

# COLCHESTER FIRE DISTRICT NO.1 BYLAWS

## Article 1 - ESTABLISHMENT AND BOUNDARIES

- 1.1 Fire District No. 1 in the Town of Colchester, first organized on 29 August 1938, is a municipal corporation under chapter 171 of Title 20 of *Vermont Statutes Annotated* [VSA] and has been duly chartered by acts of the Vermont General Assembly (see *Vermont Acts and Resolves* [VAR] 1939, no. 280, pp. 344-48; and VAR 1961, no. 311, pp. 465-67).
- 1.2 Fire District No. 1 consists of that territory within the Town of Colchester bounded westerly by the east boundary line of the City of Winooski, on the north by the south boundary line of Camp Johnson, on the south by the Winooski River, and on the east by the west boundary line of the Town of Essex (VAR 1961, no. 311, sec. 2.1). The area comprising Fire District No. 1 has long been known as Winooski Park.

## Article 2 - PURPOSES AND GENERAL POWERS

- 2.1 Fire District No. 1 [the District] is incorporated for fire protection; for the acquisition, construction, maintenance and oversight of sewers and sewage treatment works serving the District; for water works as well as equipment and real estate used in connection with these works; for sidewalks, public parks and lighting (20 VSA § 2601).
- 2.2 In the pursuit of its purposes, the Fire District has all powers and duties of a municipal corporation as provided for under appropriate provisions of Vermont law, its charter and these by-laws (1 VSA § 126; VAR 1961, no. 311, sec. 3).

## Article 3 - VOTERS

Persons residing within the limits of Fire District No. 1 who are voters in Town meeting shall be voters in District meetings (20 VSA § 2484).

## Article 4 - DISTRICT MEETINGS

- 4.1 The annual Fire District meeting shall be held on the fourth Monday in January, or at such other time as the District at any regular or special meeting may determine, and shall be warned by the Clerk, or, in his or her absence or neglect, by one of the Prudential Committee (20 VSA § 2483).
- 4.2 Special meetings shall be warned in the same manner and called by decision of the Prudential Committee, or on application in writing by three or more voters of the District or by five percent of the voters of the District, which ever is greater (20 VSA § 2483).
- 4.3 A warning for a Fire District meeting shall state the business to be transacted and the time and place of the meeting. It shall be posted in two or more public places in the District not more than 40 and not less than 30 days before the meeting and recorded

in the office of the Clerk before it is posted (20 VSA § 2483). In addition, the warning shall be published in a newspaper of general circulation in the District, and one so designated annually by the Prudential Committee, at least 5 days before the meeting (17 VSA § 2641(b)).

- 4.4 The meetings shall be called to order by the moderator, or, in his absence by a member of the Prudential Committee who shall preside until a moderator is chosen (see 17 VSA § 2657).
- 4.5 The moderator, who shall be chosen by a majority vote of those present and voting, shall decide questions of order and make public declaration of votes passed (see 17 VSA § 2658), and in general preserve order in the conduct of business and debate (see 17 VSA § 2659).

**Article 5 - OFFICERS: ELECTION, TERM, VACANCY**

- 5.1 The Fire District shall elect at each annual meeting a Clerk, a Treasurer, and, if taxes are approved, a Collector of Taxes. The District may also elect a chief engineer and such assistant engineers as are necessary, who shall rank in the order of their election. The above officers, who need not be residents of the District, shall be elected by a majority vote, and by ballot if demanded by a voter (20 VSA § 2485). No officer, except the Clerk, may simultaneously serve on the Prudential Committee.
- 5.2 The officers shall hold office until the next annual meeting and until others are elected (20 VSA § 2485).
- 5.3 A vacancy in any office may be filled by the Prudential Committee (20 VSA § 2485). A vacancy shall exist if the officer resigns, dies, or is removed with cause by vote of the Prudential Committee.

