

Plainfield Town Charter

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Title 24 Appendix: Municipal Charters **Chapter 131: Town Of Plainfield**

Subchapter 1: Corporate Existence

§ 131-101. Corporate existence retained (Cite as: 24 App. V.S.A. ch. 131, § 101)

The inhabitants of the Town of Plainfield as presently constituted and the inhabitants of the Village of Plainfield as constituted by No. 189 of the Acts of 1867, as amended by No. 314 of the Acts of 1910, No. 327 of the Acts of 1913, No. 174 of the Acts of 1927, No. 194 of the Acts of 1933, No. 227 of the Acts of 1965, and the vote of the Village of Plainfield at the annual meeting thereof held on May 3, 1976, except that part of the Village of Plainfield located in the Town of Marshfield, are hereby incorporated and continued to be incorporated and declared to be a body corporate and politic under the name of the Town of Plainfield; and under that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit of the Town, in the mode and under the restrictions hereinafter provided and as provided by the general law of this State; may elect Representatives to the General Assembly of the State, and the number of justices of the peace as provided in Chapter II of the Vermont Constitution for a town of equal population; and generally shall have, exercise, and enjoy all such rights, immunities, powers, and privileges as are conferred upon, or are incident to, towns in this State; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this charter.

Subchapter 2: Municipal Powers And Government Structure

§ 131-201. General law; application (Cite as: 24 App. V.S.A. ch. 131, § 201)

Except when changed, enlarged, or modified by the provisions of this charter, or by any legal regulation or ordinance of the Town of Plainfield, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Plainfield.

§ 131-202. Powers of the Town

(a) The Town of Plainfield shall have all the powers granted to towns, town school districts, and municipal corporations by the Constitution and laws of this State and this charter, together with all the implied powers necessary to carry into execution all the powers granted. The Town of Plainfield may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter, and impose penalties for violation thereof.

(b) The Town may acquire real and personal property within or without its corporate limits necessary or convenient for any lawful purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, consistent with the Constitution and laws of the State of Vermont, and may sell, lease, mortgage, hold, manage, and control such property as its interest may require consistent with the Constitution and laws of the State.

(c) In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned, unless this charter otherwise provides.

(d) The Seal of the Town of Plainfield, heretofore adopted, is declared to be the official seal of the Town, to be used as required by law and custom.

(e) The Town may purchase, hold, and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such dams, aqueducts, reservoirs, sewage disposal facilities, and electrical distribution facilities as it may deem necessary for the benefit of the Town.

§ 131-203. Reservation of powers to the Town (Cite as: 24 App. V.S.A. ch. 131, § 203)

Nothing in this charter shall be construed to in any way limit the powers and functions conferred on the Town of Plainfield, the selectmen of said Town, or its elected and appointed officials by general or special enactments of State statutes or regulations in force or effect or hereafter enacted, and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments unless this charter otherwise provides.

§ 131-204. Authority of police officers (Cite as: 24 App. V.S.A. ch. 131, § 204)

The police officers of the Town shall have the same powers throughout the State with respect to criminal matters, and the enforcement of the laws relating thereto, as they have within the Town.

§ 131-205. Open meetings (Cite as: 24 App. V.S.A. ch. 131, § 205)

Meetings of all Town boards and commissions shall be open and held in accordance with the general law of this State relating to public meetings. The record of all official proceedings shall be available for public inspection and copying as provided by the general law of this State.

§ 131-206. Form of government (Cite as: 24 App. V.S.A. ch. 131, § 206)

Pursuant to its provisions and subject only to the limitations imposed by the Vermont Constitution and by this charter, all powers of the Town shall be vested in an elective council, hereinafter referred to as the Selectboard, which shall enact ordinances, codes, and regulations, adopt budgets and determine policies, and which shall execute the laws and administer the government of the Town.

§ 131-207. Intergovernmental relations (Cite as: 24 App. V.S.A. ch. 131, § 207)

The Town, through its Selectboard or Board of School Directors, or both, may enter into any agreement with the United States of America or the State of Vermont, or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to accept grants, loans, and assistance from the United States of America or the State of Vermont, or both, or from any subdivision department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within said Town, or upon property or rights of said

Town outside its corporate limits, whether owned by said Town as sole owner or owned by said Town in common with another municipality or other municipalities, and may make appropriations consistent with this charter to accomplish such purpose.

§ 131-208. Town School District; establishment (Cite as: 24 App. V.S.A. ch. 131, § 208)

The Town of Plainfield, as established in section 101 of this charter, shall constitute the Town of Plainfield Town School District.

