

# **Village of Essex Junction, Vermont**

## **CHARTER – 1985**

**Adopted by the Village Meeting April 4, 1985**

**Amended April 6, 1988**

**Amended April 4, 1990**

**Amended March 5, 1991**

**Amended April 2, 1992**

**Amended April 8, 1993**

**Amended April 7, 1994**

**Amended April 6, 1995**

**Amended March 5, 1996**

**Amended April 14, 2009**

**Amended April 13, 2010**

**Amended April 9, 2013**

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## **ARTICLE I POWERS OF THE VILLAGE**

**Section 1.01. Corporate Existence.** The inhabitants of the Village of Essex Junction, within the corporate limits as now established, shall continue to be a municipal corporation by the name of the Village of Essex Junction.

**Section 1.02. Village Boundaries.** The boundaries of the Village shall continue to be the corporate boundaries as presently established, except as hereafter altered in accordance with the requirements of applicable law.

**Section 1.03. General Powers.** The Village shall have all powers possible for a municipality to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter. Except when changed, enlarged or modified by the provisions of this charter, all provisions of the statutes of this State relating to municipalities shall apply to the Village of Essex Junction.

**Section 1.04. Construction.** The powers of the Village under this charter shall be construed liberally in favor of the Village, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this subchapter.

**Section 1.05. Intergovernmental Relations.** The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State, or the United States or any agency thereof.

**Section 1.06. Property.** By action of the Trustees, 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 or lease, it may sell, lease, mortgage, hold, manage and control such property as its interest may require. The Village may further acquire property within its corporate limits by condemnation where such authority is granted by the statutes of the State of Vermont.

**Section 1.07. Additional Powers.** In addition to powers otherwise conferred upon it by law, the Village is authorized:

a) To adopt and enforce ordinances relating to making and installation of local improvements including curbs, sidewalks, sewers, drainage systems, water systems, and streets; requiring the installation of any or all of such improvements in a manner specified by the Village as a condition precedent to the issuance of a zoning permit; apportioning part or all of the expenses of such improvements against property owners benefitted thereby; providing for the collection of such assessments and penalties for nonpayment.

b) To adopt and enforce ordinances regulating or prohibiting the use of firearms, air rifles and devices having a capacity to inflict personal injury to the extent such

ordinances are consistent with State law.

c) To adopt and enforce ordinances relating to the use, protection, care and management of all public facilities and systems of the Village.

d) To adopt and enforce ordinances relating to marathons, bicycle races, fund raising activities and other organized events in or upon public streets and sidewalks.

e) To adopt and enforce ordinances relating to the prevention of riots, noises, nuisances, disturbances, and disorderly assembly; to provide for the enforcement of penalties for violation and non-performance; and to require permits for use of public lands and highways.

## **ARTICLE II VILLAGE TRUSTEES**

### **Section 2.01. Composition, Eligibility, Election and Terms.**

a) Composition. There shall be a Board of Trustees of five members elected by the qualified voters of the Village at large. At the first meeting of the Board of Trustees following each annual meeting, one of the Trustees shall be elected by the other Trustees to the office of President of the Village of Essex Junction. The President shall be the chairperson of the Board of Trustees. The President shall preside at the Board of Trustees' meetings. The President shall serve until succeeded by a duly elected successor. Any vacancy in the office of President may be filled by vote of the remaining Trustees at a meeting of the Board of Trustees duly warned for that purpose. At the first meeting of the Board of Trustees following each annual meeting, one of the Trustees shall be elected by the other Trustees to the office of Vice President of the Village of Essex Junction. In the absence of the President, the Vice President shall preside at the Board of Trustees' meetings and act in place of the President. The Vice President shall serve until succeeded by a duly elected successor. Any vacancy in the office of Vice President may be filled by vote of the remaining Trustees at a meeting of the Board of Trustees duly warned for that purpose.

b) Eligibility. Only qualified voters of the Village shall be eligible to hold the office of Trustee.

c) Election and Terms. The regular election of Trustees shall be held at the annual Village meeting in the manner provided in Subchapter 8. Trustees shall be elected for three-year terms. The terms of Trustees shall begin on the Tuesday following their election.

