



## **Plan and Bylaw Adoption Tools**

May, 2005 (updated March 2017)

**24 V.S.A Chapter 117**  
**§§ 4384,4385 and 4441-4447**

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### **Table of Contents**

#### **A. MUNICIPAL PLAN PREPARATION AND ADOPTION TOOLS**

- |   |        |
|---|--------|
| 1. Clerk's Certificate with Detailed Checklist  | Page 2 |
| 2. Reporting Form for Municipal Plan Amendments | Page 8 |

#### **B. BYLAW PREPARATION AND ADOPTION TOOLS**

- |  |         |
|--|---------|
| 1. Clerk's Certificate with Detailed Checklist   | Page 10 |
| 2. Reporting Form for Municipal Bylaw Amendments | Page 16 |

**CERTIFICATE OF MUNICIPAL PLAN**

     ADOPTION      AMENDMENT      REPEAL

I, \_\_\_\_\_, Clerk of the Town/Village/City of \_\_\_\_\_, in \_\_\_\_\_ County, State of Vermont, do hereby certify pursuant to 24 VSA, §§ 4384, 4385, 4444, and 4447 that the following actions were taken by the designated parties with the respect to the adoption/amendment/repeal of the proposed municipal plan for the Town of \_\_\_\_\_, of which the attached is a true copy.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Attach herewith all documentation, tear sheets, notices, etc. resulting from and confirming this adoption process.

**I. PLANNING COMMISSION HEARING(S), SUBMITTALS**

**A) Transmittal of Proposed Plan/Amendment/Repeal**

**Deadline for action:** 30 days prior to first hearing date (a.k.a. 30 day notice)

Mail by **certified mail, return receipt**, or delivered with proof of receipt copies of each of the following:

- proposed plan/amendment/repeal;
- hearing notice;
- report; and
- solicitation for comments

**To:**

- Planning Commission chairs of adjoining municipalities (or municipal clerk if no planning commission exists)

\_\_\_\_\_  
\_\_\_\_\_

- Executive Director, (Name and address of Regional Planning Commission)
- DHCD, electronic submissions only. See instructions: <http://accd.vermont.gov/community-development/town-future/plans-bylaws>
- Interested groups who requested notice in writing. (List groups)

**Statutory reference(s):** §4384(e)

**Mailing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** copy of proposed plan/amendment/repeal, hearing notice and report as mailed

**B) Hearing Notice**

**Deadline for action:** 15 days prior to first hearing date

The planning commission shall hold at least one public hearing on the proposed plan/amendment/repeal, following 15 days notice. All hearings must be warned in accordance with the notice requirements under §§4384 (d) and 4444. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The planning commission has two options under §4444:

- 1) Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing, with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined; *or*
- 2) Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §4444

**Posting Dates:** *Version Warned* \_\_\_\_\_

Municipality (*2 locations minimum*) \_\_\_\_\_

Municipal Clerk's Office \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**AND, either:**

1) post the full text or a summary including:  a statement of purpose;  geographic areas affected;  table of contents/listing of section headings; and  a description where the full text may be examined;

**OR** 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:

the hearing notice;  a copy of the full text; **or**  summary **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dated copy of proposed plan/amendment/peal as warned, copies of voter checklist and grand list, if applicable

**C) Planning Commission Hearing**

**Deadline for action:** *15 days after notice publication*

As noted, the planning commission must hold at least one public hearing, following public notice, on the proposed plan/amendment/peal as warned. *Note: No changes may be made between the time the public notice is posted/published and the public hearing.*

**Statutory reference(s):** §§4384 (d), 4444

**Hearing Date/Time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

**On file:** board minutes; comments submitted

**D) Submittal of proposed plan/amendment/peal to the legislative body and clerk.**

**Deadline for action:** *After planning commission’s changes to the proposed plan/amendment and any written report unless supported by petition or requested by legislative body in which case the planning commission must promptly submit the amendment and only those changes necessary to correct any technical deficiencies along with any recommendations or opinions the planning commission considers appropriate.*

The planning commission may make changes to the proposed plan/amendment and to any written report and thereafter submit them to the legislative body. Simultaneous with its submissions the

planning commission shall file with the clerk of the municipality a copy of the proposed plan/amendment/repeal and written reports as submitted to the legislative body, for public review.

