

No. M-7. An act relating to amending the charter of the town of Shelburne.

(H.451)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the town of Shelburne as set forth in this act. Proposals of amendment were approved by the voters on March 1, 2011.

Sec. 2. 24 App. V.S.A. chapter 147 is amended to read:

CHAPTER 147. TOWN OF SHELBURNE

Subchapter 1. Powers of the Town

* * *

§ 1.2. GENERAL LAW; APPLICATION

Except when changed, enlarged, or modified by the provisions of this ~~charter~~ chapter, or by any legal regulation or ordinance of the Town of Shelburne, all provisions of the statutes of this state relating to municipalities shall apply to the Town of Shelburne.

§ 1.3. POWERS OF THE TOWN

(a) The town shall have all the powers granted to towns and municipal corporations by the constitution and laws of this state together with all the implied powers necessary to carry into execution all the powers granted; it may enact ordinances not inconsistent with the constitution and laws of the State of Vermont or with this ~~charter~~ chapter, and impose civil or criminal penalties for

violation thereof, ~~not in excess of a fine of \$100.00~~, together with the costs of civil or criminal prosecution, or imprisonment for not more than ~~sixty~~ 60 days, or both.

* * *

(c) In this ~~charter~~ chapter, no mention of a particular power shall not 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.

§ 1.4. ADDITIONAL POWERS

The general grant of authority in section 1.3 of this ~~charter~~ chapter shall include, but shall not be limited to, the following:

* * *

§ 1.5. RESERVATION OF POWERS TO THE TOWN

Nothing in this ~~charter~~ chapter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Shelburne and the ~~selectmen~~ selectboard of said town by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this ~~charter~~ chapter shall be cumulative and in addition to the provisions of such general or special enactments.

§ 1.6. ORDINANCES

(a) The ~~selectmen~~ selectboard may provide penalties for the breach of any ordinance authorized by general law or this ~~charter~~ chapter; may prosecute civilly or criminally any person violating the same through the town, police

officers, or any other public officer authorized by law so to do, 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) Introduction; first and second readings; public hearing.

(1) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be “The ~~selectmen~~ selectboard of the Town of Shelburne hereby ordain...” If the ~~selectmen~~ selectboard passes the proposed ordinance upon the first reading, they shall cause a short and concise one-paragraph description of the general topical nature of the proposed ordinance to be published in a newspaper of general circulation in the town, at least once, together with a notice of the time and place where and when there shall be a public hearing to consider the same for final passage. Such publication shall include reference to a place ~~withing~~ within the town where copies of the entire text of the proposed ordinance may be examined. The first of such publications shall be at least one week but not more than two weeks prior to the date of said public hearing.

(2) 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 majority of the ~~board~~ selectboard, the ordinance may be read by title, and after such reading, all persons interested shall be given an opportunity to be heard.

(c) Further Consideration; Final Passage. After such hearing, the ~~selectmen~~ selectboard may finally pass such ordinance with or without amendment; except that if the ~~selectmen make~~ selectboard makes an amendment ~~they, it~~ shall cause a short concise one-paragraph description of the general topical nature of 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 but not more than 10 days prior to the public hearing. Such publication shall include a reference to a place within the town where copies of the entire text of the amended ordinance may be examined. 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 board the amended ordinance may be read by title. After such hearing, the ~~selectmen~~ selectboard may finally pass such amended ordinance, or again amend it subject to the same procedure as outlined herein.

* * *

(e) Filing. The town clerk shall prepare and keep in the town clerk's office a book of ordinances which shall contain each ordinance finally passed by the ~~selectmen~~ selectboard together with a complete index of ordinances according to subject matter.

