

ACTS AND RESOLVES

PASSED BY THE

# GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

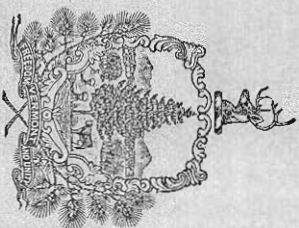
AT THE

THIRTY-FIFTH BIENNIAL SESSION

1939

SESSION COMMENCED JANUARY 4, 1939

ADJOURNED APRIL 14, 1939



PUBLISHED BY AUTHORITY

NO. 280.—AN ACT TO AUTHORIZE FIRE DISTRICT NO. 1 IN THE TOWN OF COLCHESTER TO CONDUCT A FIRE DEPARTMENT AND TO ISSUE BONDS.

[S. 901

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

SECTION 1. Fire district No. 1 in the town of Colchester is hereby authorized and empowered to construct, maintain, and repair a reservoir or reservoirs, a well or wells, pumps, engines and apparatus, take, purchase and acquire in the manner herein-after mentioned, any ponds, wells, springs, streams, watercourses, real estate, water rights, frontage rights and easements necessary for its purpose within the limits of the town of Colchester in the county of Chittenden, together with such land surrounding and adjacent to the same as may be reasonably necessary for protecting and preserving the purity of the water in such ponds, wells, springs and streams and may inclose such ponds, wells, springs and streams by suitable fences for the purpose of such protection; and to enter in and upon any land or water for the purpose of making surveys, may take and construct dams, reservoirs and aqueducts as may be necessary to convey the water taken as aforesaid to the reservoirs or wells of said district and distribute the same through said district for the purpose of supplying the inhabitants thereof with water for fire, domestic and other purposes; but said district shall not take otherwise than by purchase, water or spring of water which the owner or owners or other person have a vested right or interest in said water or the use thereof, may reasonably require for domestic use or the watering of animals on the premises where such water may be in use.

SEC. 2. Said district for the purposes aforesaid may enter upon and use any land and enclosures over or through which it may be necessary for an aqueduct or pipes to pass and may thereon dig, place, lay and construct such pipes, aqueducts, reservoirs, appurtenances and connections as may be necessary for the complete construction and repairing of the same from time to time, may open the ground in any streets, lanes, avenues, highways and public grounds for the purpose of laying down and repairing such pipes, aqueducts, reservoirs and appurtenances, as may be necessary for conducting the water and purposes aforesaid; provided that such streets, lanes, avenues, highways and public grounds shall not be injured, but shall be left in as good condition as before the laying of said pipes, aqueducts, reservoirs and appurtenances.

SEC. 3. Said district by its prudential committee or other officers or persons duly authorized for that purpose may agree with the owner or owners of any property, franchise, easement or right which may be required for the purpose of this act, as to the amount of compensation to be paid for the same and in case of failure to agree as to such compensation, or as to the amount of damages which ought to be awarded to any person or corporation claiming to be injured by the doings of said district, or in case any such owner shall be an infant or insane, or absent from the state, or unknown, or the owner of a contingent or uncertain interest, a judge of the superior court, may on the application of either parties, cause such notice to be given of such application as such judge may see fit to prescribe and as proof thereof, may appoint three disinterested persons to examine such property to be taken for, or damaged by, the doings of said district, who, being duly sworn, shall upon due notice to all parties concerned, view the premises, and hear the parties in respect to such property, and as to just damages, and shall assess an award to such owners and persons so interested just damages for any injury sustained as aforesaid and make report in writing to such judge, who may thereupon accept such report, unless just cause is shown to the contrary and order said district to pay the same in such time and manner as such judge may prescribe, in full compensation for the property taken, or the injury done by said district, and on compliance with such order said district may proceed with the construction of its work without liability for further claim for damages; or said judge may reject or recommend said report if the ends of justice so require. Such judge may award costs in such proceeding in his discretion, and no suit for injury done under this act shall be brought after one year from the alleged date of the receipt of the injury.

SEC. 4. Said district shall within sixty days after the taking of any property, franchise, easement or right under the provisions of this act file in the town clerk's office in the town where the same is located, a description of any land, water, or water-right so taken, sufficiently accurate for identification.