**Section 2.02. Compensation; Expenses.** The annual salary paid to the Trustees can be increased from its present level only by the voters at a Village meeting.

**Section 2.03. General Powers and Duties.** All legislative powers of the Village shall be vested in the Trustees, except as otherwise provided by law or this Charter, and the Trustees shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Village by law.

### **Section 2.04. Prohibitions.**

a) Holding Other Office. Except where authorized by law, no Trustee shall hold any

other Village office or employment during the term for which he or she was elected to the Trustees, and no former Trustee shall hold any compensated appointive Village office or employment until one year after the expiration of the term for which he or she was elected to the Trustees. This prohibition shall not preclude a former Trustee from accepting appointment to the Village Planning Commission or Zoning Board of Adjustment immediately following expiration of his or her elected term.

b) Appointments and Removals. Neither the Board of Trustees nor any of its members shall in any manner dictate the appointment or removal of any Village administrative officers or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Board of Trustees may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

c) Interference with Administration. Except for the purpose of evaluating the Manager's performance or for the purpose of inquiries and investigations under section 2.06, the Board of Trustees or its members shall deal with Village officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Board of Trustees nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2.05. Vacancies; Filling of Vacancies.**

a) Vacancies. The office of a Trustee shall become vacant upon his or her death, resignation, or removal from office in any manner authorized by law.

b) Filling of Vacancies. A vacancy in the Board of Trustees shall be filled until the next regular election by a majority vote of the remaining members. Notwithstanding the requirement in section 2.08 that a quorum of the Board of Trustees consists of three members, if at any time the membership of the Trustees is reduced to less than three, the remaining members may by majority action appoint additional members to raise the membership to three.

**Section 2.06. Investigations.** The Board of Trustees may make investigations into the affairs of the Village and the conduct of any Village department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board of Trustees shall be guilty of a misdemeanor and punishable by a fine of not more than \$100.00, or by imprisonment for not more than 1 day, or both.

**Section 2.07. Independent Audit.** The Board of Trustees shall provide for an independent annual audit of all Village accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Village government or any of its officers. The Board of Trustees may designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the Trustees may accept it as satisfying the requirements of this section.

**Section 2.08. Procedure.**

a) Meetings. The Trustees shall meet regularly at least once in every month at such times and places as the Trustees may prescribe by rule. Special meetings may be held on the call of the President and two other members and, whenever practicable, upon no less than 48 hours' notice to each member. All meetings shall be public, however, in accordance with Vermont law the Trustees may vote to have a portion of a meeting in executive session.

b) Rules and Journal. The Board of Trustees shall determine its own rules and order of business and shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.

c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the Board of Trustees shall constitute a quorum. No action of the Trustees except as otherwise provided in section 2.05, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Trustees.

**Section 2.09. Appointments.**

a) The Trustees shall appoint the Planning Commission, the Zoning Board of Adjustment and other appointments required by law and this charter;

b) The Trustees' approval shall be required for the Manager's annual appointments of a Village Treasurer/Tax Collector, Village Clerk, Village Attorney, Village Fire Chief, and Village Engineering Consultant. Residents of the Village or a member of the Fire Department who resides in the Town of Essex shall be eligible to hold the office of Village Fire Chief.

**Section 2.10. Adoption of Ordinances.** Ordinances shall be adopted in accordance with state law.

**ARTICLE III  
OTHER ELECTED OFFICERS**

**Section 3.01. Library Trustees.** There shall be a five member Board of Library Trustees who shall be elected to five year terms by the voters at the Annual Meeting. Only qualified voters of the Village shall be eligible to hold the office of Library Trustee. The Trustees who are now in office shall serve until their terms are completed. The Library Trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating Library Trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the Village Trustees.

**Section 3.02. Moderator.** The voters at the annual Village meeting shall elect a Moderator who shall preside at each Village meeting. Only qualified voters of the Village shall be eligible to hold the office of Moderator.