(f) All ordinances shall be subject to overrule by a special town meeting as follows: if, within 30 days after final passage by the ~~selectmen~~ selectboard of

any such ordinance, a petition signed by electors of the town not less in number than 10 percent of the number of votes cast in the last municipal election is filed with the town clerk requesting its reference to a special town meeting, the ~~selectmen~~ selectboard shall fix the time and place of such meeting, which shall be within 60 days after filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special town meeting. An ordinance so referred shall remain in effect upon the conclusion of such meeting unless electors not less in number than 10 percent of the number of votes cast in the last municipal election and constituting a majority of those voting thereon, shall have voted against the ordinance.

(g) Petition for Enactment of Ordinance; Special Meeting.

(1) Subject to the provisions of subsection (f) of this section, electors of the town may at any time petition in the same manner as in subsection (f) of this section for the enactment of any proposed lawful ordinance by filing such petition, including the text of such ordinance, with the town clerk. The ~~selectmen~~ selectboard shall call a special town meeting to be held within 50 days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the ~~selectmen~~ selectboard. The warning for such meeting shall include a short concise one paragraph description of the general topical nature of the proposed ordinance and shall provide for an aye and nay vote as to its enactment. The warning shall also include reference to a place within the town where copies of the entire text of the proposed ordinance may be

examined. Such ordinance shall take effect on the 10th day after the conclusion of such meeting provided that electors as qualified in subsection (f) of this section, constituting a majority of those voting thereon, shall have voted in the affirmative.

(2) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the ~~selectmen~~ selectboard or to the appointment, or designation of ~~selectmen~~ selectboard members, or to rules governing the procedure of the ~~selectmen~~ selectboard.

* * *

Subchapter 3. Officers

§ 3.1. GENERALLY

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

§ 3.2. ELECTIVE OFFICERS

The elective officers of the Town shall be:

- (1) Five ~~selectmen~~ selectboard members
- (2) A town clerk
- (3) A treasurer
- (4) A ~~treasurer~~ moderator
- (5) A first constable.

§ 3.3. TERM OF OFFICE

(a) ~~Selectmen~~ Selectboard. Three members of the ~~board of selectmen~~ selectboard shall have terms of office of three years; two members shall have terms of office of two years. At each election, one ~~selectman~~ selectboard member shall be elected for a three-year term and one for a two-year term. All ~~selectmen~~ selectboard members shall be elected at large.

(b) Except as otherwise provided in this ~~Charter~~ chapter, all elective officers shall hold office for the term established by law or until their successors are qualified.

§ 3.4. REMOVAL OF ELECTED TOWN OFFICERS

Elected ~~Town~~ town officers may be removed for cause by the ~~board of selectmen~~ selectboard after hearing. Such hearing shall be public, if the officer so requests.

§ 3.5. APPOINTIVE OFFICERS

(a) The ~~selectmen~~ selectboard shall appoint any other officers required by law or this ~~charter~~ chapter. Such appointment shall be annually, or for such terms established by law.

(b) The ~~selectmen~~ selectboard may create such other appointive officers not provided for by this act or required by law as ~~they deem~~ it deems to be in the best interest of the town.

(c) Appointed terms shall commence April 1 or as soon thereafter as the successor is appointed and has qualified, unless a different term is established

by law. Incumbent appointees shall serve until April 1 or until their successors are appointed and are qualified to serve.

(d) Members of the ~~board of selectmen~~ selectboard shall not be appointed to commissions.

(e) There shall be a an Assessing Department of Assessment, which shall consist of a chief assessor and such assistants as are deemed necessary by the town manager with the approval of the ~~board of selectmen~~ selectboard. The chief assessor and assistants shall be appointed, and may be removed, by the ~~board of selectmen~~ selectboard in accordance with this subchapter.

§ 3.6. COMPENSATION

(a) Compensation paid to the ~~selectmen~~ selectboard shall be set by the voters at town meeting.

(b) Subject to subsection (a) of this section, the ~~selectmen~~ selectboard shall fix the compensation of all elective officers and of all officers appointed by the ~~selectmen~~ selectboard.