SEC. 5. Said district is hereby authorized and empowered to contract with any town, city or village in Chittenden county, or any corporation and individuals to supply water for the protection of any property and for domestic and any other purposes. The city of Winooski especially, is authorized to enter into contract with said district for the purpose of supplying said district with such water as it may require from time to time.

SEC. 6. The owner and occupant of any tenement, house or building, who shall take the water of said district shall be liable for the rent or price of the same, and the officers and agents of said district intrusted with the care and superintendence of the water may at all reasonable times enter all premises so supplied to

examine the pipes and fixtures and prevent any unnecessary waste and if any person or persons without the consent of said district shall use any of said water, an action of tort under this statute may be maintained against such person, by said district for the recovery of damages therefor. The charges, rates or rents for water shall be a lien upon the real estate furnished with water by said district in the same manner and to the same effect as taxes are a lien on real estate under sections 780 and 825 of the Public Laws.

SEC. 7. If any person or persons shall wilfully, wantonly or maliciously divert the water or part thereof, of any of the ponds, wells, springs, streams, aqueducts, water courses or reservoirs, which shall be taken, used or constructed by said district, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, within the limits that may be taken or prescribed by said district pursuant to the provisions of this act, or maliciously injure or destroy any dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant, structure, pump, machinery or other property held, owned or used by said district under the provisions of this act, shall be liable to said district in treble damages therefor, to be recovered in an action of tort founded on this statute, and any such person on conviction of either of the malicious acts aforesaid, shall be fined not exceeding one hundred dollars or be imprisoned in the house of correction at Windsor, in county of Windsor, not exceeding six months.

SEC. 8. Said district, shall in connection with and incidental to its fire system, have power to organize and establish a water department for the purpose of supplying said district with water as aforesaid, and may purchase and hold all necessary real and personal estate for that purpose, and may issue its bonds to carry out the provisions of this act, and to secure any present or future indebtedness for the establishing and operating of its water department.

SEC. 9. Said district may, for the purpose of aiding in the support and maintenance of its water department and to insure the payment of the interest on its water bonds and to provide for the payment of said bonds, establish rates by meter service or annual rents to be charged and paid at such times, and in such manner as may be determined by said district, for the supply of water to the inhabitants of said district and others, and may from time to time alter, modify, increase or diminish such rates, and extend them to any description of property or use as said district may deem proper. Such rates or rents may be ordered to be paid in advance and all necessary orders and provisions may be made and enforced by said district, relating to the supply or stoppage of water, as it may deem necessary to insure such advance payments.

SEC. 10. Said district, at a meeting called for that purpose after this act shall take effect, shall elect three commissioners who

shall constitute a board of water commissioners who shall hold their offices as follows:

The first commissioner shall hold his office three years; the second two years and the third one year, from the next annual meeting after such election; and at every subsequent annual meeting said district shall elect one water commissioner to fill the vacancy occasioned by the then expiring term, who shall hold his office three years from his election and until his successor shall be chosen as above provided; and in case of death, resignation or removal of a commissioner, the vacancy may be filled by the remaining water commissioner until the next annual election at which time a water commissioner shall be elected to fill out the unexpired term. Nothing contained in this section shall prohibit any member of the prudential committee of said district from holding office and serving as a water commissioner and said district may, at its annual meeting or at a meeting called for that purpose after this act shall take effect, vote to have the prudential committee of said district act as and be water commissioners and in such case said prudential committee shall have all the powers and duties of water commissioners as set forth in this act.

SEC. 11. The water commissioners under the direction of said district shall have the supervision of the water department and shall make and establish all needful rules and regulations for the control and operation of the same, and may draw orders on the treasury for the necessary expenses of the same. The commissioners may appoint or remove a superintendent at their pleasure; may establish rates for the use of water and provide for the collection of the same, and generally take charge of the water department, subject to the control, order and direction of the district. The rents and receipts for the use of the water shall first be used and applied to pay the interest, as it becomes due, upon the water bonds of said district, and any excess therefrom, after paying said interest and the expenses of repairs and management of the water works, shall be set apart by the commissioners, and used in the payment of the bonds as they become due, and invested in the name of said district, to be used in the purchase of said bonds, so that the same shall be used and applied solely for the payment or purchase of said bonds until the whole shall be paid.