**Article 6 - PRUDENTIAL COMMITTEE: ELECTION, TERM, VACANCY**

- 6.1 The Fire District at its first meeting shall elect a Prudential Committee, which shall consist of three voters who shall serve for one, two and three years respectively, and thereafter at each annual meeting one member of the Prudential Committee shall be elected for a term of three years (20 VSA § 2485).
- 6.2 If the District so votes, one or two additional persons may be elected to the Prudential Committee for a term of one year (20 VSA § 2485).
- 6.3 A person shall be elected to the Prudential Committee by majority vote of those present, and by ballot if demanded by a voter (20 VSA § 2485).
- 6.4 A vacancy in the Committee shall exist if a member resigns, dies, moves out of the District, or fails to attend one-half of the Committee meetings in a given calendar year. In the absence of a letter of resignation, the Clerk shall certify in writing the existence of a vacancy. Within ten days of the existence of a vacancy the Prudential Committee shall post notice of it in at least two public places in the District (24 VSA § 961). A vacancy in the Committee may be filled at an annual meeting, or at a special meeting called for that purpose.
- 6.5 The members of the Prudential Committee shall elect their own chair each year.

**Article 7 - TAXES, BONDS AND LOANS**

- 7.1 The Fire District may vote a tax upon the polls and taxable estate or upon the taxable estate only for one or more of the stated purposes of the District as set out in Article 2, sec. 1, above (20 VSA § 2601).
- 7.2 The Prudential Committee and Collector of Taxes shall have the same power in assessing, levying and collecting taxes as town officers, including the collection of interest on overdue taxes (20 VSA § 2601).
- 7.3 For the above-mentioned purposes, the District may issue revenue bonds in such sums and payable at such times and places as may be deemed advisable, provided that such bonds are approved by a majority vote of the voters present and voting at a meeting duly warned for that purpose.
- 7.4 The District may borrow money from time to time as may be necessary for the above-mentioned purposes, provided such loans are authorized by a majority vote of the voters present and voting at a meeting duly warned for that purpose.
- 7.5 The Prudential Committee or its authorized representative (s) shall act on behalf of the District to negotiate and give final approval to bonds and loans authorized by the voters of the District.
- 7.6 All bonds issued by the District and loans accepted by the District shall be signed by the Clerk and Treasurer of the District and by whatever other persons as may be authorized by the Prudential Committee.

**Article 8 - PRUDENTIAL COMMITTEE: POWERS, RESPONSIBILITIES, MEETINGS**

- 8.1 The Prudential Committee, as the governing body of the Fire District, shall be responsible for the control and management of the affairs, property, and interests of the Fire District. It may exercise all power of the Fire District unless otherwise provided by Vermont law, its charter or these by-laws.
- 8.2 The Prudential Committee may expend such sums as are necessary for protecting property in the District from damage by fire, for overseeing the provision of sewage treatment, for acquiring, constructing and maintaining water works and distribution systems, sidewalks, public parks, lighting, and other lawful purposes, but not in excess of the sum the District may vote at its annual or special meeting (20 VSA § 2601).
- 8.3 In fulfillment of its responsibilities, the Prudential Committee shall assume the powers of water and sewage commissioners (see 24 VSA §§ 3506, 3614, and 17 VSA § 2652).
- 8.4 The Prudential Committee shall have the power to establish, alter, amend, or repeal ordinances, regulations, and rules relating to its above-mentioned responsibilities and not inconsistent with law, and to impose penalties for violations of the same (24 VSA §§ 3315, 3617).
- 8.5 The Prudential Committee may commence and prosecute action in the name of the District, defend and adjust actions commenced against it and settle claims in favor and against the District (20 VSA § 2607).

