

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 251: Village Of North Bennington

Subchapter 1: Corporate Existence

§ 251-101. Corporate existence

The geographical area as described in subchapter 14 of this chapter shall hereafter be known by the name of the Village of North Bennington, and by that name may have perpetual succession, may sue and be sued, prosecute, and defend in any court, may have a common seal and alter it at pleasure, may purchase, take, hold, and convey real and personal estate for the use or benefit of said Village, and generally shall have, exercise, and enjoy all the rights, immunities, and privileges, and shall be subject to the duties, liabilities, and obligations that are incident to public corporations in this State. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

Subchapter 2: Annual And Special Meetings

§ 251-201. Authorization for the assessment and collection of property taxes

The Village may, at an annual or special meeting warned for that purpose as provided in section 202 of this chapter, lay a tax upon the ratable estate within the same, whether of residents or nonresidents, for any of the purposes set forth in this chapter, and the Board of Trustees shall make out a rate bill accordingly and deliver the same to the Treasurer, who shall have the same power to collect such tax as a town treasurer has to collect like taxes in the towns and may in like manner levy on and sell property to satisfy the same. It shall be the duty of the listers of the Town of Bennington in making the grand list of the Town to designate therein such of the ratable estate thereof as shall be within the limits of the Village. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-202. Warning of annual and special meetings

(a)(1) The annual meeting of the legal voters of the Village shall be held therein on the third Tuesday of March of each year at seven-thirty o'clock in the afternoon at the Village hall or at such place as the Board of Trustees shall hereafter appoint.

(2) The meeting shall be warned by posting in three public places in the Village, at least 12 days prior to the meeting, a notice calling the meeting and containing a statement of business to be transacted thereat. The notice shall be signed by the Clerk of the Village, or in case of his or her failure or neglect, by the Trustees.

(3) If the annual meeting is not held, for want of the notice set forth in subdivision (2) of this subsection, or for any other cause, the Village shall not thereby be prejudiced.

(b) In addition, whenever 10 legal voters of the Village shall so petition in writing, the Clerk, or upon the Clerk's neglect or refusal, the Trustees, shall call a special meeting of the Village and give notice of the same as provided for annual meetings.

(c) Any business may be transacted at an adjourned meeting, which under the warning might have been transacted at the original meeting.

(d) In all meetings of the Village, none but the residents thereof qualified by law to vote in Village meetings shall be entitled to vote. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-203. Elections at annual meetings

(a) The Village shall, at every annual meeting elect a Moderator, Clerk, Treasurer, three auditors, and the number of trustees as are necessary to fill vacancies where terms of office have expired or a member has resigned, died, or been removed in order to make a full board of five trustees.

(b) The trustees shall be elected by ballot, and any of the other officers shall also be elected by ballot provided a writing demand therefor is filed with the Clerk before the meeting signed by not less than five legal voters therein.

(c) Any person who receives the highest number of votes cast for a given office shall be elected thereto. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-204. Moderator Pro Tem

In case the Moderator shall be absent from any meeting, that member of the Board of Trustees present at such meeting whose name shall have precedence on the list of trustees as recorded in the minutes of election of the then existing Board of Trustees, shall act as a Moderator Pro Tem.

Subchapter 3: Village Officers

§ 251-301. Terms of office

The term of office for all trustees shall be three years, staggered so that at least one trustee is elected at any annual meeting. The Moderator, Clerk, Treasurer, and auditors shall all serve a one-year term. The term of office of all the Village officers shall commence on the day following their election, unless otherwise provided in this chapter, and continue until their successors are chosen and qualified. The term of the Treasurer shall coincide with the Village's fiscal year (July-June). (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-302. Compensation of officers

The compensation of the Clerk and Treasurer shall be fixed by the Village; the compensation of all other officers, servants, and employees of the Village shall be fixed by the Board of Trustees, except as otherwise provided in this chapter. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-303. Board of Trustees; general authority

(a) The Board of Trustees shall have the general care and management of the prudential interests and affairs of the Village; shall assess all taxes and make out a rate bill accordingly; shall direct the expenditure of all monies belonging to the Village, and draw orders upon the Treasurer and generally perform all the duties legally enjoined upon them by the Village, and shall submit their accounts and vouchers to the auditors at least three days before the annual meeting of each year.

(b) The Board shall have power to abate taxes laid or assessed by virtue of this chapter, and also all highway taxes assessed against taxpayers of the Village, and to remit fines imposed for the violation of the bylaws or regulations of the Village. The power of the Board to abate taxes shall be subject to the same limitations and may be exercised for the causes provided in general Vermont law.

(c) The Board may create commissions and committees not now existing and appoint the members thereof. It may inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.