(c) The town manager, with the approval of the ~~selectmen~~ selectboard, shall fix the compensation of all other officers and employees whose compensation is not fixed by the ~~selectmen~~ selectboard pursuant to subsection (b) of this section.

§ 3.7. REMOVAL OF OFFICERS APPOINTED BY THE BOARD

Officers appointed by the selectboard may be removed by the selectboard at any time with cause after a hearing. The hearing shall be public if the official so requests.

Subchapter 5. ~~Board of Selectmen~~ Selectboard

§ 5.1. POWERS AND DUTIES

(a) The members of the ~~board of selectmen~~ selectboard shall be and constitute the legislative body of the Town of Shelburne for all purposes required by statutes and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of town legislative bodies or ~~boards of selectmen~~ selectboards under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the ~~selectmen~~ selectboard shall have the power to:

(1) Appoint and remove the town manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this ~~charter~~ chapter or by law.

(2) Assign additional duties to offices, commissions, or departments established by this ~~charter~~ chapter, but may not discontinue or assign to any other office, commission, or department duties assigned to a particular office, commission, or department established by this ~~charter~~ chapter or by law.

(3) Appoint the members of all boards, commissions, committees, or similar bodies and establish their terms of office unless specifically provided otherwise by state statute or this ~~charter~~ chapter.

* * *

(7) Authorize the application for any grant at any scheduled selectboard meeting and approve the terms of any grant agreement.

§ 5.2. ORGANIZATION

(a) Forthwith after their election and qualification, the ~~selectmen~~ selectboard shall organize and elect a ~~chairman, vice chairman and a clerk~~ chair and vice chair by a majority vote of the entire board and file a certificate of such election for record in the office of the town clerk.

(b) The ~~chairman~~ chair of the board, or in his or her absence the ~~vice chairman~~ vice chair, shall preside at all meetings of the board and shall be recognized as the head of the town government for all ceremonial purposes.

§ 5.3. VACANCIES

When a vacancy occurs on the ~~board of selectmen~~ selectboard, the remaining members shall fill the vacancy until the next annual meeting when the town shall fill the vacancy for any remaining portion of the term of the selectboard member who created the vacancy.

§ 5.4. MEETINGS

(a) As soon as possible after the election of the ~~chairman~~ chair and ~~vice-chairman~~ vice chair, the board shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.

* * *

(d) All meetings of the board shall be ~~open to the public unless, by an affirmative vote of the majority of the members present, the board shall determine that such meeting, or a portion thereof, shall be in executive session~~ conducted in accordance with ~~subchapter 2 of Title 1, Vermont Statutes Annotated~~ 1 V.S.A. chapter 5, subchapter 2, as enacted or from time to time amended.

§ 5.5. RECORD OF PROCEEDINGS

(a) It shall be the duty of the ~~board of selectmen~~ selectboard to keep official records of its proceedings which shall be open for public inspection.

(b) The minutes of each meeting shall be approved by the board at its next meeting and the official copy authenticated by the signature of the ~~clerk~~ chair and placed on file in the town clerk's office.

Subchapter 7. Town Manager

§ 7.1. APPOINTMENT AND COMPENSATION

(a) The ~~selectmen~~ selectboard may appoint a town manager.

(b) The manager shall receive such pay as may be fixed by the ~~selectmen~~ selectboard.

§ 7.2. QUALIFICATIONS

(a) The manager shall be chosen solely on the basis of his or her executive and administrative and professional qualifications.

(b) The manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, nor be a candidate for election to any ~~public~~ federal, state, or Town of Shelburne office.

§ 7.3. OATH; BOND

Before entering upon his or her duties, the manager shall be sworn to the faithful performance of his or her duties by the town clerk and shall give a bond to the town in such amount and with such surety as the ~~selectmen~~ selectboard may require.

