

VLCT QUICK GUIDE TO: ORDINANCE ADOPTION, AMENDMENT, OR REPEAL

THIS DOCUMENT IS **NOT** APPLICABLE TO ZONING ORDINANCE OR BYLAW ADOPTION. The process for adoption, amendment, or repeal of a zoning ordinance is governed by 24 V.S.A. § 4442.

This Quick Guide is intended to serve as a checklist and administrative record of the adoption, amendment, or repeal of an ordinance and as such its utilization is not required by law. Italicized text should be modified for customized use.

This document reflects current law as of the date of publication. Its use is meant for informational purposes **only**. This document covers the statutorily prescribed process for adopting, amending, or repealing an ordinance and **does not** take the place of legal review and legal advice about the content of the ordinance. Please contact VLCT at (800) 649-7915 with any questions.

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[MUNICIPALITY NAME] CHECKLIST FOR ORDINANCE ADOPTION, AMENDMENT, OR REPEAL

The [*ordinance, amendment, repeal*] is proposed and approved:

- Introduction of proposed [*ordinance, amendment, repeal*] at regular or special selectboard meeting held on [date].
- Approval of [*ordinance, amendment, repeal*] by majority of total membership of selectboard on [date].

The selectboard notifies the public of its intent to make the [*ordinance, amendment, repeal*] effective:

- [*ordinance, amendment, repeal*] entered into the selectboard minutes on: [date].
- Copies of the [*ordinance, amendment, repeal*] were posted in the following five conspicuous places in town on [date]:

1. _____
2. _____
3. _____

4. _____
5. _____

- Notice is published in [*name of publication*] newspaper circulating in the town on: [*date*], which is not more than 14 days after adoption by the selectboard.
- The newspaper notice includes:
 - Name of the municipality;
 - Municipal website address (*if the town has a website and it is updated on a regular basis*);
 - Title or subject of the [*ordinance, amendment, repeal*];
 - Full text or concise summary of the [*ordinance, amendment, repeal*];
 - Name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments;
 - Location where the full text of the [*ordinance, amendment, repeal*] may be examined; and
 - Explanation of citizens' right to petition pursuant to 24 V.S.A. § 1973 for a vote on the [*ordinance, amendment, repeal*].

If the town does not receive a voter petition within 44 days of the date the selectboard adopted the [*ordinance, amendment, repeal*]:

- [*ordinance, amendment, repeal*] will become effective on [*date*] which is 60 days after the date of its adoption, or on [*date*] following the expiration of the 60 days as established by the selectboard;
- [*ordinance, amendment, repeal*] recorded in town records on [*date*].

If the town receives a voter petition within 44 days of date the selectboard adopted the [*ordinance, amendment, repeal*], the selectboard must warn (i.e., notice) a (special or annual) town meeting to determine whether voters will disapprove of the [*ordinance, amendment, repeal*].

- Voter petition received on [*date*].

If the annual town meeting falls within 60 days from receipt of the petition, the selectboard includes an article pertaining to the [*ordinance, amendment, repeal*] in the annual meeting warning and:

- At least two copies of the ordinance are posted at each polling place during the hours of voting; and
- Enough copies of the ordinance are made to give to voters at the polls upon request.

If the annual town meeting does not fall within 60 days from receipt of the petition, the selectboard must call a special meeting:

- On [date], which is within 60 days of the date of receipt of the petition, the selectboard sets the date for (i.e. “calls”) a special town meeting.
- The selectboard gives notice that the special town meeting is to occur on [date] which is not less than 30 nor more than 40 days from the date when the special town meeting is called.
- The warning for the special town meeting is signed by a majority of the selectboard and includes:
 - Date and time of the meeting;
 - Location of the polling place or places; and
 - Indication of the specific business to be transacted.
- The warning for the special town meeting is filed with the clerk.
- Notice of and warning for the special town meeting is given by:
 - Publishing in [name of publication] newspaper (i.e., the town’s paper designated for warnings) on [date], which is at least 5 days before the special town meeting.
 - Posting on [date], which is not less than 30 nor more than 40 days before the meeting, at the following locations:
 - Near the clerk's office; and
 - In the following two public places in town:
 - _____;
 - _____.
 - Posting on [date], on the town’s website. (MAC recommends posting this website notice simultaneously with public postings, not less than 30 nor more than 40 days before the meeting.)
 - The posted notice includes information on voter registration and early or absentee voting.
- On the day of the special town meeting and during the hours of voting:
 - At least two copies of the ordinance are posted at each polling place; and
 - Enough copies of the ordinance are made to give to voters at the polls upon request.

If the voters disapprove of the [ordinance, amendment, repeal] at an annual or special town meeting, the [ordinance, amendment, repeal] does not take effect.

If the voters approve of the [ordinance, amendment, repeal] at an annual or special town meeting, the [ordinance, amendment, repeal] takes effect at the conclusion of that meeting (unless otherwise specified).