**Statutory reference(s):** §4384 (f)

**Filing Date:** \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** dated copy of proposed plan/amendment/repeal with revisions, reports as submitted by the planning commission to the legislative body and clerk following final planning commission hearing

**II. LEGISLATIVE HEARING(S)**

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**A) Changes to proposed plan/amendment/repeal**

**Deadline for action:** 15 days prior to final hearing date

The legislative body may change the proposed plan/amendment/repeal, but shall not do so less than 15 days prior to the final public hearing. If substantial changes are made in the concept, meaning, or extent of the proposed plan/amendment/repeal, it shall warn a new public hearing(s). If any part of the proposal is changed, the change shall be filed at least 15 days prior to the public hearing with the municipal clerk, anyone requesting a copy in writing, and with the planning commission. The planning commission must submit a report thereon to the legislative body prior to or at the public hearing that analyzes the extent to which the changed proposal is consistent with § 4302.

**Statutory reference(s):** §4385 (b)

**Filing Date:** \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** copy of proposed changes as warned, and filed with clerk and planning commission. Planning commission report if submitted prior to hearing

**B) Hearing Notice**

**Deadline for action:** 15 days prior to the first hearing date

Not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality under §4384 of this title, the legislative body of a municipality with a population of 2,500 persons or less, shall hold the first of one or more public hearings, after public notice. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. All hearings must be warned in accordance with the notice requirements under §4444. The legislative body must make copies of proposal and written report by the planning commission available to the public upon request. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The legislative body has two options under §4444

- 1) Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing , with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined; *or*

- 2) Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §§ 4385, 4444

**Posting Dates:** \_\_\_\_\_ *Version Warned* \_\_\_\_\_

Municipality (2 locations minimum) \_\_\_\_\_

Municipal Clerk's Office \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**AND, either:**

- 1) post the full text or a summary:  a statement of purpose;  geographic areas affected;  table of contents/listing of section headings; and  a description where the full text may be examined;

**OR**

- 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:

the hearing notice;  a copy of the full text; **or**  summary **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dates copy of proposed plan/amendment/repeal with planning commission report, as warned, copies of vote checklist and grand list, if applicable

**C) Legislative Body Hearing(s)**

**Deadline for action:** *not less than 30 nor more than 120 days following submission by the planning commission (for the first hearing) as warned*

As noted, not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality, the legislative body of a municipality with a population of 2,500 persons or less, shall hold the first of one or more public hearings, after public notice. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. Also as noted above, if the legislative body makes any substantial changes, it shall warn a new public hearing or hearings and file the proposed changes with the clerk, anyone requesting a copy in writing, and planning commission at least 15 days prior to the final public hearing as warned. *Note failure to hold a hearing within the 120-day period does not invalidate the adoption of the plan and amendment.*

**Statutory reference(s):** §4385 (a)

**Hearing Date/Time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** record of proceedings, attendance, planning commission report as submitted

**III. ADOPTION OF MUNICIPAL PLAN/AMENDMENT/REPEAL**

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**A) Legislative Body**

**Deadline for action:** *within one year of date of final planning commission hearing*  
Plans, amendments, and/or repeals, shall be adopted or rejected by a majority of the members of the legislative body at a meeting which is held after final public hearing, and shall be effective immediately.