(d) The Board may fill any vacancy in any elective Village office, and a person so appointed shall serve until a successor is elected, but the Village may, at any time, at a meeting duly called for that purpose, fill such vacancy for the unexpired term. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-304. Clerk

It shall be the duty of the Clerk to warn Village meetings and keep a record of all the proceedings of said Village; the Clerk shall also ex-officio be Clerk of the Board of Trustees and keep a record of its proceedings so far as the same are proper matter for record; the Clerk shall have power to certify copies of all records kept by the Clerk for which the Clerk shall receive the same fees as town clerks for like services, and shall perform all other duties required by this act and such as are usually performed by clerks of villages.

§ 251-305. Treasurer

The Treasurer shall perform for the Village the same duties required by law respectively of a town treasurer and collector of town taxes and shall have the same powers, proceed in the same manner, be subject to the same liabilities, and give such bonds to the Village as the Board of Trustees may direct. A failure to give such bond within 10 days from their election or appointment will render such office vacant. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-306. Auditors

The auditors shall, previous to each annual Village meeting, examine and audit the accounts of the Village officers, but no account shall be allowed by such auditors without the production of proper vouchers therefor, and shall report to the Village at its annual meeting the condition of the treasury thereof, including the assets and the outstanding liabilities of the Village.

Subchapter 4: Board Of Trustees

§ 251-401. Election of Chair and appointments

The Board of Trustees shall annually, at its first regular meeting, elect from its number a Chairperson and Vice Chairperson. It shall also appoint a Chief and two assistant engineers of the Fire Department, and may appoint a Highway Superintendent and a Sewer Commissioner. All officers appointed by the Board shall be under its direction and control and may be removed at its discretion. The Board shall cause a certificate of such appointment or removal to be recorded in the office of the Village Clerk. Any vacancy in an appointive office may be filled by the Board at any time. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-402. Meetings

The Board of Trustees shall hold their first regular meeting within three days after the annual Village meeting; and shall hold such other regular meetings as the bylaws may provide.

Subchapter 5: Fire Department

§ 251-501. Fire Chief and firefighters

(a) The Chief of the Fire Department, or in the absence of the Chief, the assistant engineer next in authority shall have power at fires to suppress tumults and riots, by force if necessary, to remove all effects endangered by such fire and protect the same from waste and depredation, to pull down or remove any building when the Chief deems it necessary to prevent the spreading of such fire, and for such acts the Fire Chief and those acting under the Chief's authority shall not be held personally responsible.

(b) It shall be the Chief's duty, under the direction of the Board of Trustees, to inspect the manufacture or keeping of gun powder, lime, ashes, matches, lights, gasoline, fireworks, and other combustibles, and the construction and repairs of fireplaces, chimneys, and stoves within the Village, and if the Chief deems the same dangerous to the safety of the inhabitants, the Chief shall by order in writing approved by the Board of Trustees and recorded by the Clerk and delivered to the person so conducting such manufacturing, keeping, construction, or repairs direct in what way to construct the same, and any person neglecting or refusing to obey any such order so made, recorded, and delivered shall be punished by a fine as established by ordinance or bylaw with costs of prosecution.

(c) The duties of the Chief may also include ex-officio Fire Warden and Emergency Management Director. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-502. Firefighting apparatus

All apparatus for the extinguishment of fires and the rooms for storing the same, owned or leased by the Village, and all fire companies organized under the authority of said Village, shall be under the direction and control of the Chief of the Fire Department; and the Chief shall make a detailed report to the Board of Trustees before each annual meeting of the condition of the Fire Department.

Subchapter 6: Streets And Highways

§ 251-601. Highway Superintendent

The Highway Superintendent shall, under the direction and control of the Board of Trustees, have in charge the building and repairing of all the highways, streets, lanes, and sidewalks in the Village; the Superintendent shall keep such accounts relating thereto as the Board of Trustees may direct, and shall at all times have the same ready for inspection by the trustees or any of them, and furnish a copy thereof to the auditors when required at least three days before the annual meeting. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-602. Highway tax rate

The Village of North Bennington shall establish its own highway tax rate. The voters in said Village shall not vote for Road Commissioner at a Town meeting of the Town of Bennington.

§ 251-603. Board of Trustees; authority with respect to roads, streets, and sidewalks

The trustees of said Village shall have the same power whenever in their judgment the public good requires, to take gravel, earth, stone, and other materials to repair or build a road, street, or sidewalk in said Village, as is now vested in the selectboard of towns for the taking of such materials to build or repair highways therein, and in such taking by said trustees the same proceedings shall be had as provided by law for the taking thereof by selectboards.

Subchapter 7: Police Department

§ 251-701. Police Department; appointment; duties

(a)(1) The Board of Trustees may also appoint a Chief of Police and not more than five additional police officers, except on public occasions, when they may appoint such number of special police for that occasion as they may think necessary, by appointment in writing under their hands, who shall be qualified by taking the oath of office, and causing their appointments to be recorded by the Clerk of the Village.

(2) Any such appointment may be revoked by the Board, in its discretion, which revocation shall also be in writing and be recorded by the Clerk.

