

1 H.544

2 Introduced by Representatives Hooper of Burlington, Cina of Burlington,
3 Colburn of Burlington, Colston of Winooski, Donovan of
4 Burlington, Krowinski of Burlington, McCormack of
5 Burlington, Ode of Burlington, O'Sullivan of Burlington,
6 Rachelson of Burlington, and Sullivan of Burlington

7 Referred to Committee on

8 Date:

9 Subject: Municipal government; municipal charters; City of Burlington;
10 amendments

11 Statement of purpose of bill as introduced: This bill proposes to approve
12 amendments to the charter of the City of Burlington.

13 An act relating to approval of amendments to the charter of the City of
14 Burlington

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. CHARTER AMENDMENT APPROVAL

17 The General Assembly approves the amendments to the charter of the City
18 of Burlington as set forth in this act. The voters approved proposals of
19 amendment on March 5, 2019.

1 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

2 CHAPTER 3. CITY OF BURLINGTON

3 * * *

4 § 48. ENUMERATED

5 The City Council shall have power:

6 * * *

7 (63)(A) To establish and maintain a unified Department of Public
8 Works, the superintendent of which will be designated Public Works Director,
9 said Department to be managed and controlled by the Mayor and City Council
10 ~~subject to the general laws of the State of Vermont pertaining to the inspection~~
11 ~~of buildings, plumbing, housing, and wiring.~~ The City Council may by
12 resolution delegate any of its powers relating to the Public Works Department
13 to the Board of Public Works commissioners.

14 * * *

15 (E) Unless otherwise determined by resolution of the City Council,
16 the Public Works Department shall, in addition to the Director, consist of a
17 Streets Division, Water Division, Waste/Solid Waste Division, Traffic
18 Division, Finance Division, Equipment Maintenance Division/Engineering
19 Division, ~~Inspection Services Division~~, and Construction Division, each of
20 which shall include a Manager who shall be hired as a City employee by the
21 Director and shall serve subject to the direction of the Director.

1 § 116. DUTIES GENERALLY

2 The Mayor shall be the Chief Executive Officer of the City. The Mayor
3 shall use his or her best efforts to see that the laws and City ordinances are
4 enforced and that the duties of all subordinate officers are faithfully performed.
5 The Mayor shall take care that the funds of the City are properly expended, and
6 shall recommend to the consideration of the City Council whatever measures
7 the Mayor may deem necessary for the prudent and efficient management of
8 the affairs of the City. The Mayor shall also be the Chief Conservator of the
9 Peace and Safety of the City and as such is empowered to control and direct
10 the police force, in case of riot, insurrection, or other emergency, when the
11 Mayor may take command of the whole police force, including the Chief
12 Executive thereof, and may for the occasion appoint and commission as many
13 special policemen as the Mayor may deem necessary, who shall have all the
14 powers of regular members of the police force. Any emergency as provided
15 for in this section shall not be construed to be the operation of the police force
16 in its routine duty. The Mayor shall serve as a voting member of the Local
17 Control Commissioners. The Mayor shall have those powers of a justice of the
18 peace in the State of Vermont with respect to the performance of marriage
19 and/or civil unions. The Mayor, commencing on the first Monday in
20 June 2002, shall appoint all City department heads who were heretofore
21 appointed by City commissions, with the exception of the Superintendent of

1 Schools, who shall continue to be appointed by the Board of School
2 Commissioners, ~~and Planning Director who shall continue to be appointed by~~
3 ~~the Planning Commission~~. Such appointments shall be subject to confirmation
4 by a majority of the membership of the City Council. The appointment by the
5 Mayor to the position of City officer or department head shall be on the basis
6 of professional competency and/or meritorious performance relating to the
7 duties of the position. In making department head appointments and in
8 evaluating their performance, the Mayor shall consult with the applicable City
9 commission. At least two applicable commissioners chosen by the chair shall
10 be invited to participate in interviews for department head selection. The full
11 applicable commission shall formally participate in the annual evaluation of a
12 department head; and shall make a formal recommendation to the Mayor
13 concerning the reappointment of a department head. Department heads shall
14 have such administrative, personnel, and managerial authority as shall be
15 delegated to them by the Mayor.