**Statutory reference(s):** §4385 (c)  
**Date of Meeting/Vote:** \_\_\_\_\_  
**Action:** Adopted  Rejected  **Initialed:** \_\_\_\_\_  
**On file:** meeting minutes, record of vote, dated copy of proposed plan/amendment/repeal as accepted or rejected by legislative body

**B) Australian Ballot**

**Deadline for action:** *within one year of date of final planning commission hearing*  
A proposed plan, amendment or repeal for a municipality which has elected (in accordance with 24 V.S.A. §4385 (c)) to do so, shall be adopted or rejected by the vote of the municipality by Australian Ballot (17 VSA, §2641) at a regular or special meeting duly warned and held after final public hearing. The adoption or rejection shall be effective immediately. *Note: A public informational hearing is not required for bylaws adopted via Australian ballot; however, if the town would like to hold a public informational hearing it may.*

Vote by Australian Ballot. Questions voted on by Australian Ballot must be warned according to 17 VSA, §2641. The warning must be posted in **two** locations, and in or near the municipal clerk’s office. The warning must also be distributed using one of the following methods:

- published in a newspaper designated by the legislative body; or
- published and distributed as a warned article in the municipal report; or
- otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting.

**Statutory reference(s):** Title 17 V.S.A., §§2641 and 2642  
**Deadlines for action:** Posting: not less than 30 nor more than 40 days prior to vote; and  
Publication, newspaper: at least 5 days prior to vote; or  
Publication, report: distributed at least 10 days prior to meeting  
Vote: within one year of date of final planning commission hearing.

**Posting Dates:**

Municipality (2 locations minimum) \_\_\_\_\_  
Municipal Clerk's Office \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**Meeting/Vote Date:** \_\_\_\_\_

**Action:** Adopted  Rejected  **Initialed:** \_\_\_\_\_  
**On file:** copy of notice as posted, published, meeting minutes, record of vote; dated copy of proposed plan/amendment/repeal as accepted or rejected by voters

**C) Adopted Plans**

**Deadline for action:** *30 days following adoption*  
Plans and amendments shall be effective upon adoption, and shall be provided to the regional planning commission and to the commissioner of Economic Housing & Community Development. Send a copy of:  
 adopted plan or repeal

To:  Executive Director, (*Name and address of Regional Planning Commission*)

DHCD, *electronic submissions only. See instructions:*

<http://accd.vermont.gov/community-development/town-future/plans-bylaws>

**Statutory reference(s):** 4385 (c)

**Mailing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** copy and original of adopted plan; this form and all supporting documentation

**IV. REGIONAL APPROVAL AND CONFIRMATION**

**Initialed:** \_\_\_\_\_

A) If a municipality wishes its plan or plan amendment to be eligible for approval under the provisions of §4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

Any such requests should be in writing and accompanied by a copy of the adopted or draft plan. The RPC will carry out and conduct all related and necessary reviews, hearings and processes. *This process requires up to 60 days from notification to complete; to meet a shorter timeline or specific deadlines, the RPC will require contact and coordination prior to the planning commission hearing notice.*

**Statutory reference(s):** §4385(c)

**Submitted to RPC:** No  Yes  **Date of submission to RPC:** \_\_\_\_\_

**On file at the RPC:** approval and confirmation forms, hearing minutes, staff review

## Planning Commission Reporting Form for Municipal Plan Amendments

This report is in accordance with 24 V.S.A. §4384(c) which states:

*“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. **The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.**”*

*If the proposal would alter the designation of any land area, the report should cover the following points:*

1. *The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*
  
2. *The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:*
  - (A) *the municipal tax base; and*
  
  - (B) *the need for public facilities;*
  
3. *The amount of vacant land which is:*
  - (A) *already subject to the proposed new designation; and*
  
  - (B) *actually available for that purpose, and the need for additional land for that purpose.*
  
4. *The suitability of the area in question for the proposed purpose, after consideration of:*
  - (A) *appropriate alternative locations;*
  - (B) *alternative uses for the area under consideration; and*
  - (C) *the probable impact of the proposed change on other areas similarly designated*



5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.”*

**Please Note:**

- ❖ The planning commission must hold at least one public hearing within the municipality after public notice on any proposed plan or amendment.
- ❖ At least **30** days prior to the first hearing, a copy of the proposed plan or amendment and the written report must be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
  1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that municipality;
  2. the executive director of the regional planning commission of the area in which the municipality is located;
  3. the Department of Economics, Housing and Community Development within the Agency of Commerce and Community Development; and
  4. business, conservation, low income advocacy and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.
- ❖ The planning commission may make revisions to the proposed plan or amendment and to any written report, and must thereafter submit the proposed plan or amendment and any written report to the legislative body of the municipality.
- ❖ If the legislative body changes any part of the proposed plan, the planning commission must submit to the legislative body, at or prior to the public hearing, a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals established in 24 V.S.A. §4302.
- ❖ Simultaneously with the submission, the planning commission must file with the clerk of the municipality a copy of the proposed plan or amendment, and any written report, for public review.