(b) The Chief of Police and other police officers shall, by virtue of their appointment be constables, informing officers, and conservators of the peace within the Village, and may serve any criminal process throughout the County of Bennington returnable within the Village or to the County Court within and for the County of Bennington; and they may commit any person convicted of a violation of any bylaw, regulation, or ordinance of the Village or any provision of this chapter, or any law of the State, upon mittimus, to the common jail in Bennington County; and they shall be proper officers in justice criminal courts held within the Village, with full power to empanel, draw, and summon jurors before such justice courts.

(c) Police officers shall be entitled to receive the same fees as constables would be entitled to receive for the same services.

(d) Police officers shall have the same right to demand assistance from any person or persons which sheriffs and constables now have, and any person refusing to assist such police officer shall be subject to the same fines and penalties as now provided by law for refusing to assist a sheriff or constable. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

Subchapter 8: Sewer, Water, And Light Systems

§ 251-801. Construction and maintenance of reservoir

The said Village shall also have authority and power to construct, maintain, and repair a reservoir or reservoirs, pumps, engines, and apparatus, take, purchase, and acquire, as in this act provided, any ponds, springs, streams, water courses, real estate, water rights, flowage rights, and easements necessary for its purposes within the limits of the Towns of Bennington, Shaftsbury, and Glastenbury in the County of Bennington 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, springs, and streams, and may enclose such ponds, 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 and reservoirs, lay pipes and aqueducts and connect the same with the main aqueduct as may be necessary to convey the water when taken as aforesaid to the reservoirs of said Village and distribute the same through said Village for the purpose of supplying the inhabitants thereof and of the Towns of Bennington or of the adjoining Town of Shaftsbury, with water for fire, domestic, and other purposes; but said Village shall not take, otherwise than by purchase, the water of any stream, spring, pond, or reservoir owned by or used in other municipalities for like purposes or which the owner or lessee or other person having a vested right or interest in said water or use thereof, may reasonably require for domestic use or the watering of animals on the premises where such water may be in use.

§ 251-802. Use of land for reservoir

Said Village 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 and repairing of the same, from time to time, may open the ground in any streets, lanes, 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 the purposes aforesaid; provided that such streets, lanes, 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.

§ 251-803. Use of water; payment; inspection; damages

The owner of any tenement, house, or building who shall take the water of said Village shall be liable for the rent or the price of the same, and the officers and agents of said corporation entrusted 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 corporation shall use any of said water, an action of tort under this statute may be maintained against such person by said corporation for the recovery of damages therefor and such action may be commenced and prosecuted by the Board of Water Commissioners in the name of said Village.

§ 251-804. Unauthorized diversion and malicious damage

Any person who shall willfully, wantonly, or maliciously divert the water or part thereof of any of the ponds, springs, streams, aqueducts, water courses, or reservoirs, which shall be taken, used, or constructed by the Village, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or within the limits that may be taken or prescribed by the Village pursuant to the provisions of this chapter, or maliciously injure or destroy any dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant, structure, pump, machinery, or other property owned, held, or used by the Village under the provisions of this chapter, shall be liable to the Village, in treble damages therefor, to be recovered in an action of tort founded on this statute. Such action may be commenced and prosecuted by the Board of Water Commissioners in the name of the Village. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-805. Sewers and drains

(a) The Trustees shall have the care and supervision of the public sewers and drains of the Village and shall see that the same are properly constructed and maintained, and that the sewers or drains from abutting or adjacent property are properly connected with the public sewer or drain.

(b) Whenever a Sewer Commissioner is appointed by them, as in this charter provided, the Trustees may delegate to the Commissioner the performance of such of the foregoing duties as they may see fit.

(c) If in the judgment of the Board of Trustees the public good and necessity and convenience of individuals shall require the construction of a sewer system in the Village or a sewer main through the principal streets thereof, the Trustees are hereby authorized and empowered to lay out and construct such sewer system or sewer main and may from time to time extend the same as the public good and the necessity and convenience of individuals shall require, and when constructed, the same shall be under the care and control of the Board of Trustees or the Sewer Commissioner as herein provided. The Trustees are also authorized and empowered to lay out and construct the sewer main or parts of the system through lands of individuals or corporations, whenever, in the judgment of the Board, the public good shall so require, provided compensation for damages sustained by private individuals is made to them by the Village. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-806. Connections to sewer system