§ 131-209. Utility services (Cite as: 24 App. V.S.A. ch. 131, § 209)

The Town shall have the power to impose rates, charges, and assessments upon property located in that part of the former Village located in the Town of Marshfield for water, sewer, and street lighting.

Subchapter 3: Ordinances

§ 131-301. Ordinances; enforcement and adoption (Cite as: 24 App. V.S.A. ch. 131, § 301)

(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this Charter; may prosecute any person violating the same through the Town Agent, constables, or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections 302 through 305 of this charter.

§ 131-302. Ordinances; introduction and readings (Cite as: 24 App. V.S.A. ch. 131, § 302)

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Selectboard of the Town of Plainfield hereby ordains." If the Selectboard passes the proposed ordinance upon first reading, it shall cause it to be published in its entirety in abbreviated form in a newspaper of general circulation in the Town, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of said public hearing.

(b) At the time and place so advertised, or at any time and place to which such hearing may from time to time be adjourned, such ordinance shall be read in full, except that by vote of a majority of the Selectboard, the ordinance may be read by title, and after such reading, all persons interested shall be given an opportunity to be heard.

§ 131-303. Ordinances; consideration and passage (Cite as: 24 App. V.S.A. ch. 131, § 303)

After such hearing, the Selectboard may finally pass such ordinance with or without amendment, except that if the Selectboard amends said ordinances, it shall cause the amended ordinance to be published at least once together with a notice of the time and place of a public hearing at which such

amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which such meeting may be adjourned, the amended ordinance shall be read in full, except that by vote of a majority of the Selectboard, the ordinance may be read by title. After such hearing, the Selectboard may pass finally such amended ordinance or again amend it subject to the same procedure as outlined herein.

§ 131-304. Ordinances; effective date (Cite as: 24 App. V.S.A. ch. 131, § 304)

Every ordinance shall become effective upon passage unless otherwise specified; or, if the ordinance be conditioned upon approval of the voters of the Town, then upon a favorable vote of a majority of those voting thereon.

§ 131-305. Ordinances; filing (Cite as: 24 App. V.S.A. ch. 131, § 305)

The Town Clerk shall prepare and keep in the Town office a book of ordinances which shall contain each ordinance passed finally by the Selectboard together with a complete index of the ordinances according to subject matter.

Subchapter 4: Officers

§ 131-401. Generally (Cite as: 24 App. V.S.A. ch. 131, § 401)

The officers of the Town of Plainfield shall be those provided by law for towns, except as otherwise provided by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

§ 131-402. Elective officers (Cite as: 24 App. V.S.A. ch. 131, § 402)

(a) The elected officers of the Town shall be elected and their compensation fixed by the Town at its annual meeting.

(b) All elected officers except as provided by law or as specifically provided in this charter, shall be chosen at large from the legally qualified voters of the Town, and shall hold office for the term hereafter specified and until their successors are elected and qualified.

(c) All officers shall be elected by Australian Ballot.

(d) When an elected or appointed officer resigns, makes residence in another town, or dies or becomes incapacitated, the office shall become vacant and the Selectboard shall appoint an eligible person to fill the vacancy until the next annual meeting. The person elected at the annual meeting shall serve until the predecessor's term expires. Incapacity shall include the failure of a Selectboard member to attend 50 percent of the meetings of the Board in any calendar year.

§ 131-403. Appointed officers (Cite as: 24 App. V.S.A. ch. 131, § 403)

The Selectboard may appoint any officers required by the Town's personnel regulations, this charter,

or the general law of this State.

§ 131-404. Bonding of officers (Cite as: 24 App. V.S.A. ch. 131, § 404)

All officers of the Town required to be bonded by State law shall be so bonded.

§ 131-405. Oath of office (Cite as: 24 App. V.S.A. ch. 131, § 405)

All elective officials and all police officers of the Town shall, before assuming office, take, subscribe, and file with the Town Clerk the following oath:

"I _____ solemnly swear (or affirm) that I will faithfully execute the Office of _____ of the Town of Plainfield to the best of my judgment and abilities, according to law, so help me God (or I so affirm)."

§ 131-406. Town Clerk and Treasurer; School District officers (Cite as: 24 App. V.S.A. ch. 131, § 406)

The Clerk, auditors, and Treasurer of the Town shall perform those duties imposed upon the Clerk, auditors, and Treasurer of the Town of Plainfield School District by the general law of this State.