## **ARTICLE IV VILLAGE MANAGER**

**Section 4.01. Appointment; Qualifications; Compensation.** The Trustees shall appoint a Village Manager for an indefinite term and fix his or her compensation. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes. In all matters, the Village Manager shall be subject to the direction and supervision of the Trustees and shall hold office at the will of the Trustees.

**Section 4.02. Powers and Duties of the Village Manager.** The Village Manager shall be the chief administrative officer of the Village. He or she shall be responsible to the Trustees for the administration of all Village affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal Managers under the Vermont statutes.

(1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Village employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.

(2) The Manager shall direct and supervise the administration of all departments, offices and agencies of the Village, except as otherwise provided by this charter or by law.

(3) The Manager shall attend all Trustees meetings and shall have the right to take part in discussion and make recommendations but may not vote.

(4) The Manager shall see that all laws, provisions of this charter and acts of the Trustees, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

(5) The Manager shall prepare and submit the annual budget and capital program to the Trustees.

(6) The Manager shall submit to the Trustees and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year.

(7) The Manager shall make such other reports as the Trustees may require concerning the operations of Village departments, offices and agencies subject to his or her direction and supervision.

(8) The Manager shall keep the Trustees fully advised as to the financial condition and future needs of the Village and make such recommendations to the Trustees concerning the affairs of the Village as he or she deems desirable.

(9) The Manager or his or her designee shall perform the duties of Zoning Administrative Officer.

(10) The Manager shall be responsible for the enforcement of all Village ordinances and laws.

(11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Village any duties conferred upon him or her by this charter, the Vermont statutes or the Trustees.



(12) The Manager shall annually appoint, subject to the Trustees approval, the Village Treasurer/Tax Collector, Village Clerk, Village Attorney, Village Fire Chief and Village Engineering Consultant.

(13) The Manager shall perform such other duties as are specified in this charter, or in state law, or as may be required by the Trustees.

**Section 4.03. Hearing Process.**

a) The Board of Trustees may remove the Manager from office for cause in accordance with the following procedures:

(1) The Board of Trustees shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered within three (3) days to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, he or she may file with the Trustees a written request for a hearing. Said hearing to be in a public or executive session by choice of the Manager. This hearing shall be held at a special Trustees meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Trustees a written reply not later than five days before the hearing.

(3) The Trustees may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

b) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

**ARTICLE V  
ADMINISTRATIVE DEPARTMENTS**

**Section 5.01. General Provisions.**

a) Creation of Departments. The Trustees may establish Village departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or unless this charter specifically so provides, assigned to any other.

b) Direction by Manager. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Trustees, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of one or more of them.

## **ARTICLE VI FINANCIAL PROCEDURES**

**Section 6.01. Fiscal Year.** The fiscal year of the Village shall begin on the first day of July and end on the last day of June.

**Section 6.02. Submission of Budget and Budget Message.** On or before the 1st day of December of each year, the Manager shall submit to the Trustees a recommended budget for the ensuing fiscal year and an accompanying message.

**Section 6.03. Budget Message.** The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Village for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Village's debt position and include such other material as the Manager deems desirable.

### **Section 6.04. Budget.**

a) The budget shall provide a complete financial plan of all Village funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Manager deems desirable or the Trustees may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operation during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Village and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

(b) The total of proposed expenditures shall not exceed the total of estimated income.

### **Section 6.05. Capital Program.**

a) Submission to Trustees. The Manager shall prepare and submit to the Trustees a five-year capital program at least three months prior to the final date for submission of the budget.

b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;

- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**Section 6.06. Trustees Action on Budget.** The Trustees shall adopt the budget with or without amendments on or before the 15th day of February. If it fails to adopt the budget by this date, the amounts appropriate for current operation for the previous fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly, until such time as the Board of Trustees adopts a budget for the ensuing fiscal year or until the Village meeting adopts a budget.

**Section 6.07. Trustees Action on Capital Program.** The Trustees by resolution shall adopt the capital program with or without amendment and on or before the 15th day of February.

**Section 6.08. Distribution.** The proposed budget as approved by the Trustees shall be distributed to the legal voters of the Village at least ten (10) days prior to the annual Village meeting.