After such system of sewers or mains has been constructed as above provided, each and every owner of a house or other building in said Village situate upon any highway, street, lane, or alley through which a sewer main has been so laid out and constructed, shall, when requested by the trustees, cause to be constructed under the direction of the Commissioner a sewer or drain from such house or other building to the nearest sewer main and connected therewith so as to take all the sewage from and around said house or building and discharge the same into such sewer main. In case any person or corporation owning a house so situate shall fail or neglect to construct such branch sewer from such house, it shall be the duty of the Sewer Commissioner to give such person notice in writing, recorded by the Clerk, requiring the person to build such branch sewer from the person's premises to the main sewer; and in case any such person does not construct such branch sewer within 30 days from the time of receiving said notice, it shall be the duty of the Board of Trustees to declare said premises a nuisance, and said Board of Trustees may direct the Sewer Commissioner who is hereby authorized and empowered so to do to enter upon said premises and properly construct said branch sewer, and the person upon whose premises such branch sewer has been so constructed shall pay to the Treasurer of said Village forthwith upon the completion of work all expense which the Sewer Commissioner has incurred in the construction of such branch sewer, and upon neglect of such person to pay the same then the corporation shall have an action founded on this statute to recover such expenses and said premises shall be holden for the payment of any judgment recovered in such action, and no homestead shall be exempt from attachment and execution in such action.

§ 251-807. Entry onto land for construction

The trustees shall have authority to enter upon private lands or property to clear out, open, or construct any drain or ditch which, in their judgment, is required or necessary to receive or carry off the surface water falling or flowing upon the streets or highways in said village and likely to do damage thereto, or to render the same dangerous to public travel, and to clean out, open, or increase the capacity of any water course or ditch or drain which now receives all or any part of such water upon payment or tender thereof to the party injured thereby, damages by the party sustained by reason thereof.

§ 251-808. Electric light plant

The Village shall also have authority to construct and maintain an electric or other light plant, for the purpose of lighting the streets, walks, and public grounds of said Village, and the lighting any buildings therein, and for this purpose may take or purchase, acquire, and hold any water power, land, and rights of way in said Town, needed for the construction, maintenance, and operation of said light plant, as provided in this act, and may use any public highway over which it may be necessary or desirable to pass with the poles and wire or other conduits of the same, provided the use of such highway for the purpose of public travel is not thereby necessarily impaired.

§ 251-809. Furnishing of water

Said Village shall have authority to contract for the furnishing of water to said Village for extinguishing fires, sprinkling the streets, supplying drinking places, or other public uses, and may contract for the furnishing of lights or the light of streets, sidewalks, or any public grounds, or for the lighting or heating of any building used by said Village, and may levy and collect a tax to provide funds to meet such contracts.

§ 251-810. Rights-of-way of public service corporation

If in the construction, completion, maintenance, or future extension of said water system it becomes necessary, in order to complete said system or to convey water to the said Village or its inhabitants, to lay the water pipes or mains of said system across premises or a right-of-way owned by a public service corporation and already devoted to a public use and in case said Village and said corporation cannot agree as to the place and manner in which said water pipes or mains shall be laid across such premises or right-of-way or upon the amount to be paid therefor, or in case said corporation refuses to permit said Village to lay its water pipes or mains across said premises or right-of-way, the said Village or said corporation may petition the Public Service Commission which after due notice and hearing to the parties interested shall determine whether it is necessary that said water pipes or mains may be laid across said premises or right-of-way and if so in what place and manner and if so, what amount shall be paid therefor and to whom it shall be paid. The orders and findings of said Commission shall be subject to appeal or exception to the extent and in the manner now provided by the general law of Vermont in the case of the condemnation of land for railroad purposes.

§ 251-811. Rates for water

The inhabitants of said Village and of those parts of said Towns of Bennington and Shaftsbury to which said Board of Water Commissioners may decide to extend said system shall be entitled to water from said system at reasonable rates and under reasonable rules and regulations, not in conflict with the deed to said Village from said Laura H. Jennings, or her heirs, administrators, or executors.

§ 251-812. Prohibition on taxation, assessment, or encumbrance of water works

The Village of North Bennington shall never tax or assess said system of water works or the income thereof, and shall never mortgage or encumber the same or allow or permit the same to be encumbered.

§ 251-813. Board of Water Commissioners

The entire management and control of the said water system and property shall be vested in the Village of North Bennington acting through a Board of Water Commissioners, five in number, at least four of whom shall be residents of the Village of North Bennington. Vacancies in their number caused by death, resignation, completion of term, removal, or any other cause shall be filled by the Trustees of said Village. If a majority of the remaining Commissioners proposes to Trustees, in writing, within 15 days of the occurrence of any vacancy, at least two qualified candidates for each such vacancy, the Trustees shall appoint one of the two qualified candidates. If such nominations are not made within 15 days, or if the Trustees in their sole discretion conclude that not all of the candidates are qualified, then the Trustees may appoint a new commissioner of their sole choice. Commissioners may be recalled without cause by vote of a majority of Commissioners and of at least 75 percent of the Trustees. The Commissioners shall serve a term of five years. The Commissioners shall elect a Chair annually, who shall serve for no more than three consecutive one-year terms as Chair. The Commissioners may vote to create other officers in their discretion. The Board shall meet at least monthly. Water Commissioners may be paid an annual stipend in an amount determined by the Trustees. (Amended 1989, No. M-21 (Adj. Sess.), § 2, eff. Oct. 3, 1990.)