16 * * *

17 § 122. ENUMERATED

18 (a) On the first Monday in June 1998, the Mayor shall appoint a City
19 Assessor and a Director of the Human Resources Department for a one-year
20 term commencing July 1, 1998. Commencing on the first Monday in
21 June 1999, and biannually thereafter, the Mayor shall appoint such City

1 Assessor and Human Resources Director for a term of two years commencing
2 on the first day of July following the appointment, and until their successors
3 have been appointed and qualified. The Mayor shall appoint on the first
4 Monday of June, 1998 and annually thereafter, and whenever a vacancy
5 occurs, a Chief Administrative Officer, a City Attorney and one or more
6 assistant City attorneys, a City Constable and a Second, Third, and Fourth
7 Constable, a City Engineer and Surveyor, a City Grand Juror and Assistant
8 City Grand Juror, a Harbor Master, a Poundkeeper or a firm or corporation to
9 provide the services of such, a Director of the Community and Economic
10 Development Office, a Director of Burlington City Arts, and Civil Defense
11 Director. All of the above-referenced appointments shall require the approval
12 of a majority of the City Council. Additionally, commencing on the first
13 Monday in June 2002, and whenever a vacancy occurs, the Mayor shall
14 appoint a Director of Aviation, a Cemetery Superintendent, an Executive
15 Director of the Church Street Marketplace District, a General
16 Manager/Superintendent of the Electric Department, a Chief Engineer of the
17 Fire Department, a librarian(s) of the Fletcher Free Library, a Superintendent
18 of the Parks and Recreation Department, a Police Chief, and a
19 Superintendent/Director of the Public Works Department. The Mayor shall
20 also appoint a Director of Permitting and Inspections, a Zoning Administrative
21 Officer, and a Director of Planning. The first two appointments of an

1 individual to serve in any such position shall be for one-year terms. After an
2 individual has served in a position for two successive years, the Mayor may
3 thereafter appoint such person to serve terms of not more than three years,
4 except that in no case shall an appointment be valid for more than 15 months
5 following the election of a new Mayor. In all cases, such appointments shall
6 continue until their successors have been appointed and qualified. The Mayor
7 shall also have the authority to appoint the superintendent/director of any City
8 department which may hereafter be created by the City Council.

9 * * *

10 § 130. MANNER OF FILLING VACANCY AND RESIDENCY
11 REQUIREMENT

12 * * *

13 (c) Except as provided below, any person appointed by the Mayor and
14 approved by the City Council for the position of City Assessor, City Attorney,
15 Chief Administrative Officer, City Constable, Civil Defense Director, Director
16 of the Office of Community and Economic Development, Harbor Master,
17 Director of Planning, Director of Permitting and Inspections, or Human
18 Resources Director, and any person appointed to be the superintendent or
19 corresponding Chief Executive Officer of the Cemetery, Electric Light, Fire,
20 Parks and Recreation, ~~Planning~~, Police, Public Works, or School Departments
21 shall, in order to be legally eligible to serve, either be a legal voter of the City

1 as of the date his or her term of office commences and at all times thereafter or,
2 if not a legal voter as of the date his or her term of office commences, shall
3 become a legal voter within the City within one year from the date such term
4 of office commences and maintain such status at all times thereafter. In case of
5 personal hardship found and declared to exist by the City Council with Mayor
6 presiding, the time limit for an individual to become a legal voter of the City
7 may be extended for a set period of time beyond one year.

8 * * *

9 Subchapter 8. General Provisions

10 * * *

11 Article 92A. Department of Permitting and Inspections

12 § 370. CREATION OF DEPARTMENT OF PERMITTING AND
13 INSPECTIONS

14 There is hereby created in the City of Burlington the Department of
15 Permitting and Inspections that shall combine the permitting and inspection
16 functions of the previously existing Planning and Zoning Department,
17 Inspection Services Division of the Department of Public Works, and Code
18 Enforcement Office.

19 § 371. PURPOSES AND POWERS

20 (a) Subject to the orders and ordinances of the City Council, the
21 Department of Permitting and Inspections shall provide a single location to

1 obtain permits and inspection services for all zoning, building, plumbing,
2 electrical wiring, and minimum housing and rental unit matters.

3 (b) In furtherance of its purpose, the Department of Permitting and
4 Inspections shall, subject to the orders and ordinances of the City Council,
5 have the following rights, powers, and duties:

6 (1) to review development projects and ensure compliance with the
7 City's building codes, land use bylaws, historic preservation guidelines,
8 design, and subdivision standards;

9 (2) to issue permits, as provided in State law and local ordinances, for
10 building, zoning, and related matters;

11 (3) to conduct inspections, as provided in State law and local
12 ordinances, of buildings, plumbing systems, electrical wiring, and related
13 matters;

14 (4) to conduct inspections to ensure compliance with zoning
15 requirements and zoning, building, or related permits;

16 (5) to conduct inspections of rental housing units to ensure compliance
17 with the Minimum Housing Code or other housing codes;

18 (6) to notice and enforce violations of building, zoning, minimum
19 housing, and other laws, regulations, codes, or ordinances, as provided therein;

20 and

21 (7) to carry out the orders of the Board of Health.