- 8.6 The Prudential Committee, in the name of the District, may draw orders on the District treasury, but it shall not bind the District for a greater sum than was voted for such purpose (20 VSA § 2604).
- 8.7 The District, acting through the Prudential Committee, may enter into contracts with governmental bodies, and private individuals and groups to obtain or provide goods and services of benefit to the District (*VAR 1939*, no. 280, sec. 5; 24 VSA §§ 3305, 3341-3355, 3503).
- 8.8 The Prudential Committee shall establish charges, rates and fees for connection to and use of the District's water system (24 VSA §§ 3311, 3615) and for the general administration of the District. Ordinary rates and charges will be based on the metered consumption of water on premises connected to the District water system (see 24 VSA § 3615). The charges and rates shall be a lien upon the real estate furnished with water by the District in the same manner and to the same effect as taxes are a lien on real estate under Vermont law (24 VSA § 3306; 32 VSA § 5061).
- 8.9 The Prudential Committee shall, as needed, hire, supervise, and discontinue the services of persons employed by the District. It shall also determine the terms of employment, what salaries shall be paid to these employees and what benefits to be provided (see 24 VSA § 1121). The Committee may also appoint, as needed, agents and representatives, specify their powers and responsibilities, and determine their appropriate compensation.
- 8.10 The members of the Prudential Committee may be remunerated by the District for reasonable expenses incurred in the fulfillment of their responsibilities.
- 8.11 The Prudential Committee shall meet at least semi-annually or as requested by a majority of the Committee, or upon the call of the chair. At least 3 days notice shall be given to all members of a meeting, except that unanimous attendance shall substitute for shorter notice. Special meetings of the Committee shall be held at the written request of at least 5 percent of the District voters submitted to the Clerk; such meetings shall be convened within 14 days of the request.
- 8.12 A majority of the members of the Prudential Committee present at a duly called meeting of the Committee shall constitute a quorum for the conduct of business, and a majority vote of those present and voting (an abstention shall not constitute a vote) shall be an act of the Committee, unless a greater plurality is required by law or these bylaws.

**Article 9 - CLERK: DUTIES AND RESPONSIBILITIES**

- 9.1 The Clerk shall duly record the deliberations of every annual and special meeting of the District, and his or her record shall be the official record of all action taken at these meetings provided the minutes are approved by the Prudential Committee or by the voters at the subsequent annual meeting (see 24 VSA § 1152). The minutes shall be read or distributed at the annual meeting.
- 9.2 The Clerk shall record the deliberations of the Prudential Committee meetings, and his or her record shall be the true and official record of all action taken by the Committee provided the minutes are approved by the Committee at a subsequent

- meeting.
- 9.3 The Clerk shall see that warnings of annual and special meetings and any other official documents are properly posted and published.
  - 9.4 The Clerk shall prepare and submit a report to the annual meeting summarizing the principal activities of the District since the last annual meeting.
  - 9.5 The Clerk shall keep the files, records, maps, and other official papers of the District in his or her office or in other safe repositories approved by the Prudential Committee, and these shall be available for inspection upon proper request at all reasonable hours. The Clerk shall furnish certified or photoduplicate copies of District records upon being tendered such fees as shall be determined by the Prudential Committee. The Clerk's attestation shall be sufficient authentication of such copies (see 24 VSA §§ 1164, 1154).
  - 9.6 In accordance with record retention policies adopted by the Prudential Committee, the Clerk shall receive non-current files and records from District officers and shall observe the stipulated provisions in those policies for the preservation and disposition of all District records (see 22 VSA § 454).
  - 9.7 The Clerk may procure, at the expense of the District, all necessary stationery, supplies and equipment for use in connection with this office and for the effective preservation of the District's records.
  - 9.8 The Clerk shall deliver to his or her successor, within five days of his going out of office, all documents and other property belonging to the District. For failure or neglect in doing this, the Clerk shall forfeit to the District a fine of five dollars and costs for each day beyond the limit.
  - 9.9 The Clerk shall receive such compensation as is voted by the voters at the annual or special meeting of the District.
  - 9.10 An Assistant Clerk who need not reside in the District may be appointed by the Prudential Committee to fulfill any responsibilities of the Clerk subject to the direction and supervision of the Clerk. Terms and compensation shall be determined by the Prudential Committee but not to exceed any amount set by voters at the annual meeting.