SEC. 12. For the purpose of successfully establishing and operating its water works and making such improvements as may be necessary from time to time, said district is authorized and empowered to purchase, take and hold real and personal estate to the amount of one hundred thousand dollars and may levy and collect such taxes upon the polls and taxable estate of said district as may be deemed necessary for the payment of district expenses, and its present and future indebtedness, and may issue its negotiable bonds in such sums and payable at such times and

places as may be deemed advisable, for the purpose aforesaid only, and may borrow money from time to time, as may be necessary to enable the water department to carry on and complete the work of supplying the district with water and pay current indebtedness, provided that all taxes laid, under the provision of this section and all loans authorized and all bonds negotiated, shall be laid, authorized and negotiated by virtue of a two-thirds vote of the voters present and voting of said district at a meeting duly warned and holden for that purpose.

SEC. 13. Every bond issued by said district for water purposes, in pursuance of this act, shall be signed by the clerk of said district and by the treasurer thereof and shall have the certificate of the clerk of said district that said bond is one of a series authorized by said district and the records of said district shall be so kept as to show the issue of the bonds, the amounts and dates of the same, when due, and the time of their payment; said district is hereby prohibited from issuing and negotiating bonds as aforesaid, exceeding seventy thousand dollars in amount.

SEC. 14. Said district shall have the power to make, establish, alter, amend or repeal ordinances, regulations and by-laws relating to the matters contained in this act and not inconsistent with law, and to impose penalties for the breach thereof and enforce the same.

SEC. 15. Any action taken by said district under the provisions of this act or relating to the matters therein set forth, shall be by vote of two-thirds of the regular voters present and voting of said district at a meeting duly warned and holden, unless otherwise provided.

SEC. 16. Any tax voted by said district upon the polls and taxable estate therein for the purpose of protecting the property in said district from damage by fire as provided by section 3796 of the Public Laws, may be used by said district to defray the expenses of operating and maintaining the water department herein authorized and the balance, if any, may be applied to pay the interest, as it becomes due, upon the water bonds of said district.

SEC. 17. This act shall take effect from its passage.  
Approved April 14, 1939.

NO. 281.—AN ACT TO AMEND AND CONSOLIDATE NO. 113 OF THE ACTS OF 1872 AND ALL AMENDMENTS AND ADDITIONS THERETO, RELATING TO THE ESSEX JUNCTION GRADED SCHOOL DISTRICT.

1H. 571

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

SECTION 1. No. 113 of the Acts of 1872, entitled "An act to establish the Essex Junction Graded School District," and all amendments and additions thereto, is hereby amended and consolidated so as to read as follows:

SEC. 2. All that portion of the town of Essex now embraced within the limits of the Essex Junction graded school district as incorporated by said act, and as has been amended and added thereto, and which is also embraced within the limits of the incorporated village of Essex Junction, together with the inhabitants therein is hereby incorporated and made a body politic and corporate and shall hereafter be known by the name of the Essex Junction Graded School District, and by that name may sue and be sued, prosecute and defend in any court, may have a corporate seal and alter it at pleasure, may take, hold and convey real and personal property and estate, may levy and collect taxes, and generally shall have the rights and liabilities incident to municipal corporations.

SEC. 3. All property now belonging to said Essex Junction graded school district shall at the time of the taking effect of this act vest in and become the property of the Essex Junction graded school district as incorporated by this act.

SEC. 4. Wherever the word "district" hereafter appears in this act it shall mean said Essex Junction graded school district.

SEC. 5. The district shall be exempt from all taxation for the support of any schools or for any other purpose in said town of Essex outside of the limits of the district.

SEC. 6. A citizen twenty-one years of age who has taken the freeman's oath, whose list is taken in the town of Essex at the annual assessment next preceding a district meeting, and whose tax or taxes due the district are paid at the time of such meeting, or who has attained the age of twenty-one years subsequent to such assessment, or who is exempt from taxes, shall, while residing in the district be a voter in such meeting.

SEC. 7. The grand list of the town of Essex composed of the polls and taxable property and estate within the limits of the district shall constitute the grand list of the district. The district, may at an annual or special meeting legally warned for that purpose vote to lay and assess a tax on its grand list for school purposes, and all taxes so voted, laid or assessed, shall be paid and col-