**Section 6.09. Village Meeting Action on Budget.**

a) The annual Village meeting shall be held on the first Wednesday of April at a time and place specified by the Trustees, and in accordance with Vermont statutes.

b) The Village meeting shall discuss and adopt the budget presented by the Trustees with or without amendment. Initiative petitions must be signed by qualified voters of the Village equal in number to at least five per cent (5%) (10% for a bond issue) of the total number of qualified voters registered to vote at the last regular Village election.

**Section 6.10. Public Records.** Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the Village.

**Section 6.11. Appropriations.** From the effective date of the budget, the several amounts therein stated, as approved at the annual Village meeting, become appropriated to the several agencies and purposes therein named. Upon passage of the budget by the annual Village meeting, the amount stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the Village in the corresponding tax year and the Trustees shall levy such taxes on the grand list.

**Section 6.12. Transfer of Appropriations.** The Manager may at any time transfer an unencumbered appropriation, balance, or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the Manager and within the last three (3) months of the budget year, the Trustees may by resolution transfer any unencumbered appropriation balance, or portion thereof within the Trustees' budget from one department, agency, or office, to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Trustees' budget shall be transferred or used for any other purpose.

**Section 6.13. Administration of Budget.**

a) Work Programs and Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if he or she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 6.12.

b) Payments and Obligations prohibited. No payment shall be made or obligation incurred against any allotment of appropriation except in accordance with appropriations duly made and unless the Manager or his or her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he or she shall also be liable to the Village for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

c) The provisions of subsection b above notwithstanding, the Trustees may authorize an expenditure of funds not provided for in the approved Village budget upon determination, at a properly warned meeting of the Board of Trustees, that:

- (1) The need for such expenditure could not have been anticipated at the time of approval of the Village budget; and
  - (2) Such expenditure is necessary to protect Village property from suffering loss or damage or to continue to provide services which the Village is obligated to provide under law; and
  - (3) The contingency funds available in the approved Village budget are insufficient to cover the expenditure; and
  - (4) The aggregate amount of all expenditures authorized under this section during a single budget year does not exceed 3% of the approved Village budget for the year.
- Approval of such expenditure shall require the affirmative vote of the entire Board of Trustees sitting in attendance at a regularly scheduled or special meeting and shall be set

forth in a written resolution which shall be attached to the minutes of the meeting at which approval is granted.

**Section 6.14. Property Taxes.**

a) Property tax payments may be payable in two installments, if so voted by the Village in accordance with state law. If the due date of any installment falls on a Saturday, Sunday, or holiday, the property tax due date shall be the following business day.

b) Property tax payments received after the due date or postmarked later than the due date, shall be considered delinquent and shall be subject to collection fees and interest charges in the amount established by state law. If the Village votes to make property tax payments payable in installments, any installment received after the due date or postmarked later than the due date shall be considered delinquent and shall be subject to collection fees and interest charges in the amount established by state law.

**Section 6.15. Appraisal of Business Personal Property for Tax Purposes.** Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated Title 32, section 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.

**Section 6.16. Assessment and Taxation Agreement.** Notwithstanding section 6.15 of this charter and the requirements of the general laws of the State of Vermont, the Trustees of the Village of Essex Junction are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the Village of Essex Junction and a taxpayer or taxpayers within the Village of Essex Junction consistent with applicable requirements of the Vermont Constitution.

**ARTICLE VII  
PLANNING AND ZONING**

**Section 7.01. Village Planning Commission.** There shall be a Village Planning Commission appointed by the Trustees for terms of three years from among the qualified voters of the Village. Members of the commission shall hold no other Village office. The planning commission shall;

- (1) make recommendations to the Village Trustees on all matters affecting the physical development of the Village,
- (2) review subdivision applications,
- (3) review site plan applications,
- (4) recommend master plan amendments to the Trustees,
- (5) recommend zoning ordinance amendments to the Trustees, and
- (6) exercise all other responsibilities as may be provided by law.

**Section 7.02. Zoning Board of Adjustment.** The Trustees shall appoint a Board of Adjustment to three year terms from among the qualified voters of the Village and shall provide standards and procedures for such board to hear and determine appeals from

administrative decisions, petitions for conditional uses and variances as may be required by law.