**CERTIFICATE OF MUNICIPAL BYLAW**  
**\_\_\_ADOPTION \_\_\_AMENDMENT \_\_\_REPEAL**

I, \_\_\_\_\_, Clerk of the Town/Village/City of \_\_\_\_\_, in \_\_\_\_\_ County, State of Vermont, do hereby certify pursuant to 24 VSA, §§ 4441, 4442, 4444, and 4447 that the following actions were taken by the designated parties with the respect to the adoption/amendment/repeal of the proposed municipal bylaw for the Town of \_\_\_\_\_, of which the attached is a true copy.

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

Attach herewith all documentation, tear sheets, notices, etc. resulting from and confirming this adoption process.

**I PLANNING COMMISSION HEARING(S), SUBMITTALS**

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**A) Transmittal of Proposed Bylaw/Amendment/Repeal**

**Deadline for action:** 15 days prior to first hearing date

Mail by **certified mail, return receipt requested**, or **delivered with proof of receipt**, copies of each of the following :

- proposed bylaw/amendment/repeal;       hearing notice; and  
 report;

**To:**

- Planning commission chairs, of adjoining municipalities (or municipal clerk if no planning commission exists)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Executive Director, (Name and address of Regional Planning Commission)  
 DHCD, *electronic submissions only*. See instructions: <http://accd.vermont.gov/community-development/town-future/plans-bylaws>

**Statutory reference(s):** §4441

**Mailing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** copy of proposed bylaw/amendment/repeal, hearing notice and report as mailed

**B) Hearing Notice**

**Deadline for action:** 15 days prior to first hearing date

The planning commission shall hold at least one public hearing on the proposed bylaw/amendment/repeal following 15 days notice. All hearings must be warned in accordance with the notice requirements under §§4441(d) and 4444. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The planning commission has two options under §4444:

1. Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing, with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of

section headings, and a description of the place within the municipality where the full text and/or maps may be examined; *or*

2. Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §4444  
**Posting Dates:** *Version Warned* \_\_\_\_\_  
 Municipality (2 locations minimum) \_\_\_\_\_  
 Municipal Clerk's Office \_\_\_\_\_  
**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**AND, either:**

- 1) Post the full text or a summary including:  a statement of purpose;  geographic areas affected;  table of contents/listing of section headings; and  a description where the full text may be examined;

**OR**

- 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:  
 the hearing notice;  a copy of the full text; **or**  summary **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dated copy of proposed plan/amendment/repeal as warned, copies of voter checklist and grand list, if applicable

**C) Planning Commission Hearing**

**Deadline for action:** 15 days after notice publication

As noted, the planning commission must hold at least one public hearing, following public notice, on the proposed bylaw/amendment/repeal as warned. *Note: No changes may be made between the time the public notice is posted/published and the public hearing.*

**Statutory reference(s):** §§4441 (d), 4444  
**Hearing Date:** \_\_\_\_\_  
**Location:** \_\_\_\_\_

**On file:** board minutes; comments submitted

**D) Submittal of proposed bylaw/amendment/repeal to the legislative body and clerk.**

**Deadline for action:** *After planning commission’s changes to the proposed bylaw/amendment/repeal and any written report unless supported by petition or requested by legislative body in which case the planning commission must promptly submit the amendment and only those changes necessary to correct any technical deficiencies along with any recommendations or opinions the planning commission considers appropriate.*

The planning commission may make changes to the proposed bylaw/amendment/repeal and to any written report and thereafter submit them to the legislative body. Simultaneous with its submissions the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw/amendment/repeal and written reports as submitted to the legislative body, for public review.