**Article 10 - TREASURER: DUTIES AND RESPONSIBILITIES**

- 10.1 The Treasurer shall be responsible for keeping all taxes and other monies legally accruing to the District treasury, and shall pay out the same in accordance with these by-laws, other regulations of the District, and the laws of the State.
- 10.2 The Treasurer shall prepare and submit all invoices for the approval of the Prudential Committee. No check may be issued or money paid without a proper voucher signed by at least two members of the Committee, or by one member and the Clerk.
- 10.3 The Treasurer shall keep a proper account of monies, bonds, notes, evidence of debt, and any other financial instruments paid or delivered to the treasury and of all monies paid out by the treasury for the District. Separate fund accounts shall be maintained for water services, for the general administration of the District, and for any other purpose as may be designated by the Prudential Committee. The Treasurer

shall keep the accounts in a professionally acceptable and up-to-date manner, and these shall be open for inspection at all reasonable hours. The Treasurer shall exhibit a current account of any and all funds at such times as the Prudential Committee may require, and shall settle the accounts annually making a report of the same at each annual meeting of the District. Periodically, the Prudential Committee shall cause either an annual review or audit of the District's books and accounts to be performed by an independent certified public accountant. The Prudential Committee shall determine the fiscal years for such reviews (usually once every three years) and their scope, and shall hire the accountants and act on their reports.

- 10.4** Transfers between funds shall not be permitted, except as may be allowed by law and upon deliberation of the Prudential Committee (see 24 VSA §§ 3313, 3616).
- 10.5** Money received by the Treasurer on behalf of the District may be invested and reinvested by the Treasurer with the approval of the Prudential Committee and as allowed by law (24 VSA §§ 1571, 3313, 3616).
- 10.6** The Treasurer, and any Assistant Treasurer, before entering on these duties, shall file with the Prudential Committee a bond in the amount of the accounts receivable for the previous year with a surety company satisfactory to the Prudential Committee as surety, which bond shall be conditioned that the Treasurer(s) shall faithfully perform these duties and account for all monies received as Treasurer(s) (24 VSA §832). The District shall pay the premium for this bond.
- 10.7** The Treasurer may procure, at the expense of the District, all necessary stationery and supplies for use in connection with this office.
- 10.8** The Treasurer, within five days after going out of office, shall adjust and settle all accounts and pay over to the successor such balance of monies as shall be in hand and due the District. He or she shall also deliver to the successor all books, accounts, papers and other property belonging to the District. For failure or neglect in doing this, he or she shall forfeit to the District a fine of five dollars and costs for each day beyond the limit, and he or she shall be further liable in an action upon his or her bond for money he or she has received, or in any other appropriate action for such money or other property as may remain in his or her hands.
- 10.9** The Treasurer shall receive such compensation as is voted by the voters at the annual or special meeting of the District.
- 10.10** An Assistant Treasurer who need not reside in the District may be appointed by the Prudential Committee to fulfill any responsibilities of the Treasurer subject to the direction and supervision of the Treasurer. Terms and compensation shall be determined by the Prudential Committee but not to exceed any amount set by voters at the annual meeting.

**Article 11 - COLLECTOR OF TAXES**

- 11.1** If the District approves a tax, the Collector, on receiving any rate bill and warrant, shall perform the same duties, have the same powers, be liable to the same penalties and receive the same fees pertaining to the collection of taxes as are provided in the laws of the State for collectors of town taxes (see 24 VSA §§ 1528 and 1530).

- 11.2 Nothing prevents the Treasurer or Clerk being elected Collector of Taxes (see 17 VSA § 2647).

