Chapter 15

MUNICIPAL ACT TO ESTABLISH AND REGULATE THE DOWNTOWN IMPROVEMENT DISTRICT

Pursuant to Article VI Section 3(B) of the Town Charter, the Selectboard of the Town of Brattleboro hereby enact the following ordinance establishing a Special Assessment District to be called the Downtown Improvement District (hereinafter referred to as “District”); defining the area included in said District; and, defining the regulations under which said District shall be governed.

ARTICLE I. Purpose and Powers

Sec. 15-1.

To establish a District within a defined area of the Town of Brattleboro. The District is created for the general purpose of maintaining and improving the economic, social, cultural and environmental vitality and quality of the District; to promote the Town and the District as a regional retail, commercial and service center; to serve as an advocate for the orderly development of the District; to encourage expansion of the retail, commercial and service base of the District and the Town; and to attract new business and investment.

The revenues from the District shall be designated funds to be utilized for the administrative and operating costs of projects of the duly designated Downtown Organization, as well as for the purchase, construction, repair, reconstruction and/or expansion of public improvements beneficial to the District.

ARTICLE II. Boundaries of the District and Definitions

Sec. 15-2. Boundaries

The District shall be comprised of all commercial real properties (hereinafter referred to as “assessed property”) more specifically defined as follows.

The District is generally bounded to the north by the Windham County District Court, Terrace and Williston Streets; to the east by the Connecticut River; to the south by the Whetstone Brook, Canal Street, the Marlboro Technology Center complex, and the industrial waterfront; and to the west by the edge of existing commercial and other nonresidential development.

The District is the same geographical area as the Downtown Designation.

Sec. 15-3. Definitions of the District.

"Commercial property" means all taxable property excluding those defined as Homestead in 32 V.S.A §5401 (7).
“Assessed Property” shall include only real property in the District as defined by the taxing
sections of the State statute.

“Appropriation” means the amount to be raised by the special assessment within the District for
a specific year.

“Downtown Organization” means the non-profit corporation designated by the Selectboard in its
applications for Designation in the Vermont Downtown Program.

Sec. 15-4 – 15-7.  Reserved

ARTICLE III.  Use of Funds

Sec. 15-8.  Use

Revenues generated from the District shall be used to cover the administrative, operating,
and capital costs of projects of the Downtown Organization. Determination of the Appropriation
shall be made by recommendation of the Downtown Organization to the Selectboard, voted on
by the Selectboard, and forwarded to Town Meeting.

The Town of Brattleboro reserves the right to charge reasonable fees for the collection
and disbursement of funds of the District.

Sec. 15-9 – 15-10.  Reserved

ARTICLE IV.  Downtown Improvement District Appropriation

Sec. 15-11.  Appropriation Presentation

The Downtown Organization shall meet with the Selectboard a minimum of twice per
fiscal year. The Downtown Organization shall present its recommendation for the Appropriation
for the next fiscal year to the Selectboard by January 1. The presentation shall include, at a
minimum, the Downtown Organization’s approved work plan, budget, a proposed means of
measuring qualitative and quantitative progress towards its goals, and the prior fiscal year’s
financial report.

(A) The Downtown Organization shall provide the Selectboard with timely notice of any
substantive change in its work plan or budget during the course of the fiscal year.

Sec. 15-12.  Appropriation Process

The Downtown Organization, shall, at a minimum, hold one duly warned public meeting
to solicit public input on downtown improvement projects for the coming year no later than
September 30 of each year. From the comments and suggestions presented at such public
meeting, the Downtown Organization shall prepare its work plan and budget in the following manner:

1. Committees of the Downtown Organization shall prepare their work plans and budgets.

2. The Board of Directors shall present its work plan and budget to the membership of the Downtown Organization for review and adoption at a duly warned meeting.

3. The Downtown Organization shall only present its recommendation for the Appropriation to the Selectboard after the budget and work plan have been approved at each level within the Downtown Organization and adopted by a vote of the membership.

(B) Any natural person or corporation owning real property within the District, or any business owner or resident within the District shall be eligible for membership in the Downtown Organization as defined by its bylaws. Property owners within the Downtown Improvement District shall have free membership to the Downtown Organization.

(C) Eligibility for membership in the Downtown Organization may be extended to parties other than those defined in Sec. 15-12.(B) subject to the bylaws of the Downtown Organization. Any natural person or corporation doing business in the District or resident within the District shall be eligible for membership in the Downtown Organization upon completion of a membership form and payment of a membership fee up to, but not to exceed, $100 per year, with the following exception. The membership fee for tenant residents of assessed property who are receiving U.S. Department of Housing and Urban Development Housing Choice Vouchers (“Section 8 Housing”) shall be $10 per year.

