

VERMONT

CONSTITUTIONAL AND STATUTORY PROVISIONS

Vermont Constitution

- VT. CONST. Ch. II, § 6.

The Senate and the House of Representatives...may...grant charters of incorporation, subject to the provisions of Section 69, [and] constitute towns, boroughs, cities and counties....

- VT. CONST. Ch. II, § 69. Charters, limit on right to grant.

No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are to be and remain under the patronage or control of the State; but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time or repealed.

DILLON’S RULE IN VERMONT

Vermont’s constitution lacks a provision establishing home rule, thus leaving Dillon’s Rule as the prevailing doctrine in the state.¹ The courts have consistently adhered to the rule that “a municipality has only those powers and functions specifically authorized by the legislature, and such additional functions as may be incident, subordinate or necessary to the exercise thereof.”² The courts also still enforce Dillon’s canon of construction that any fair, reasonable, substantial doubt regarding a municipality’s power as delegated by the legislature be resolved against the municipality.³

That Vermont lacks constitutional or statutory home rule does not mean that its cities, towns, and counties are powerless. To the contrary, title 24 of the VERMONT STATUTES ANNOTATED lays out numerous county and city powers in detail.⁴ These powers, however, are subject to repeal by the legislature and may be interpreted narrowly under Dillon’s Rule when challenged in court.

¹ Welch v. Town of Ludlow, 385 A.2d 1105, 1108 (Vt. 1978) (“In Vermont, where we have no home rule constitutional provision, a town has only those powers specifically authorized by the Legislature.”).

² Petition of Ball Mountain Dam Hydroelectric Project, 576 A.2d 124 (Vt. 1990) (citing Hinesburg Sand & Gravel v. Town of Hinesburg, 380 A.2d 64, 66 (Vt. 1977)).

³ City of Montpelier v. Barnett, 49 A.3d 120, 129 (Vt. 2012) (“In practice, Dillon's Rule operates as a canon of construction requiring that grants of power to municipalities be read as limited to those clearly enumerated.”) (citing Valcour v. Village of Morrisville, 158 A. 83, 86 (Vt. 1932)).

⁴ E.g., VT. STAT. ANN. tit. 24, § 5003 (2017) (authorizing cities to enact and enforce minimum standards for dwellings).