**Article 12 - MANAGER**

- 12.1 The Prudential Committee may appoint a person who need not be a resident of the District to act as general manager of District services (24 VSA §§ 3313, 3616) and to represent the District in dealing with other agencies, subject to the direction and supervision of the Prudential Committee.
- 12.2 The Manager shall serve at the pleasure of the Prudential Committee which shall also fix his or her compensation but not to exceed any amount set by voters at the annual meeting.
- 12.3 The Manager shall not be a member of the Prudential Committee.
- 12.4 Should the District vote to adopt the official district manager system as available under State law (20 VSA §2601) that office shall conform to the provisions of State law (see 24 VSA §§ 1232-1243) and shall supercede sections 1-3 of this Article.

**Article 13 - REGULATIONS FOR FIRE PROTECTION**

- 13.1 If the District elects to have a Chief Engineer, he, or in his absence the assistants in the order of their rank, shall have charge of the apparatus for the prevention and extinguishment of fire (see 20 VSA § 2671), and shall have such powers as are provided in State law (20 VSA §§ 2672-2675), and shall be remunerated as shall be determined by the District voters at their annual meeting.
- 13.2 If the District does not elect to have a Chief Engineer, the Chief of the Saint Michael's Fire Department (a brigade of the Colchester Center Volunteer Fire Company), or in his absence the assistants in order of their rank, shall have the powers of Chief Engineer in the event of any fire in the District (see 20 VSA §§ 2672-2675).
- 13.3 No person shall open any hydrant or draw water there from except for officers of the Fire Department for fire purposes or other persons so authorized by the Prudential Committee.
- 13.4 Expenses approved by the Prudential Committee for fire protection shall be duly charged to the District's water department.

**Article 14 - SUPERVISION OF WASTEWATER TREATMENT SERVICES**

- 14.1 By virtue of an 'Agreement' between the Fire District and the Town of Colchester, adopted in January 1987, the District transferred its existing sewerage system to the Town in return for stated rights and considerations to be held by the District.
- 14.2 Since the date of the 'Agreement' the Town Select Board, acting as sewage commissioners (see 24 VSA § 3614), is responsible for maintenance and operation of sewerage facilities serving the geographical area of the District and for establishing regulations for sewage disposal in the District (24 VSA § 3615). The

Prudential Committee is responsible for overseeing the rights and considerations held by the District.

- 14.3 The 1987 'Agreement' stipulates that the geographical area which constitutes the Fire District shall retain at all times the right to a total treatment capacity of 310,000 gpd for discharges from within that area (paragraph 9).
- 14.4 The same 'Agreement' states the Town, and not the District, shall be responsible for all costs relating to the expansion of sewerage outside of the District (paragraph 10).
- 14.5 The 'Agreement' further provides that sewerage disposal charges or user rates charged by the Town shall be so structured as to exclude any recovery to the Town from customers within the geographical area of the District of costs related to expansion of the Town's sewerage. And the Town agrees to notify in a timely fashion the Prudential Committee of all hearings and meetings that establish rates or user fees and to provide full disclosure relative to the establishment or change in said charges or rates (paragraph 10).
- 14.6 The 'Agreement' provides that the District, acting through its Prudential Committee, shall have a right to nominate a member of whatever body the Town, acting through its Select Board, shall appoint to assist in the governance of the Town's sewerage system (paragraph 6).

