

MAC INFO SHEET: ORDINANCE NOTICE AND POSTING REQUIREMENTS

State statute requires that when a municipality adopts, amends or repeals an ordinance, the public must be given notice. The timing, content and location of the required public notice may vary depending on the type of municipal action taken.

The requirements for adopting, amending or repealing a municipal ordinance are governed by 24 V.S.A. § 1972 and differ from processes for other regulations. 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). These public notices allow voters the opportunity to express their opinions to the public body about the decision it will eventually make.

In contrast, with the notice of adopting, amending or repealing a municipal ordinance, the selectboard is notifying voters of two things: (1) changes it has already decided to make; and (2) the voters right to petition the selectboard to undo its decision under 24 V.S.A. § 1973.

When adopting, amending, or repealing an ordinance the selectboard must complete the following actions.

1. The selectboard's vote to adopt, amend or repeal the ordinance must be entered into the meeting minutes along with a copy of the ordinance itself.
2. Copies of the adopted, amended or repealed ordinance must be posted in five conspicuous places in the municipality. This should include those places the municipality ordinarily uses to post its community announcements.
3. The selectboard must arrange for one form publication of the full text of the adopted, amended or repealed ordinance or a concise summary of it in a newspaper of general circulation in the town not more than 14 days following its date of adoption. Regardless of whether it is the full text or a concise summary, the law requires that 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;
 - 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 title 24. 24 V.S.A. § 1972(a).

MODEL NEWSPAPER NOTICE

VLCT’s Municipal Assistance Center has developed the following model newspaper notice. For reasons both practical and legal, it is a good idea for the municipality 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 AMENDMENT¹ 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 [insert municipal official designated to answer questions], [insert official’s title] at [insert mailing address], or by calling [insert phone #] during regular office hours.

¹ Amendment is used for illustration, but this model may be used for adoption, amendment or repeal of a municipal ordinance.

For more information about municipal ordinances, please see our Quick Guide on Ordinance Adoption, Amendment or Repeal and Municipal Policies and Ordinances Info Sheet.

If you have additional questions relating to ordinances and policies or would like a technical review of your municipality's proposed ordinance or policy, please contact the Municipal Assistance Center at info@vlct.org or 1-800-649-7915.