enforcement officers may engage in the same activities as Level I officers. In addition, they are authorized to deal with the following offenses: littering, advertising on utility poles or on private property, humane and proper treatment of animals, riots, simple assault, disorderly conduct, interference with access to emergency services, escapes, false alarms and reports, flags and ensigns, fraud, gambling and lotteries, larceny, public justice and public officers, railroads, trees and plants, trespass on and malicious injury to property, vagrants, weapons, municipal ordinance violations, and any matter within the jurisdiction of the Judicial Bureau or game wardens.
- Level III law enforcement officers have full law enforcement authority.

More information about these and other changes made during the 2013-2014 legislative session is detailed in the VLCT 2014 Legislative Wrap-Up ([www.vlct.org/assets/Advocacy/Legislative\\_Reports/2014\\_wrapup\\_web.pdf](http://www.vlct.org/assets/Advocacy/Legislative_Reports/2014_wrapup_web.pdf)). The Acts amending the relevant statutes are archived at [www.leg.state.vt.us/docs/acts.cfm?Session=2014](http://www.leg.state.vt.us/docs/acts.cfm?Session=2014).

Sarah Jarvis, Staff Attorney II  
VLCT Municipal Assistance Center