§ 7.4. REMOVAL

The ~~board of selectmen~~ selectboard may remove the town manager by a majority vote of its members. At least ~~thirty~~ 30 days before such removal shall become effective the ~~board of selectmen~~ selectboard shall by a majority vote of its members adopt a preliminary resolution stating the reason for his or her removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than ~~twenty~~ 20 days nor later than ~~thirty~~ 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the board by a majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the board

may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him or her during the period of suspension.

§ 7.5. ABSENCE

To perform his or her duties during his or her temporary absence or disability, the manager may, with the consent of the board, designate by letter filed with the town clerk a qualified administrative officer of the town. In the event of the failure of the manager to make such designation, the board may by resolution appoint any officer of the town to perform the duties of the manager until he or she shall return or his or her disability shall cease.

§ 7.6. POWERS AND DUTIES

The town manager shall be the chief executive officer and the head of the administrative branch of the town government, and shall be responsible to the ~~board of selectmen~~ selectboard for the proper administration of all affairs of the town. ~~He~~ The manager shall have all powers and duties laid down by chapter 37 of Title 24, V.S.A., as amended from time to time, and not inconsistent with this act. Any inconsistency shall be resolved in favor of the manager. ~~He~~ The manager shall also have the power and be required to perform the following.

(1) The manager shall attend all meetings of the ~~board of selectmen~~ selectboard, except when his or her removal is being considered, and keep ~~them~~ it informed of the financial condition and future needs of the town and shall make such reports as may be required by law, this article, or ordinance, or

may be requested by the ~~selectmen~~ selectboard. ~~He~~ The manager shall make such other reports and recommendations as he or she may deem advisable. ~~He~~ The manager shall perform such other duties as may be prescribed by this ~~charter~~ chapter, or required of him or her by law, ordinance, or resolution of the ~~selectmen~~ selectboard not inconsistent with this ~~charter~~ chapter.

(2) The manager shall be an ex-officio member of all ~~standing~~ boards or commissions appointed by the selectboard except the ~~zoning board~~ development review board, but may not vote.

(3) The manager shall prepare the annual budget and submit it to the ~~selectmen~~ selectboard and be responsible for its administration after adoption.

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(5) The manager shall be responsible for the enforcement of all town laws and ordinances. The manager shall be the administrative officer under the Vermont Planning and Development Act, with all the powers and duties set forth in said act. The manager may appoint an assistant administrative officer with the approval of the ~~board of selectmen~~ selectboard to exercise all powers and duties required of the administrative officer under the Vermont Planning and Development Act.

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(8) The manager shall be responsible for the operation of all departments of the town, not otherwise provided for in this ~~charter~~ chapter.

(9) The manager shall have exclusive authority to appoint, fix the salary of, suspend and remove, all employees of the town appointed by him or her, subject to the provisions of this ~~charter~~ chapter and with the consent of the ~~board of selectmen~~ selectboard. However, the appointment and compensation of any employee of a commission, or board ~~or division~~ of the town having commissioners, trustees, or other such governing board, shall require the approval of such governing body.

(10) The manager may when advisable or proper, delegate to subordinate officers and employees of the town, any duties conferred upon him or her by this ~~charter~~ chapter or by action of the ~~selectmen~~ selectboard.

Subchapter 9. Taxation

§ 9.1. TAXES ON REAL AND PERSONAL PROPERTY

Taxes on real and personal property shall be paid in three equal payments, with one third of the annual tax bill for each taxpayer due and payable on ~~July 15, November 15, and March 15~~ dates as determined by the selectboard by June 30 of each ~~tax~~ year.

§ 9.2. PENALTY AND INTEREST

Interest will be added to any tax not paid on or before its due date, for each month or a fraction thereof after the date on which the tax payment was due. Prior to a commencement of a new fiscal year (July 1st) the ~~board of selectmen~~ selectboard shall determine by resolution the interest rate for that fiscal year, which in no case shall exceed one and one-half percent per month. In addition,

a late charge of ~~eight~~ five percent will be added to any tax not paid on or before its due date, ~~except that the board of selectmen.~~ The selectboard shall have the power to waive such penalty for just cause shown for any tax paid within seven days after said due date. If the taxpayer and the town enter into an agreement to bring a delinquent account current, payments may be applied to the current tax due and past principal. All tax payments paid by taxpayers who do not have a current agreement shall first be applied to the most outstanding delinquent accounts.