§ 251-814. Gross income of water works

The gross income from said system of water works shall from time to time as collected be paid into the Village treasury and the same shall by the Treasurer be kept separate and apart from all other moneys of the Village and a separate account of the same showing all moneys received and payments therefrom shall be kept by the Treasurer.

§ 251-815. Payment of water works' funds

No money from said system of water works shall be paid out from the treasury of said Village except upon the written order of a majority of the Board of Water Commissioners.

§ 251-816. Board of Water Commissioners' rules

The said Board of Water Commissioners shall adopt rules and regulations and a proper system of bookkeeping for the keeping of accurate accounts of the receipts and income received by it for water or from any other source from or for said system of water works and it shall show the rents and charges paid by every person, the kind and extent of service

rendered him or her and when and where, and how much rent there may be overdue, if any. Said accounts shall also show all the sums expended and the purpose for which the sums are expended and said accounts shall, at all times, be kept separate from all accounts of said Village, and shall be public accounts and shall be open to public inspection.

§ 251-817. Prohibition on abatement of water rates

Neither said Village nor said Board of Water Commissioners shall abate the water rates or rents except overcharges.

§ 251-818. Annual net income of water works

The annual net income from said system of water works, as defined by said deed from the said Laura H. Jennings or her heirs, administrators, or executors shall be used for the following purposes, viz., If the said Village installs a sewer system within seven years from date the said annual net income and the accumulation thereof not exceeding in the whole the sum of \$30,000.00 shall be used by the said Board of Water Commissioners to pay the cost thereof or to pay any bonds which the Village may incur or any indebtedness which the Village may incur (including interest thereon) for the building of a Village sewer system, not exceeding said sum of \$30,000.00. This provision shall not include the cost of future extensions of said sewer but only the initial cost thereof said cost, bonds, or indebtedness for said sewer system shall be canceled when paid and shall not be a claim of the Water Department against said Village or any department thereof. After the cost of said sewer system is paid or after said sewer bonds or indebtedness, with interest, are paid, or if said sewer system is not installed within said seven years, said annual net income shall not be used for the ordinary purposes of said Village or for the ordinary purposes for which money is usually required by law to be raised by taxation, but, subject to the foregoing restriction, shall be expended by said Board of Water Commissioners for the improvement and betterment of the inhabitants of the Village of North Bennington in such ways as the said Board of Water Commissioners may judge best.

§ 251-819. Annual report

Said Board of Water Commissioners shall make a report to the annual meeting of said Village each year showing the receipts and disbursements of their department and the general condition thereof.

§ 251-820. Staff assistance

Said Board of Water Commissioners may employ and pay from the receipts of the water system such assistance, clerical or otherwise, as they deem necessary.

Subchapter 9: Bonded Indebtedness

§ 251-901. Bonding for water and sewer systems and light plant

The Village at an annual or special meeting called for that purpose, is hereby authorized and empowered to borrow money for any of the purposes herein mentioned, including the construction and establishment of a water system, sewer system, and light plant, and to issue notes and bonds therefor, and such notes or bonds shall be signed by the Board of Trustees and countersigned by the Treasurer of the Village, and payable at times and in a manner as the Board may direct. However, no vote to borrow, or for the issue of orders therefor, shall be taken at any meeting for which the purpose is not specified in the warrants. Before the orders shall issue, a record thereof shall be made in a book kept for that purpose by the Treasurer. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-902. Maximum bonded indebtedness

(a) The total amount of the bonded or other outstanding indebtedness of said Village at any one time, however, shall not exceed 10 percent of the assessed valuation of the property therein; and said Village may refund its outstanding legal indebtedness by issuing its notes or bonds therefor subject to the provision of this section.

(b) This section shall not be construed to prevent the Village issuing its orders to borrow money to provide for current necessary expenses in any year; said orders, however, to be retired from the avails of taxes appropriated for the purpose by the Village that year.

Subchapter 10: Taking Of Property

§ 251-1001. Compensation for taking

Whenever, to exercise or carry into effect any of the powers hereinbefore vested in said Village, or the trustees thereof, the public good or the necessity of said Village shall, in the judgment of the trustees, require the entering upon or the taking by the Village, or by the trustees in its behalf, of water, land, or real estate, or any interest therein of any person or corporation, and such person or corporation disputes the necessity of such taking, or if the damages therefor cannot be adjusted by agreement, the matter shall be determined by the trustees of said Village, after hearing all parties interested. Such hearing shall be had upon written notice of the time and place thereof, given at least 10 days before the hearing, which notice shall substantially describe the waters, lands, or privileges desired; and said trustees shall within 10 days after such hearing file their decision and award in the Town Clerk's office of the town where the property is situated, and cause the same there to be recorded and shall at the same time file in such office a description of the waters, lands, or privileges so taken, sufficiently accurate for the identification; and if no appeal is taken from the decision and award of said trustees, as hereinafter provided, they shall, upon payment or tender of the amount awarded by them to the persons entitled thereto, be authorized to proceed under the provisions of this act, without further hindrance or liability for damages.

