

No. M-3. An act relating to the codification of and approval of an amendment to the charter of Cold Brook Fire District No. 1.

(H.131)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendment to the charter of Cold Brook Fire District No. 1 as provided in this act. The proposal of amendment was approved by the voters on March 18, 2008.

Sec. 2. 24 V.S.A. App. chapter 507 is added to read:

CHAPTER 507. COLD BROOK FIRE DISTRICT NO. 1

§ 1. BOUNDARIES

The boundaries of Cold Brook Fire District No. 1 shall be as recorded in Book 111, page 184 et seq. of the land records of the town of Wilmington and in Book 86, page 5 et seq. of the land records of the town of Dover.

§ 2. PURPOSE

Cold Brook Fire District No. 1 is a fire district incorporated to construct, operate, and maintain sewers, waste treatment, and disposal facilities, and waterworks and a water company, and to own machinery, equipment, and personalty and real estate used in connection with the district.

§ 3. POWERS

The powers of Cold Brook Fire District No. 1 shall be as follows:

(1) To adopt the town manager system in compliance with chapter 37 of Title 24;

(2) To vote a tax upon the taxable estate within the district for the acquisition, construction, and maintenance of sewers and sewage treatment works, waterworks, water companies, and equipment and real estate used in connection with the district, including reservoirs and dams.

§ 4. PRUDENTIAL COMMITTEE; POWERS

The prudential committee:

(1) shall, with the collector, have the same power in assessing, levying, and collecting the tax as town officers have in assessing and collecting town taxes, including collection of interest and overdue taxes;

(2) may expend sums for acquiring, constructing, and maintaining sewers and sewage treatment works, waterworks, water companies, and all equipment and real estate used in connection with the district as the district shall vote;

(3) may use and occupy portions of the town highway within the district as may be necessary for the construction, installation, and maintenance of the facilities as long as those portions of town highways used are returned to existing or better condition and construction will not leave roads impassable for municipal services or emergency vehicles.

§ 5. FEES

(a) In addition to the specific powers conferred upon the district by statute, and by resolutions of the selectboards of the towns of Dover and Wilmington, Cold Brook Fire District No. 1 may, at a duly warned annual or special

meeting, vote to impose the following fees upon real property within the district:

(1) A general fee upon each unit within the district;

(2) A permitted use fee upon each unit within the district that has received either an allocation for water or sewerage use or plan approval for future development from a municipality or the state of Vermont; and

(3) A user fee upon each unit within the district that receives water or sewer services or which has available an unused water or sewer connection.

(b) An improved parcel requiring a daily design flow of up to 450 gallons per day shall constitute a unit. For improved parcels requiring additional design flow, the number of additional units shall be determined by dividing the design flow by 450 gallons and rounding the quotient to the first decimal place. An unimproved parcel of land shall constitute one unit unless the parcel is subject to a subdivision plan, in which case each lot identified in the subdivision shall constitute one or more units, in accordance with the design flow criterion set forth in this subsection. The number of units in an undeveloped townhouse village shall equal the number of units identified on the 1971 survey plan for the townhouse village on record in the town of Wilmington.

(c) In the first year following the effective date of this section, the district shall impose the following fees: the general fee and the permitted use fee shall not exceed \$75.00, and the user fee shall not exceed \$150.00. In any year

thereafter, the fees shall not increase by more than 10 percent from the previous year.

(d) The fees set forth in this section shall be a lien upon the assessed property in the same manner and to the same effect as taxes are liens on real estate under section 5061 of Title 32. The prudential committee and collector shall have the same power in assessing, levying, and collecting the fees as town officers have in assessing and collecting town taxes, including the power to collect interest and penalties on overdue payments.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: April 24, 2009