Subchapter 11. Budget

§ 11.1. FISCAL YEAR

The fiscal year of the town shall begin the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this ~~charter~~ chapter.

§ 11.2. PREPARATION AND SUBMISSION

(a) The town manager, at least 45 days before the date of the regular annual town meeting, shall submit to the ~~selectmen~~ selectboard a budget in such form required by them.

(b) The budget shall be published not later than ~~two~~ four weeks after its submission to the ~~board of selectmen~~ selectboard. Said budget as published shall also include an itemized statement of revenues and expenditures for the preceding fiscal year. The ~~board~~ selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such

hearing in a newspaper having general circulation in the town at least five days but not more than ~~fifteen~~ 15 days before such hearing. Said notice shall include a designation of the place or places within the town where copies of the budget are available for distribution. In the manner provided in this subsection, the directors of the Shelburne School District shall likewise submit their budget for the next fiscal year to the public hearing provided for in this subsection.

§ 11.3. TOWN MEETING WARNING AND BUDGET

The budget and warning for the annual town meeting shall be distributed to the legal voters of the town at least 10 days before the annual meeting.

Distribution shall be accomplished by posting the town report on the Town of Shelburne website and making copies available at the town clerk's office.

There shall be included in such distribution the ~~board of selectmen's~~ selectboard's best estimate of the tax rate for the next fiscal year based upon an estimate of the grand list furnished by the ~~listers~~ assessor to the ~~board of selectmen~~ selectboard.

§ 11.4. APPROPRIATIONS

From the effective date of the budget, the several amounts therein stated, as approved in accordance with section 11.8 of this ~~charter~~ chapter become appropriated to the several ~~agencies~~ departments, agencies, entities, and purposes therein named.

§ 11.5. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the town budget in accordance with section 11.8 of this ~~charter chapter~~, the ~~amounts~~ amount 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 ~~selectmen~~ selectboard shall levy such taxes on the grand list furnished by the Assessing Department ~~of Assessment~~ for the corresponding tax year.

§ 11.6. DEPARTMENT BUDGET

The budget for all departments shall include all proposed expenditures and the budget approved in accordance with section 11.8 of this ~~charter chapter~~ shall include a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the ~~board of selectmen~~ selectboard, subject to the provisions of section 11.8 of this ~~charter chapter~~.

§ 11.7. TRANSFERS OF APPROPRIATIONS

The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the manager and within the last three months of the budget year, the ~~board of selectmen~~ selectboard may by resolution transfer any unencumbered appropriation balance or portion thereof within the ~~selectmen's~~ selectboard's budget from one department, agency, or office to another. Notwithstanding the above, no

unexpended balance in any appropriation not included in the ~~selectmen's~~
selectboard's budget, shall be transferred or used for any other purpose.

§ 11.7a. GENERAL FUND UNRESTRICTED FUND BALANCE

At the sole discretion of the selectboard, a general fund unrestricted reserve may be established in an amount that may not exceed five percent of the general fund budget being considered by the selectboard for presentation to the voters at town meeting. The purpose of the fund shall be to aid in the cash flow and operation of the town and to be used for such purpose as may be caused by an emergency. For expenditures other than an emergency, if in any year a portion of the unrestricted fund balance is applied as revenue to the general fund or in a year that the reserve fund exceeds five percent of the current operating budget, funds must be applied to fund items found in the town's capital improvement plan.

