

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

SPECIAL SESSION



CONVENED, DECEMBER 10, 1935

ADJOURNED, DECEMBER 14, 1935

UNTIL JANUARY 21, 1936

FINAL ADJOURNMENT JANUARY 24, 1936

MUNICIPAL CORPORATIONS

NO. 27.—AN ACT TO ENLARGE THE POWERS OF FIRE DISTRICT NO. 1 IN BAKERSFIELD.

[H. 44]

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

SECTION 1. Fire district No. 1 in Bakersfield, in the county of Franklin, a body corporate under the laws of this state, is hereby empowered and authorized, through its prudential committee, to construct, complete and maintain and purchase and maintain aqueducts, reservoirs and all necessary appurtenances and connections for the purpose of supplying said district and the inhabitants thereof, and the inhabitants of said town of Bakersfield residing within one mile of the limits of said corporation, with water for fire, public, domestic and other purposes of convenience or necessity, at an expense not exceeding eighteen thousand dollars.

SEC. 2. Said fire district may take by gift, purchase or condemnation, and hold the waters of any fountain, spring, pond or stream, in the town of Bakersfield, for the purposes aforesaid, but not to the extent of depriving an owner or person having an interest therein of such portion of such water as is reasonably necessary for agricultural or domestic purposes or for watering stock, without such owner's or person's consent, and shall make due compensation for all property or interests taken by condemnation under this act.

SEC. 3. Said fire district may, for the purposes aforesaid, dig up or open any street, common or highway, or occupy any public bridge for the purpose of constructing, laying down or repairing such aqueducts, or the reservoirs connected with the same, and their necessary connections, appurtenances, feeders and extensions, provided the same is done so as not to prevent their convenient use for travel, and is completed within a reasonable time and so as not to disfigure or injure such street, common, highway or bridge.

SEC. 4. Said fire district may enter upon and use any lands and enclosures over or through which it may be necessary for its aqueducts to pass on the most practicable route whence its waters may be taken, and thereon place, lay and construct such pipes, conduits, reservoirs, connections and appurtenances as may be necessary for the complete construction and the repairing and replacing of the same from time to time, and may take by gift, purchase or con-

demnation, such lands or interests in lands upon, over and through which its aqueducts, conduits, reservoirs, connections and appurtenances are or are to be erected, constructed and maintained, and such lands adjacent thereto as may be reasonably necessary for the purposes aforesaid, and for the further purpose of protecting the waters flowing and to flow through the water system of said fire district against pollution; and said fire district may agree with the owner or owners of such lands and enclosures and interests therein, for the use and occupancy, or for the taking of the same, and may also agree with any person interested in the waters by or from which the aqueducts of said district may be supplied, as to any damage or injury to such person by reason of the taking of such waters, or lands and interest in lands, in the exercise of the rights and powers hereby granted or any of them, and make due compensation therefor in accordance with such agreement; but in case of disagreement, either as to the necessity for the taking or as to the damages, or if the owner thereof, or such interested person be a minor, insane or out of the state, or otherwise incapacitated to sell or convey or to make a binding contract with said fire district, either said fire district, or the owner or person interested in lands so entered upon or taken, or in the waters so taken, may apply by petition to the assistant judges of the county court for the county of Franklin, who shall forthwith appoint three disinterested persons to view the premises, ascertain the necessity for the taking, assess the damages sustained by the owners or occupiers of said lands or by persons interested in such waters, by the construction of said aqueducts, reservoirs, and other necessary connections and appurtenances, and by the taking of such waters, and by the taking of lands and interests in lands as herein provided; and said committee shall, after having been duly sworn, and after twelve days' notice to all parties interested, examine the premises, ascertain the extent or necessity for taking, appraise said damages and make report of the same to the county court of the county of Franklin, at the then next stated term thereof, and said court may, in its discretion, accept, reject or recommit said report as the ends of justice may require; and upon the acceptance of such report, said court may render such judgment and issue execution thereon as may be necessary to secure the rights of the parties in the premises. But in case of disagreement as to damages, said fire district may, at any time before final judgment, tender to such owner or person, or to his attorney, or pay into court, such sum as it may elect in satisfaction of said damages and the taxable costs of proceeding to that time, and if the same shall not be accepted, and said proceedings by petition shall thereafter be commenced or proceeded with by such owner or person, and he shall finally recover a less sum in damages than the amount of such tender or payment in excess of taxable costs at the time the tender is made, said fire district shall recover of such person or owner all taxable costs on its part made in said

proceedings subsequent to the making of such tender or payment, and may have execution therefor; and in such proceedings said court may make such orders as to costs as may be necessary.

SEC. 5. A person who maliciously injures or pollutes the aqueducts, reservoirs, appurtenances and connections, or the waters forming a part of or connected with the water system of said fire district, or interrupts or obstructs the use of the same, shall be liable to the said fire district for damages occasioned by such acts, to be recovered by said fire district in an action on this statute.

SEC. 6. Said fire district may have a corporate seal, may alter the same at pleasure, and may sue and be sued.

SEC. 7. Said fire district may, through its proper officers, rent the waters which may flow through its water system to persons for consumption or use, within and without the limits of said fire district, and may fix the rates for such uses, and collect the same in the name of said district; but no consumption of said waters outside the limits of said corporation shall be made to the material prejudice or injury of the inhabitants of said fire district, or to the material impairment of the protection of said district against fire.