**Statutory reference(s):** §4441(g)

**Filing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** dated copy of proposed bylaw/amendment/repeal with revisions, reports as submitted by the planning commission to the legislative body and clerk following final planning commission hearing

**II. LEGISLATIVE HEARING(S)**

---

**A) Changes to proposed bylaw/amendment/repeal**

**Deadline for action:** 15 days prior to final hearing date

The legislative body may change the proposed bylaw/amendment/repeal, but shall not do so less than 14 days prior to the final public hearing. If substantial changes are made in the concept, meaning, or extent of the proposed bylaw/amendment/repeal, it shall warn a new public hearing(s). If any part of the proposal is changed, the change shall be filed at least 10 days prior to the public hearing with the municipal clerk and with the planning commission. The planning commission shall amend its report to reflect the changes made and submit it thereon to the legislative body prior to or at the public hearing.

**Statutory reference(s):** §§4442

**Filing Date:** \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** copy of proposed changes as warned, and filed with clerk and planning commission. Planning commission report if submitted prior to hearing

**B) Hearing Notice**

**Deadline for action:** 15 days prior to the first hearing date

Not less than 15 nor more than 120 days after a proposed bylaw/amendment/repeal is submitted to the legislative body of the municipality, the legislative body shall hold one or more public hearings, following 15 days public notice, on the proposed bylaw/amendment/repeal. All hearings must be warned in accordance with the notice requirements under §4444. The legislative body must make copies of proposal and written report by PC available to the public upon request. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The legislative body has two options under §4444

- 1) Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing, with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined; *or*
- 2) Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §§4442 and 4444

**Posting Dates:** \_\_\_\_\_ *Version Warned* \_\_\_\_\_  
Municipality (2 locations minimum) \_\_\_\_\_

Municipal Clerk's Office \_\_\_\_\_

Newspaper: \_\_\_\_\_ Publication Date \_\_\_\_\_

**AND, either:**

- 1) post the full text or a summary including:  a statement of purpose;  geographic areas affected;  table of contents/listing of section headings; and  a description where the full text may be examined;

**OR**

- 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:

the hearing notice;  a copy of the full text; or  summary      **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dates copy of proposed plan/amendment/repeal with planning commission report, as warned, copies of vote checklist and grand list, if applicable

**C) Legislative Body Hearing(s).**

**Deadline for action:** *not less than 15 nor more than 120 days following submission by the planning commission (for the first hearing); as warned*

As noted, not less than 15 nor more than 120 days after a proposed bylaw/amendment/repeal is submitted to the legislative body, it shall hold the first of one or more public hearings, after public notice on the proposed bylaw/amendment/repeal. Also as noted above, if the legislative body makes any substantial changes, it shall warn a new public hearing or hearings and file the proposed changes with the clerk and planning commission at least 10 days prior to the final public hearing as warned. *Note: Failure to hold a hearing within 120 day period does not invalidate the adoption of the bylaw/amendment/repeal.*

**Statutory reference(s):** §§4442 and 4444

**Hearing Date(s):** \_\_\_\_\_

**Locations:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** record of proceedings, attendance, planning commission report as submitted

**III. ADOPTION OF MUNICIPAL BYLAW/AMENDMENT/REPEAL**

---

**A) Legislative Body Adoption.**

**Deadline for action:** *Within one year of date of final planning commission hearing*

Bylaws, amendments, and/or repeals, unless otherwise noted under subsection III. B and C (Australian ballot options and exceptions to routine adoptions) shall be adopted or rejected by a majority of the member of the legislative body at a meeting which is held after final public hearing, and shall be effective 21 days after adoption, unless petitioned for popular vote (see below).

**Statutory reference(s):** §4442(c)

**Date of Meeting/Vote:** \_\_\_\_\_

**Action:** Adopted  Rejected       **Initialed:** \_\_\_\_\_

**On file:** meeting minutes, record of vote, dated copy of proposed bylaw/amendment/repeal as accepted or rejected by legislative body

- (1) Petition for Popular Vote. A vote by the legislative body on a bylaw, amendment, or repeal shall not take effect if five percent of the voters of the municipality petition for a meeting

of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 20 days of the vote. In that case, a meeting of the municipality shall be duly warned for the purpose of acting by Australian ballot upon the bylaw, amendment, or repeal.