§ 251-1002. Petition for appeal of compensation award

When any person or corporation interested in any property or rights taken under this act shall be dissatisfied with the decision of said trustees as to the necessity for or extent of such taking, or with the award of damages, the person may petition the Bennington County Court for a rehearing in the premises, and any number of person aggrieved may join therein; but such petition shall not delay said Village or its Board of Trustees in taking possession and control of such waters, lands, or privileges, where such petition relates to the matter of damages only.

Such petition shall be served on the Clerk of the Village within 60 days after the filing of the decision and award of the trustees, as hereinbefore provided, and at least 12 days before the term of Court to which it is made returnable; and such proceedings shall be had in said Court, on said petition, except as herein otherwise provided as are provided by sections 816 and 817 of Vermont Statutes, and the amendments thereof, relating to the taking of land for school purposes.

Subchapter 11: Powers Of Village Trustees

§ 251-1101. Designated powers

The trustees of said Village shall have the power:

1. To establish and regulate a market, and to regulate and license the selling and peddling of meat, fish, and other provisions from vehicles within the Village.
2. To regulate, license, tax, and prohibit the exhibition of common showmen, circuses, menageries, and shows of every kind not prohibited by law, and all plays, exhibitions, or entertainments for money.
3. To regulate the speed for riding or driving horses, teams, or bicycles, and the use of automobiles, cars, and other vehicles within said Village.
4. To regulate the making of alterations and repairs of stove pipes, furnaces, fireplaces, and other things, from which damage from fire may be apprehended; to regulate the use of buildings in crowded localities for hazardous purposes; to provide for exits and fire escapes from all public buildings and rooms; and to provide for the preservation of buildings from fire by precautionary measures and inspection.
5. To regulate the manufacture and keeping of gunpowder, ashes, lime, matches, gasoline, fireworks, and other dangerous explosives and combustible materials.
6. To regulate the grade of streets and the grade and width of sidewalks, and the construction thereof, and protect the same.
7. To regulate porters, truckmen, cartmen, and cartage, also hackney coaches, cars, and carriages and their drivers.

8. To regulate and determine the time and place of bathing in any of the public waters within the Village, and to prevent the same.
9. To regulate and direct the location and management of all slaughtering houses, markets, blacksmith shops, and all like industries.
10. To regulate and restrain the use of rockets, squibs, firecrackers, or other fireworks in the streets or on the commons or parks of the Village.
11. To regulate and restrain coasting, ball playing, or other sports upon the streets, sidewalks, parks, or common of said Village.
12. To regulate and restrain the keeping and running at large of animals and fowls in said Village.
13. To regulate and restrain the putting up or suspending of any sign or awning in or over any street, lane, alley, common, or other public place in the Village; and to order and direct that signs and awnings heretofore erected or suspended as aforesaid, shall be changed, taken down, or removed.
14. To compel the owner or occupant of any unwholesome or offensive house or place to remove or cleanse the same from time to time, and as may be necessary for the health and comfort of the inhabitants of the Village.
15. To compel the cleansing and repairing of any premises when in such condition as to seriously impair the general appearance of the Village, and to be seriously injurious to any property therein, and to control the removal and disposition of rubbish, waste, and objectionable material therefrom.
16. To license victualing houses, billiard saloons, bowling alleys, shooting galleries, places of amusement, and auctioneers, under such regulations as may be prescribed therefor.
17. To restrain and prohibit all descriptions of gaming and gambling; and to provide for the destruction of all instruments and devices used for that purpose.
18. To abate and remove nuisances, and to restrain and suppress houses of ill-fame and disorderly houses.
19. To prevent riots, noises, disturbances, or disorderly assemblages.
20. To prevent cruelty to animals.
21. To provide for policing and lighting its streets, sidewalks, parks, commons, and public buildings.
22. To provide for the care, preservation, and improvement of public grounds and the planting, maintenance, and trimming of shade and ornamental trees in the public streets and parks, and for the removal of the same whenever the public good or convenience requires.
23. To prohibit willful injury to trees planted for shade, ornament, convenience, or use, public or private, and to prevent and punish trespasses or willful injuries to or upon public buildings, parks, squares, commons, cemeteries, or other property.
24. To fix and determine the location, as well as the method of construction and the manner of operation of any railroad or railway hereafter to be constructed in or through said Village, and to demand, impose, and enforce such terms, conditions, and regulations for the construction and operation of any such railroad or railway, and for the use of any portion of any street or highway in said Village by any railroad company, and to fix and regulate the location, construction, maintenance, and operation of any telegraph, telephone, electric light, gas, electric power or water line, plants, or systems, including such sum or sums to be paid said Village for the use of any street or highway for any or all of said purposes, and for the purpose of laying, maintaining, and operating the plant or appliances therein, or for the purpose of therein locating and maintaining any poles, wires, pipes, or other apparatus in or under the surface of any street or highway and to prohibit the use of such street or highway by such company or person until such terms have been complied with, and no such railroad, railway, telegraph, telephone, electric light, gas, or water lines shall be located or constructed in or through said Village without the consent of the trustees thereof.
25. To establish regulations not inconsistent with law for the conduct of elections in said Village.