## **ARTICLE VIII VILLAGE ELECTIONS**

### **Section 8.01. Village Elections.**

a) The voters shall at each annual Village meeting vote to set the date of the next annual Village meeting which shall be a date in the month of April.

b) Qualified Voters. All citizens qualified by the Constitution and laws of the State of Vermont to vote in the Village and who satisfy the requirements for registration prescribed by law shall be qualified voters of the Village within the meaning of this charter.

c) Conduct of Elections. Except as otherwise provided by this charter, the provisions of the general election laws of the State of Vermont shall apply to all elections held under this charter.

## **ARTICLE IX INITIATIVE**

**Section 9.01. General Authority.** The qualified voters of the Village shall have power to propose ordinances to the Trustees and, if the Board of Trustees fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Village meeting, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Village officers or employees.

### **Section 9.02. Petitions.**

a) Number of Signatures. Initiative petitions must be signed by qualified voters of the Village equal in number to at least five percent (5%) of the total number of qualified voters registered to vote at the last regular Village election.

b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed.

c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed.

## **ARTICLE X GENERAL PROVISIONS**

**Section 10.01. Conflict of Interest.** Any Village officer or employee who has a substantial financial interest or business relationship, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Village or in the sale of any land, supplies or services to the Village, to a contractor supplying the Village or to an applicant or other party who appears before the board or commission of which the officer is a member, shall make known that interest or relationship and shall refrain from voting upon or otherwise participating in his or her capacity as a Village officer or employee in the making of such sale, decision, or in the making or performance of such contract. Any Village officer or employee who willfully conceals such a substantial financial interest or business relationship or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position. Violation of this section shall render the involved contract, sale or decision of a board or commission voidable by the Village Trustees.

**Section 10.02. Prohibitions.** No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Village position or appointive Village administrative office because of race, sex, political or religious opinions or affiliations.

**Section 10.03. Separability.** If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE XI TRANSITIONAL PROVISIONS**

**Section 11.01. Officers and Employees. Rights and Privileges Preserved.** Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Village officers or employees at the time of its adoption.

**Section 11.02. Pending Matters.** All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the Village department, office or agency appropriate under this charter.

**Section 11.03. Effect of Laws.** The ordinances, by-laws, and regulations of the Village of Essex Junction shall continue in full force and effect until repealed.

**Section 11.04. Schedule.** At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the Board of Trustees may be conducted in accordance with the provisions of this charter. The first election shall be held on the first Thursday of April 1986.

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This Charter was adopted by the Village Meeting on April 4, 1985 and approved by the Vermont State Legislature on April 2, 1986.

This Charter was amended by the Village Meeting on April 6, 1988; the amendments were approved by the Vermont State Legislature on June 20, 1989.

This Charter was amended by the Village Meeting on April 4, 1990; the amendment was approved by the Vermont State Legislature on April 23, 1990.

This Charter was amended at a Special Village Meeting on March 5, 1991; and approved by the Vermont State Legislature on May 3, 1991.

This Charter was amended at the Village Annual Meeting on April 2, 1992; and approved by the Vermont State Legislature on May 4, 1992.

This Charter was amended at the Village Annual Meeting on April 8, 1993; and approved by the Vermont State Legislature on June 10, 1993.

This Charter was amended at the Village Annual Meeting on April 7, 1994; and approved by the Vermont State Legislature on June 3, 1994.

This Charter was amended at the Village Annual Meeting on April 6, 1995; and approved by the Vermont State Legislature on January 24, 1996.

This Charter was amended at a Special Village Meeting on March 5, 1996; and approved by the Vermont State Legislature on April 24, 1996.

This Charter was amended at the Village Annual Meeting on April 14, 2009; and approved by the Vermont State Legislature on May 26, 2009.

This Charter was amended at the Village Annual Meeting on April 13, 2010; and approved by the Vermont State Legislature on May 19, 2010.

This Charter was amended at the Village Annual Meeting on April 9, 2013; and approved by the Vermont State Legislature on May 20, 2013.