#### **Article 15 - GOVERNANCE OF WATER SYSTEM**

- 15.1 The Prudential Committee shall make, establish, alter and amend or repeal ordinances, rules and regulations relating to the District's water system (see 24 VSA § 3315) and shall make and establish needful water rates and charges (see 24 VSA §§ 3311, 3313). Copies of the District's water rules and regulations currently in force as well as water rates shall be available from the Clerk or Manager.
- 15.2 Any person desiring to connect with the District's water system shall first make written application to the Prudential Committee. If the Prudential Committee approves the application, it shall issue an appropriate permit, stipulating the conditions under which the connection shall be made and maintained.
- 15.3 The District shall own and be responsible for its water mains, for water service connections from its mains up to and including curbstops, for fire hydrants, and water meters. The District shall not furnish water through any meter of which it does not have exclusive control. Persons connected to the District's water system are responsible for the service line from the curbstop to their building and for all internal plumbing. All persons taking water shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and shall prevent all unnecessary waste of water.
- 15.4 Under direction of the Prudential Committee, District officers and agents may at all reasonable times and to the extent reasonably necessary enter all premises connected to the District's water system to examine pipes and fixtures, to prevent any unnecessary waste, and to examine for sanitary corrections (24 VSA § 5150).
- 15.5 The District shall operate and maintain its water system in a prudent fashion but it shall not be liable for leakage of hydrants, pipes or fixtures upon the premises of the

taker, nor for any obstructions therein by frost or otherwise, nor for any damages resulting from any of the foregoing causes.

- 15.6 Under provisions of its charter and State law (24 VSA § 3305(a)), the District may, through its Prudential Committee, contract with a qualified water supplier to purchase water and may resell the same to customers. The District shall not be liable for any injury, loss or damage of whatever nature occasioned by the lack of a constant or uniform pressure in the water mains, or by a stoppage of water by frost or other cause, or by an insufficient supply of water.
- 15.7 The District, acting through the Prudential Committee may take, purchase and acquire any real estate and easements within the District necessary for its water system, subject to the provisions State law (30 VSA § 108), and may enter in and upon any land or water for the purpose of making surveys and to lay and repair pipes as necessary to distribute water through the District (24 VSA § 3301, see also §§ 3303, 3304).
- 15.8 The Prudential Committee may authorize agents to open the ground in any street, highway and public grounds in order to lay or repair its water pipes, and shall see such land is returned to such condition as before it was opened (24 VSA § 3304).
- 15.9 Receipts derived by the District from its water works shall only be used and applied to pay the principal and interest upon water bonds of the District, the expenses of repairs and management of the water department, and, if a dedicated fund is created by the Prudential Committee, payments into that fund (24 VSA § 3313(a)).

**Article 16 - AUTHORIZED REPRESENTATIVES OF THE DISTRICT**

- 16.1 The Prudential Committee may authorize individuals to act on behalf of the District or of the Committee to fulfill such duties as may be determined by these By-laws, District ordinances, or by action of the Prudential Committee to the extent permitted by law.
- 16.2 Compensation for services rendered by such representatives shall be established by the Prudential Committee, but may not exceed such limits as may be established by the voters of the District at an annual meeting (see 24 VSA §§ 932-933).

**Article 17 - PENALTIES**

Any person violating any of these Bylaws or the regulations and ordinances of the District shall be subject to the same penalty and prosecuted in the same manner as provided by law (see 20 VSA § 2675; 24 VSA §§ 1974, 1974a, 3315 and 3617).

**Article 18 - ADOPTION AND AMENDMENT**

- 18.1 These Bylaws shall be in full force from and after their adoption by the voters of Fire District No. 1 and their publication as provided by law.
- 18.2 Previous bylaws or parts of bylaws in conflict with these Bylaws are hereby repealed.

- 18.3** The invalidity of any section, clause, sentence, or provision of these Bylaws shall not affect the validity of any other part of these Bylaws which can be given effect without such invalid part or parts.
- 18.4** These Bylaws in whole or in part may be amended by the voters of Fire District No. 1 at a duly warned annual or special meeting. Any amendment shall take effect from and after its adoption and publication.

*Adopted at the Fire District's Annual Meeting,  
23 January 2006 and duly published.  
These Bylaws supercede those adopted in January 1982.*

Joseph McLaughlin, SSE  
Clerk - 24 January 2006

**COLCHESTER FIRE DISTRICT NO. 1**  
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