Subchapter 5: Selectboard

§ 131-501. Powers and duties (Cite as: 24 App. V.S.A. ch. 131, § 501)

The members of the Selectboard shall constitute the legislative body of the Town of Plainfield for all purposes required by law and except as otherwise herein specifically provided, and shall have all powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the Constitution and laws of the State of Vermont.

Subchapter 6: Water And Sewer System

§ 131-601. Transfer (Cite as: 24 App. V.S.A. ch. 131, § 601)

On and after the effective date of this charter, the ownership, control, and management of the Village water and sewer systems shall be vested in the Town, subject to all indebtedness and liabilities relating thereto; provided, however, that administration of said systems and payment of existing liabilities relating thereto shall be as specifically provided for in this charter.

Subchapter 7: Commissions And Appointments

§ 131-701. Appointments (Cite as: 24 App. V.S.A. ch. 131, § 701)

The Selectboard may appoint commissions or committees as needed, and delegate incidental powers necessary for the proper functioning thereof, as established by law.

§ 131-702. Water and sewer commissioners (Cite as: 24 App. V.S.A. ch. 131, § 702)

(a) Upon the effective date of this charter, the Selectboard shall appoint three water and sewer commissioners whose duties, powers, and authority with respect to the municipal water and sewer system shall be as established by the law of this State and as specifically provided for in this charter. One commissioner shall serve for a term of three years, one shall serve for a term of two years, and one shall serve for a term of one year. Thereafter, at the first meeting of the Selectboard following each annual Town meeting, the Selectboard shall appoint one commissioner for a term of three years. The Selectboard shall appoint residents of that part of the Town served by municipal water and sewer systems as water and sewer commissioners.

(b) In addition to those powers, duties, and responsibilities imposed by law, water and sewer commissioners shall:

(i) Establish, regulate, control, and determine assessments for the benefit of property located within and without the Town which is provided street lighting;

(ii) Exercise control over, administer, manage, and operate the municipal water and sewage disposal systems of the Town as presently constituted or as may be enlarged hereafter; and

(iii) Establish rates and charges for water and sewage disposal services provided by the Town.

Subchapter 8: Town Meeting

§ 131-801. Application of general laws (Cite as: 24 App. V.S.A. ch. 131, § 801)

Provisions of the laws of this State relating to voter qualification, warnings, methods of voting, the duties of town officers at town meetings and elections, and all other particulars relating to preparation for, conduct, and management of town meetings and elections shall, so far as they may be applicable, govern all municipal elections and all annual and special town meetings, except as otherwise provided in this charter.

Subchapter 9: Zoning And Planning

§ 131-901. Applicability of State law to zoning and planning (Cite as: 24 App. V.S.A. ch. 131, § 901)

All matters pertaining to zoning, land subdivision, municipal and regional plans shall be exclusively controlled by the general law of the State of Vermont, except as specifically provided in this charter.

§ 131-902. Ratification of present zoning ordinance (Cite as: 24 App. V.S.A. ch. 131, § 902)

The Town of Plainfield zoning and flood hazard regulations, as amended, are hereby ratified and approved.

§ 131-903. Incorporation of Village zoning ordinance (Cite as: 24 App. V.S.A. ch. 131, § 903)

The Village of Plainfield zoning and flood hazard regulations, as amended, are hereby incorporated into the zoning ordinance of the Town of Plainfield for the purpose of defining a Village district within

said Town ordinance and establishing area, density, use, building, and like requirements therein.

§ 131-904. Board of Adjustment (Cite as: 24 App. V.S.A. ch. 131, § 904)

Notwithstanding any provision of general law, two residents of the Village district as presently or hereafter defined shall serve as members of the Zoning Board of Adjustment. Other members of the Zoning Board of Adjustment shall be residents of the Town of Plainfield and residing in said district.

Subchapter 10: Budget, Taxation And Indebtedness

§ 131-1001. Fiscal year (Cite as: 24 App. V.S.A. ch. 131, § 1001)

The fiscal year shall commence on the first day of July and end on the last day of June.

§ 131-1002. Amount to be raised by taxation (Cite as: 24 App. V.S.A. ch. 131, § 1002)

Upon passage of the budget by the annual Town meeting, the amounts 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 Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list furnished by the listers for the corresponding tax year.

§ 131-1003. Taxation (Cite as: 24 App. V.S.A. ch. 131, § 1003)

(a) Taxes on real and personal property shall be paid as voted at annual Town meeting.

(b) Taxes may be paid with discount if approved at annual Town meeting.

(c) Taxes shall be collected as established by law.