**Statutory reference(s):** 24 V.S.A., §4442(d)  
**Deadlines for action:** petition filed within 20 days of vote

**Date petition filed:** \_\_\_\_\_

**Within 20 days:** Yes  No

**Validity confirmed by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date of Meeting/Vote:** \_\_\_\_\_

**Posting Date:** \_\_\_\_\_ NA

**Publication Date:** \_\_\_\_\_ NA

Procedures for adoption by Australian Ballot have been certified and are included under separate attachment.

**Action:** Adopted \_\_\_\_\_ Rejected \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** copy of petition; certification of action by Australian Ballot with attached documentation; dated copy of bylaw as adopted/rejected by voters

**B) Australian Ballot Options** (*legislative body may put the bylaw before the voters for adoption via Australian Ballot, or a rural municipality with a population of less than 2,500 that has previously elected at a special or regular town meeting to require bylaws/ amendments/repeals be adopted by Australian ballot*)

A proposed bylaw, amendment or repeal for a municipality shall be adopted or rejected by the vote of the municipality by Australian Ballot (17 VSA, §2641) at the next regular or special town meeting duly warned and held after final public hearing. The adoption or rejection shall be effective immediately.

Vote by Australian Ballot. Questions voted on by Australian Ballot must be warned according to 17 VSA, §2641. The warning must be posted in **two** locations, and in or near the municipal clerk’s office. The warning must also be distributed using one of the following methods:

- published in a newspaper designated by the legislative body; or
- published and distributed as a warned article in the municipal report; or
- otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting.

*Note: A public informational hearing is not required for bylaws adopted via Australian ballot; however, if the town would like to hold a public informational hearing it may.*

**Statutory reference(s):** Title 17 V.S.A., §§2641 and 2642

**Deadlines for action:** Posting: not less than 30 nor more than 40 days prior to vote; and  
Publication, newspaper: at least 5 days prior to vote; or  
Publication, report: distributed at least 10 days prior to meeting  
Vote: within one year of date of final planning commission hearing.

**Posting Dates:**

**Municipality (2 locations minimum)** \_\_\_\_\_

**Municipal Clerk's Office** \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**Meeting/Vote Date:** \_\_\_\_\_

**Action:** Adopted  Rejected

**Initialed:** \_\_\_\_\_

**On file:** copy of notice as posted, published, meeting minutes, record of vote; dated copy of proposed plan/amendment/repeal as accepted or rejected by voters

**D. Exceptions to routine adoptions**

***Petition for action past one-year deadline***

As noted, if a bylaw, amendment or repeal is not approved or rejected by the municipality within one year of the date of the final planning commission hearing, it shall be considered disapproved unless 5 percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment or repeal, and the petition is filed within 60 days of the end of that year. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the bylaw or amendment by Australian Ballot.

**Statutory reference(s):** §4442(g)

**Deadline for action:** filing within 60 days of end of year as defined

**Date petition filed:** \_\_\_\_\_

**Within 60 days:** Yes  No

**Validity confirmed by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date of Meeting/Vote:** \_\_\_\_\_

**Posting Date:** \_\_\_\_\_ NA

**Publication Date:** \_\_\_\_\_ NA

**Procedures for adoption by Australian Ballot have been certified and are included under separate attachment.**

**Action:** Adopted  Rejected  **Initialed:** \_\_\_\_\_

**On file:** copy of petition; certification of action by Australian Ballot with attached documentation; dated copy of bylaw/amendment/repeal as adopted/rejected by voters

## Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

*“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)*

*(A) brief explanation of the proposed bylaw, amendment, or repeal and ....include a statement of purpose as required for notice under §4444 of this title,*

*(A)nd shall include findings regarding how the proposal:*

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing;*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan;*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

### **Please Note:**

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
  1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
  2. the executive director of the regional planning commission of the area in which the municipality is located;
  3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.



- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.