

ASK THE LEAGUE

Our selectboard recently amended an ordinance. What are the notice and posting requirements?

Notice and posting requirements vary depending on the type of municipal action taken. For example, the public hearing notices for the adoption, amendment, or repeal of a town plan or zoning regulations is governed by 24 V.S.A. § 4444, whereas those for the adoption, amendment, or repeal of a municipal governance charter are governed by 17 V.S.A. § 2645(a)(4). The notice and posting requirements for the adoption, amendment, or repeal of a municipal ordinance differ in both form and function from these other regulations in that they notify voters not of their opportunity to inform the selectboard's decision before it is made but to potentially disapprove the decision after the board makes it. What the selectboard is noticing therefore is not the meeting at which the change is adopted but rather the fact that a change was made. The process for adopting, amending, or repealing a municipal ordinance is governed by 24 V.S.A. § 1972, unless a town charter directs otherwise.

The first step a selectboard must take after adopting an amendment to an ordinance is to record its action of adoption and the amended ordinance into its meeting minutes. The next step is public notice. Copies of the amended ordinance must be posted in five conspicuous places in town. This should include those places the town ordinarily uses to post its community announcements. The final step is to publish the full text of the amended ordinance or a concise summary of it in a newspaper of general circulation in the town not less than 14 days following its date of adoption. Regardless of whether it is the full text or a concise summary, the publication must also include "the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and

receive comments on the proposal; and where the full text may be examined ... [and an explanation of] citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title." 24 V.S.A. § 1972(a). VLCT's Municipal Assistance Center has developed the following model newspaper notice to help you the next time you need to amend an ordinance. For reasons both practical and legal, it's a good idea for the town to also post the content of the newspaper notice alongside the full text of the amended ordinance in the five conspicuous places in town.

TOWN OF _____, VERMONT
[INSERT NAME AND ADDRESS OF
MUNICIPALITY'S WEBSITE]

NOTICE OF AMENDMENT OF [INSERT
TITLE OR SUBJECT] ORDINANCE

On [insert date], the Selectboard of the Town of _____, Vermont, adopted amendments to the existing "[insert name of ordinance]" pursuant to [insert enabling authority]. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of these amendments and of the citizens' right to petition for a vote to disapprove these amendments.

[FULL TEXT OR A CONCISE SUMMARY]

The full text of the Ordinance may be examined at the [insert name of town] Town office at [insert physical address] and may be examined during regular office hours.

CITIZENS' RIGHT TO PETITION FOR VOTE

Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove ordinance amendments adopted by the Selectboard. To exercise this

right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the amendments signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the amended "[insert name of ordinance]" shall become effective sixty (60) days from the date of said adoption.

PERSON TO CONTACT

Additional information pertaining to this Ordinance may be obtained by contacting the [_____, Town Clerk], [insert mailing address], or by calling (802) xxx-xxx during regular office hours.

Garrett Baxter, Staff Attorney II
Municipal Assistance Center