SEC. 8. All acts and doings of said fire district from the organization thereof in 1935, hitherto, in the acquisition by gift or purchase of real and personal property, and rights and interests therein, and in the erection and maintenance of aqueducts, reservoirs, and hydrants, and their appurtenances and connections, for the purpose of protecting the property within the limits of said fire district against fire and supplying water within said limits for general purposes, and all contracts made and all indebtedness incurred by said fire district, not in contravention of the laws of this state, are hereby authorized, ratified, confirmed, legalized and validated, and given the same force and effect as if done and performed subsequent to and under the provisions of this act.

SEC. 9. Said fire district may adopt such rules, regulations, ordinances and by-laws as it may deem expedient for the administration of its corporate affairs and the protection of its property, and may alter or amend the same, and may require bonds of its treasurer and other officers and determine the penalties thereof.

SEC. 10. Said fire district may, from time to time levy, assess and collect such taxes upon the polls and ratable estate within said district as may be necessary to carry out the provisions of this act and to pay the indebtedness of said district which has been or shall be incurred in accordance therewith.

SEC. 11. Said fire district may, in addition to the authority and power it now has by virtue of chapter 156 of the Public Laws and additions thereto and amendments thereof, through its prudential committee, or other persons designated by a vote of said district, at a meeting lawfully warned and held for the purpose, borrow money on the credit of said fire district to an amount not

exceeding eighteen thousand dollars for the purpose of erecting and maintaining its water system, buying any other system or pipes and aqueducts already in use, and paying or refunding its indebtedness therefor now or at any time hereafter outstanding, and may issue its bonds therefor in such sums and payable at such time or times as said fire district may direct by vote of a majority of the legal voters voting at a legal meeting of said district called for that purpose. The prudential committee may fix the rate of interest on such bonds, but such rate shall not exceed five per cent per annum.

The action of said fire district in voting for a water system and to authorize the issuance of temporary orders and of bonds, bearing interest at a rate not to exceed five per cent per annum at a meeting duly warned and held in said fire district on the 10th day of July, 1935, and prior and subsequent meetings are hereby expressly authorized, ratified, confirmed, legalized and validated, and given the same force and effect as if done and performed subsequent to and under the provisions of this act and no further meeting of said fire district shall be required for the purpose of issuing temporary orders and bonds so authorized. Any bonds so issued shall reduce pro tanto the bonds authorized to be issued under the preceding paragraph of this section 11.

The provisions of chapter 150 of the Public Laws and additions thereto need not apply to any bonds issued under the provisions of this act.

SEC. 12. This act shall not be so construed as to deprive or relieve said fire district of or from any of its rights, powers, authority or duty, by virtue of chapter 156 of the Public Laws, and acts in amendment thereof or in addition thereto.

SEC. 13. The bonds of said fire district issued under the provisions of this act shall be signed by the prudential committee, and countersigned by the treasurer, and the coupons annexed thereto shall be signed by the treasurer only, or bear a facsimile of his signature. Such bonds shall contain on the face thereof a statement of the purpose for the issue thereof and the authority conferred by this act, and the same shall be conclusive evidence of the fact of liability of said fire district to pay the principal and interest of said bonds to a bona fide holder thereof.

SEC. 14. In case said fire district neglects to make seasonable provision for the payment of the interest and principal of such bonds or any part thereof, as the same shall become due, the treasurer of said district shall make out and deliver to its collector of taxes a tax bill on the grand list thereof, and said treasurer shall forthwith issue to the said collector his warrant, substantially in form as is provided for the collection of town or other taxes, directing the collection and payment of such taxes to said treasurer within sixty days from the time of such delivery, in amount sufficient to pay the interests or principal, or both, of said bonds then past due and unpaid. Such taxes shall be paid to said treasurer,

and the money so collected shall be specially held and used for the payment of such unpaid interest and principal; and the treasurer of said district shall pay the interest and principal of such bonded indebtedness, as the same shall become due, without a vote of said district. Such tax bill shall have the force of a tax bill voted therefor by said district.

SEC. 15. This act shall take effect from its passage.

Approved January 24, 1936.

NO. 28.—AN ACT TO LEGALIZE THE QUADRENNIAL APPRAISAL OF THE TOWN OF BELVIDERE FOR THE YEAR 1934, AND TO LEGALIZE ALL APPRAISALS, ADDITIONS, APPORTIONMENTS OR ALTERATIONS MADE IN 1935.

[H. 41]

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

SECTION 1. The quadrennial appraisal made in the town of Belvidere for the year 1934, and all appraisals, additions, apportionments or alterations thereto made by the listers in the year 1935, are each hereby declared to be legal and valid; and all taxes lawfully assessed thereon are hereby also declared to be legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved January 23, 1936.

NO. 29.—AN ACT TO AMEND THE CHARTER OF THE CITY OF BURLINGTON.

[H. 31]

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

SECTION 1. Section 3 of No. 242 of the Acts of 1908, as amended by section 1 of No. 244 of the Acts of 1935, is hereby amended so as to read as follows:

SEC. 3. On the first Tuesday in March, 1937, and biennially thereafter, the legal voters of said city shall, from among the legal voters thereof, elect a mayor; and on the first Tuesday in March, 1936, and on the first Tuesday in March in each year thereafter, the legal voters in each ward shall, from among the legal voters