(D) Any Brattleboro-based non-profit that is chartered to deal with the arts, housing, youth, the elderly, the disabled or the downtown economy or environment may designate a representative to be a member of the Downtown Organization upon payment of the same membership fee that is paid by commercial tenants in the District.

Sec. 15-13. Approval

The Appropriation must be approved by the Selectboard and Town Meeting. The vote shall be to accept the Appropriation as presented. In the event that the Selectboard fails to approve the Appropriation, the Selectboard shall send the request back to the Downtown Organization along with reason for rejection. The Downtown Organization shall submit a revised budget until Selectboard approval is secured.
Upon Selectboard approval the Appropriation is presented to Town Meeting for approval.

Sec. 15-14. Rights, Powers and Duties

The rights, powers and duties of the Downtown Organization, as set forth in this section, shall be broadly construed to accomplish within the District exclusively the purposes set forth and shall include the following:

(A) to propose the Appropriation for the District in accordance with Sec. 15-11. hereof;

(B) to advertise and promote the District;

(C) to represent the interests of the District;

(D) to receive and expend contributions, grants, and income;

(E) to expend funds as provided for in the Appropriation;

(F) to supplement the services and maintenance of public spaces provided the District by the Town;

(G) to install and make public improvements

(H) to cooperate with the Town in the use, management and improvement of public parking facilities

(I) to enter into contracts;

(J) to plan for the orderly development of the District in cooperation and coordination with the Town Plan and Town Planning Commission;

(K) to do all other things necessary or convenient to carry out the purposes of the Section.

(L) to recommend to the Town the improvements to be made for Capital Projects on public property. However, any contracting shall be done by the Town of Brattleboro if it so elects and the Town of Brattleboro may charge administrative fees.

Sec. 15-15 – 15-18. Reserved

ARTICLE V. Tax Assessment

Sec. 15-19. District Taxes
District taxes are charges levied upon the owners of commercial taxable real properties located in the District, as of April 1 of the year in which this ordinance is adopted, and as of April 1 each year thereafter. Taxes so generated shall be used for projects benefiting the District.

Sec. 15-20. Tax Rate

The tax rate shall be determined by dividing the amount to be raised by taxes (the Appropriation), by the total value of the assessed property on the Grand List in the District.

Sec. 15-21. Notification

In the first year of assessment, the Board of Listers shall send a notice in writing of the value of the property to be assessed to the owner of record. In subsequent years the Town will not send a notice unless the value of the assessed property on the Grand List, or the owner of record has changed.

Sec. 15-22. Setting Rate

The Selectboard shall set the District tax rate at the same time, or as close as possible to the time, that the Selectboard sets the Town tax rate.

Sec. 15-23. Payment

Payment shall be due on the same date that other taxes are due and in the installment format as may be determined by the voters at Town Meeting. For the Town fiscal year beginning July 1, 2005 the installment payment due dates may vary from the date other taxes are due.

Sec. 15-24. Lien and Penalties

District taxes shall be a lien on the properties when assessed and shall continue until the tax is paid, or the lien is otherwise discharged by operation of law. In addition this assessment shall be subject to penalties and interest as are charged to any tax payments not paid on the due date.

Sec. 15-25. Collection

The Town shall collect District taxes following the procedures established in Town Charter, State Statutes, and procedures adopted by the Selectboard.

Sec. 15-26 Administrative Fees

The Town of Brattleboro reserves the right to charge administrative fees for the collection and disbursement of District taxes.

Sec. 15-27 – 15-29. Reserved
ARTICLE VI. Appeals

Sec. 15-30. Grievances

Any District property owner may file a grievance with the Board of Listers and appeal the decision of the Board of Listers as provided for in Vermont Statutes Annotated, Title 32 Chapter 131.

Sec. 15-31. Status of Collection of Taxes During Appeal

The filing of any appeal of the determination of the Board of Listers, the Board of Civil Authority and pendency of the appeal shall not vacate the lien on the property assessed, and the owner shall pay the District taxes and continue to pay the said taxes as they become due.

Sec. 15-32 – 15-33. Reserved

ARTICLE VII. Altering Boundaries or Composition

Sec. 15-34. Process

This Act may be amended for purposes of extending or altering the boundaries or composition of the District. Such amendment process should follow the requirements of the Vermont Downtown Program designation process under 24 V.S.A Chapter 76A.

Prior to the Downtown Designation reapplication process, property owners in the Downtown Improvement District shall vote once every five years, beginning in 2013 (which vote shall be advisory only) as to whether to continue the Special Assessment District. Said vote shall be advisory to the Selectboard in its determination to renew its downtown designation with the State.

ARTICLE VIII. Severability

Sec. 15-35. Severability

If any section or subsection of this ordinance is declared unconstitutional or otherwise invalid by a Court of competent jurisdiction, such judgment shall not offset the constitutionality or validity of the remaining sections or subsections.