26. To establish taxi stands and cab stands and to issue licenses therefor.

27. To regulate traffic, to establish one-way streets, and to regulate the times and places for parking.

28. To regulate building and to establish fire and building zones so as to reduce or prevent fire hazard and so as to prevent the erection of manufacturing and mercantile buildings in residential zones and so as to preserve the alignment of buildings at uniform distance from the street.

Subchapter 12: Bylaws And Ordinances

§ 251-1201. Amendment and repeal

The said trustees may make, alter, amend, or repeal any ordinance, bylaw, or regulation which it deems necessary and proper for carrying into execution the foregoing powers or for the well-being of said Village, and which is not repugnant to the Constitution or laws of this State or of the United States; and to provide penalties for the breach thereof; and public notice of such bylaws, regulations, and ordinances shall be given by posting a notice thereof in at least three public places in said Village, not less than five days before the same shall take effect; all fines, penalties, taxes, and moneys paid for, licenses thereby provided shall belong to the Village and be paid to its Treasurer.

§ 251-1202. Recordation and certification

The bylaws, rules, regulations, and ordinances of said Village shall be recorded in the office of the Clerk of said Village, and the Clerk's certificate that such bylaws, rules, regulations, or ordinances have been passed or adopted shall be prima facie evidence of such fact in any court in this State, and certified copies of said bylaws, rules, regulations, and ordinances and Clerk's certificates shall also be received as evidence in all the courts of this State.

§ 251-1203. Fines

(a) For the breach of any bylaw, rule, regulation, or ordinance, the Village may impose a fine as specified therein. The court or Judicial Bureau shall impose the costs of prosecution in addition to the fine, in case of a conviction, and when it is necessary to abate a nuisance, the expense of abatement may be imposed upon the delinquent in addition to such fine and costs.

(b) If any person while residing without this State and while owning real or personal property within the Village shall with and by means of the real or personal estate or by his or her agents and servants violate any of the ordinances which the Village is authorized to make, the Village may sue for and recover the penalty for violation of such ordinance in an action founded on this statute and shall proceed in the same manner as by law is now provided in civil actions against persons residing without the State. (Amended 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)

§ 251-1204. Prosecutions

The trustees of the Village and any informing or prosecuting officer of the Town or County of Bennington may prosecute for violations of the charter; or the ordinances, bylaws, and regulations of said Village.

Subchapter 13: Amendment And Repeal Of Charter

§ 251-1301. Amendment and repeal

This charter shall be subject to future legislation to alter, amend, or repeal.

§ 251-1302. [Transitional provisions related to approval of the charter and effective date]

Subchapter 14: Appendix

§ 251-1401. Boundaries

(a) All that portion of the Town of Bennington in the County of Bennington that is embraced within the following described limits, viz.:

It being the same territory that on the 10th day of May, 1866, the Selectboard of Bennington, pursuant to law, set out as and for the Village of North Bennington, the bounds of which in their order so setting out the Village of North Bennington were as follows, viz.:

Commencing on the north line of the Town of Bennington at the northeast corner of lands belonging to Robinson and Parsons; thence westerly on the north line of the Town of Bennington to the west side of Sidney Colvin's land; thence southerly on the west line of Sidney Colvin's land to the highway leading from North Bennington Village to Richard Henry's dwelling house; thence westerly on the north side of the highway to a point due north from the northwest corner of T. W. Park's home farm; thence across the highway southerly and following the westerly boundary of T. W. Park's farm to the southwest corner thereof; thence easterly on the south side of the Park's farm to the road leading by the Milo Hinsdill place; thence southerly on the west side of the road to a point due west from the southwest corner of Hiram Richardson's land; thence easterly across the road and following the south line of the Richardson's land to the highway; thence easterly across the highway to the southwest corner of Hall Brothers' land; thence on the south line of the Hall Brothers' land to the southeast corner thereof; thence northerly on their east line to the northwest corner of the Fasset farm; thence easterly on the north line of the Fasset farm to the highway leading from North Bennington Village to the Edgerton place; thence on the west side of the highway southerly and on the south side of the highway easterly to the southeast corner of the Harvey farm recently bought by T. W. Park; thence northerly on the east side of the Harvey farm to the northeast corner thereof; thence northerly across the highway and following the boundaries of Robinson and Parsons land to the place of beginning which the proceedings so setting out the Village, were recorded on the 11th day of May, 1866, in the Bennington land records in book E on page 310 thereof.