§ 11.8. ADOPTION OF BUDGET

(a) An annual budget shall become effective after adoption by a majority vote of the town's legal voters present and voting by Australian ballot at the annual town meeting. If the voters disapprove the proposed budget at the annual town meeting, the ~~selectmen~~ selectboard shall proceed to warn a special town meeting to be held within ~~sixty~~ 60 days of the annual meeting, for the purposes of considering the disapproved budget. ~~The special town meeting shall not increase the amount recommended by the selectmen or make any budget appropriation not recommended by the selectmen. Voting on the~~

~~proposed budget at the special meeting shall be by paper ballot, unless two-thirds (2/3rds) of those present and voting desire a voice vote~~ An informational meeting regarding the proposed budget shall be held the evening preceding the vote regarding the budget. The vote shall conform to the procedure in use for votes by Australian ballot at the regular town meeting.

(b) After the annual budget has been adopted, the ~~selectmen~~ selectboard shall not make any single appropriation not set forth in the budget which totals in excess of two percent of the ~~aggregate~~ annual operating budget ~~appropriations~~. Any such appropriation made by the ~~selectmen~~ selectboard shall only be done if they deem an emergency situation requires such appropriation. Such emergency appropriations shall be reported to the next annual town meeting. Any single appropriation in excess of said two percent shall require prior approval by vote by Australian ballot at a duly warned town meeting. The issuance of bonds or notes, except notes for one year or less or in anticipation of revenue or grants and aid to be paid within the fiscal year in which issued, shall be authorized by Australian ballot at the annual or a special town meeting. Any article in the warning providing for appropriation of funds in addition to the ~~selectmen's~~ selectboard's budget, shall be voted on by Australian ballot.

§ 11.9. BALLOTING AT TOWN MEETINGS

The ~~selectmen~~ selectboard, at ~~their~~ its discretion, shall determine which articles to be submitted to the voters at any annual or special town meeting

shall be voted on by Australian ballot, unless other provisions of this ~~charter~~ chapter or the laws of this state require Australian balloting for a particular issue.

Subchapter 13. ~~Merger of Municipalities~~

§ 13.1. ~~MERGER OF MUNICIPALITIES~~

~~Any municipality within the town of Shelburne may enter into an agreement with the town providing for the transfer of any and all of its functions, assets and liabilities to the town, and for its merger with the town and the surrender of its charter or its dissolution, subject to any appropriate provisions, terms and conditions. Any such agreement shall take effect only upon its ratification by a majority of the qualified voters of the municipality voting by Australian ballot at a meeting duly warned for the purpose, and also by a majority of the qualified voters of the town also so voting at a duly warned town meeting. In lieu of ratification of a specific agreement, the voters may authorize their respective legislative bodies to negotiate and enter into an agreement for such merger on such terms and provisions as the legislative bodies shall see fit. The provisions of 17 V.S.A. § 2642 as from time to time amended, concerning a petition calling for the consideration of a question by the voters, shall apply under this subchapter, except the 3% of the voters of each municipality shall be sufficient to require the submission of such question.~~

Subchapter 15. ~~Board of Selectmen~~ Miscellaneous Provisions

§ 15.1. WATER DEPARTMENT

~~This charter shall not be construed to alter, amend, or repeal No. 263 of the Acts of the General Assembly of 1935, as amended, establishing the Shelburne Water Department, except in the following manner:~~

~~(1) The superintendent and other employees shall be appointed in the manner provided in subchapter 7, subsection 7.6(9).~~

~~(2) The commissioners shall be appointed by the board of selectmen in the manner provided in subchapter 3, subsection 3.4~~ The water department shall be operated in accordance with the general laws of the state of Vermont.

§ 15.2. SEVERABILITY

~~If any provisions of this charter is for any reason held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this act are declared to be severable~~ The sections of this chapter and the parts hereof are severable. If any portion or section of this chapter or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If a clause, portion of, or section of this chapter is so held invalid, then the applicable provisions of state law, if any, shall govern.

Sec. 3. REPEAL

No. 263 of the Acts of 1935 is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Approved: May 17, 2011