(d) Delinquent property taxes shall accrue penalty, interest, fees, and costs to the maximum extent permitted by law, and all such interest fees shall be paid over to the Town Treasurer for inclusion in the general fund of the Town.

§ 131-1004. Fees and fines (Cite as: 24 App. V.S.A. ch. 131, § 1004)

All fines and penalties payable to the Town by reason of any violation of any law, ordinance, or bylaw, shall be paid over promptly upon receipt to the Town Treasurer for inclusion in the general fund of the Town. All fees established by law or ordinance and payable to any Town officer, except those fees payable to the Town Clerk, shall be paid over promptly upon receipt to the Town Treasurer for inclusion in the general fund of the Town.

§ 131-1005. Current bonded indebtedness (Cite as: 24 App. V.S.A. ch. 131, § 1005)

Outstanding bonds previously issued by the Village of Plainfield shall be obligations of the Town of Plainfield on and after the effective date of this charter, provided, however, that until fully paid, said bonds shall constitute a general obligation only with respect to that part of the Town formerly

comprising the Village of Plainfield, including that portion of said Village within the Town of Marshfield, and that part of the Town of Plainfield presently outside the limits of the Village of Plainfield and now receiving Village water and sewer services. Said bonds shall not constitute a debt or obligation of the Town of Plainfield except as specifically provided in this section, and shall be paid only by rates, charges, and assessments levied for water and sewer service within the former Village, and shall be secured as general obligations only by the full faith and credit of the Town as it applies within the former Village. Nothing herein shall be construed as abridging the power of the Town or the Town School District to authorize and issue bonds as provided by the general law of this State.

Subchapter 11: General Provisions

§ 131-1101. Separability (Cite as: 24 App. V.S.A. ch. 131, § 1101)

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 circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

§ 131-1102. Continuance in office (Cite as: 24 App. V.S.A. ch. 131, § 1102)

[Transitional provisions related to ending legal matters at the time of the adoption of the charter.]

§ 131-1103. Pending matters (Cite as: 24 App. V.S.A. ch. 131, § 1103)

[Transitional provisions related to ending legal matters at the time of the adoption of the charter.]

§ 131-1104. Municipal laws (Cite as: 24 App. V.S.A. ch. 131, § 1104)

[Transitional provisions related to the continuation in force of the municipal laws of the Town of Plainfield and the Village of Plainfield as municipal laws of the Town of Plainfield.]

§ 131-1105. Amendment of charter (Cite as: 24 App. V.S.A. ch. 131, § 1105)

This charter may be amended as set forth by the general law of this State.

§ 131-1106. Reference to statute (Cite as: 24 App. V.S.A. ch. 131, § 1106)

If any matter mentioned in this charter is said to be controlled by a special statute, the reference to such statute shall include the statute as amended or renumbered, or any statute substituted therefor and having a similar subject matter.

§ 131-1107. Transfer of property, rights, privileges, and franchises (Cite as: 24 App. V.S.A. ch. 131, § 1107)

[Transitional provisions relating to the transfer of property and property, rights, franchises, rights of action, land records, and other records belonging or appertaining to the Town and Village of Plainfield

and contracts relating to the water works and sewage collection and disposal system formerly possessed by the Village.]

§ 131-1108. Penalties, forfeitures of suits not affected (Cite as: 24 App. V.S.A. ch. 131, § 1108)

[Transitional provisions related to pending forfeitures and suits.]

§ 131-1109. Continuation of acts amended (Cite as: 24 App. V.S.A. ch. 131, § 1109)

[Transitional provisions related to provisions of the charter that are the same as acts that the charter amends.]

§ 131-1110. Inconsistent acts repealed (Cite as: 24 App. V.S.A. ch. 131, § 1110)

[Transitional provisions related to the repealing of acts that are inconsistent under the charter.]

§ 131-1111. Plan of consolidation, effect of charter (Cite as: 24 App. V.S.A. ch. 131, § 1111)

[Transitional provisions related to the effect of the charter on the consolidation of the Town of Plainfield and the Village of Plainfield.]

§ 131-1112. Village of Plainfield; abolished (Cite as: 24 App. V.S.A. ch. 131, § 1112)

[Transitional provisions related to the abolishment of the Village of Plainfield.]

§ 131-1113. Village taxes; assignment (Cite as: 24 App. V.S.A. ch. 131, § 1113)

[Transitional provisions related to taxation and municipal assignments of the Village of Plainfield.]

§ 131-1114. Effective date (Cite as: 24 App. V.S.A. ch. 131, § 1114)

[Transitional provisions related to the effective date of the charter.]