(b) Also a parcel of contiguous land bounded and described as follows, namely:

Beginning at a point on the highway running easterly from the Village of North Bennington, now known as Mechanics Street in the Village at the northeasterly corner of lands owned by the late T. W. Park, and being the same point mentioned in the above description as the northeast corner of the Harvey farm; thence on the east line of the Park's land south two degrees west thirty five rods twenty links to the northerly line of the Park's land; thence on the northerly line east six and one-half degrees south seven rods and nine links; thence north eleven degrees east thirty and one-half rods to the southerly side of the highway; thence on the southerly side of the highway west thirty degrees north thirteen and one-half rods to the place of beginning; containing two acres of land, more or less, and being the same parcel of land that was annexed to the present Village of North Bennington by vote of the corporation at the annual meeting held on the 20th day of March, A. D., 1888.

(c) The following described portion of the Town of Bennington, in the County of Bennington embraced within the following described limits is hereby added to and made a part of the Village of North Bennington, viz; commencing at the southwest corner of the old T. W. Park farm now said to be owned by the estate of John G. McCullough; thence south 74 degrees 30 minutes east 107 feet along the north line of property belonging to Charles Hinsdill to the northeast corner thereof; thence south 56 degrees 45 minutes west 799 feet along the west line of the Henry woods, so-called, to the south line of the woods; thence south 20 degrees 15 minutes east 417 feet, following the fence along the south line of the woods to the McCullough estate's west line; thence south 66 degrees west 717 feet along the McCullough estate's west line to the north line of a cross road leading from Hindillville, so called, to Sodom, so called, by the Charles Hinsdill farm; thence easterly following the northerly boundary of the aforesaid road 1504 feet to a point opposite the center line of the covered bridge called the Henry Bridge; thence south 31 degrees 50 minutes west to the north abutment of the bridge; thence easterly following along the north bank of the Walloomsac River, so called, to a point in line with the east line of property belonging to Charles Wood; thence north 15 degrees 26 minutes 56 seconds east, crossing the tracks of the Vermont Company and the concrete highway leading from the Village of Bennington to the Village of North Bennington to the southeast corner of the Charles Wood property; thence north 15 degrees, 26 minutes 56 seconds east 2188 feet along the Wood's east line to the south line of property belonging to Mrs. F. B. Jennings; thence north 15 degrees 26 minutes 56 seconds east 818.31 feet along the Jennings' line to a corner marking the intersection of an easterly boundary of the Jennings' land; thence north 72 degrees 39 minutes 18 seconds east 2285.36 feet through the Jennings' land to a point in the south line of the private drive owned by Jennings leading easterly to the highway; thence running along the southerly boundary of the Village of North Bennington as heretofore established by law, the southerly line running from the above

described point in the south line of the private drive south-westerly to the west line of the highway leading from H. C. White Company's factory, northerly to the Village of North Bennington, and thence northerly on the west side of the highway and thence westerly on the southerly line of the Village as heretofore established, to the point of beginning.

(d) The following described lands within the Town of Bennington in the County of Bennington are hereby annexed to and made a part of the Village of North Bennington, viz:

PARCEL NO. 1:

Beginning at a point on the south side of Town Highway No. 118 (Harland Road, so called) where the present Village line intersects with the highway, and thence running easterly along the south boundary of Town Highway No.118 to its intersection with the West boundary of Town Highway No. 117 (Mattison Road, so called); thence running easterly across the highway to the easterly side thereof; thence northeasterly along the east boundary of Town Highway No. 117 to the southwest corner of lands of Buchsbaum; thence continuing along the south line of Buchsbaum's land to its southeast corner; thence running northeasterly along Buchsbaum's east line to its intersection with lands of G. D. Mattison on the south line of the Mattison's lands; thence running easterly along Mattison's south line to the west line of the right-of-way of the Rutland Railroad Corporation; thence in a north-westerly direction following the southwesterly boundary of the Rutland Railroad Corporation right-of-way to the point of its intersection with the present Village line; thence running in a generally southerly direction following the present Village line to the place of beginning.

PARCEL NO. 2:

Beginning at a point on the south line of the Town of Shaftsbury where the present Village line turns south through lands of Colvin; thence running westerly along the south line of the Town of Shaftsbury along or through lands of Colvin, Jolivette, and Thurber to the west line of Thurber's land; thence running southerly along the west line of Thurber to the north line of West Street Extension, so called; thence running easterly along the north line of West Street Extension to the point of its intersection with the present Village line; thence continuing easterly and then northerly following the present Village line to the place of beginning. (Added 2015, No. M-13 (Adj. Sess.), § 2, eff. Feb. 24, 2016.)