

1 H.505

2 Introduced by Representatives Corcoran of Bennington and Fields of
3 Bennington

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; municipal charters; Village of North
7 Bennington; amendment

8 Statement of purpose of bill as introduced: This bill proposes to approve
9 amendments to the charter of the Village of North Bennington.

10 An act relating to approval of amendments to the charter of the Village of
11 North Bennington

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

13 Sec. 1. CHARTER AMENDMENT APPROVAL

14 The General Assembly approves amendments to the charter of the Village
15 of North Bennington as set forth in this act. The voters approved the charter
16 amendments on March 3, 2015.

1 Sec. 2. 24 App. V.S.A. chapter 251 is amended to read:

2 CHAPTER 251. VILLAGE OF NORTH BENNINGTON

3 Subchapter 1. ~~Boundaries and~~ Corporate Existence

4 § 101. ~~BOUNDARIES AND~~ CORPORATE EXISTENCE

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

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

11 ~~Commencing on the north line of the Town of Bennington at the northeast~~
12 ~~corner of lands belonging to Robinson and Parsons; thence westerly on the~~
13 ~~north line of the Town of Bennington to the west side of Sidney Colvin's land;~~
14 ~~thence southerly on the west line of Sidney Colvin's land to the highway~~
15 ~~leading from North Bennington Village to Richard Henry's dwelling house;~~
16 ~~thence westerly on the north side of said highway to a point due north from the~~
17 ~~northwest corner of T. W. Park's home farm; thence across the highway~~
18 ~~southerly and following the westerly boundary of T. W. Park's said farm to the~~
19 ~~southwest corner thereof; thence easterly on the south side of said Park's farm~~
20 ~~to the road leading by the Milo Hinsdill place; thence southerly on the west~~
21 ~~side of said road to a point due west from the southwest corner of Hiram~~

1 ~~Richardson's land; thence easterly across said road and following the south~~
2 ~~line of said Richardson's land to the highway; thence easterly across the~~
3 ~~highway to the southwest corner of Hall Brothers' land; thence on the south~~
4 ~~line of said Hall Brothers' land to the southeast corner thereof; thence~~
5 ~~northerly on their east line to the northwest corner of the Fasset farm; thence~~
6 ~~easterly on the north line of the Fasset farm to the highway leading from North~~
7 ~~Bennington Village to the Edgerton place; thence on the west side of the~~
8 ~~highway southerly and on the south side of the highway easterly to the~~
9 ~~southeast corner of the Harvey farm recently bought by T. W. Park; thence~~
10 ~~northerly on the east side of said Harvey farm to the northeast corner thereof;~~
11 ~~thence northerly across the highway and following the boundaries of Robinson~~
12 ~~and Parsons land to the place of beginning which said proceedings so setting~~
13 ~~out said Village, were recorded on the 11th day of May, 1866, in the~~
14 ~~Bennington land records in book E on page 310 thereof.~~

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

17 ~~Beginning at a point on the highway running easterly from the Village of~~
18 ~~North Bennington, now known as Mechanics Street in said Village at the~~
19 ~~northeasterly corner of lands owned by the late T. W. Park, and being the same~~
20 ~~point mentioned in the above description as the northeast corner of said Harvey~~
21 ~~farm; thence on the east line of said Park's land south two degrees west thirty~~

1 ~~five rods twenty links to the northerly line of said Park's land; thence on said~~
2 ~~northerly line east six and one half degrees south seven rods and nine links;~~
3 ~~thence north eleven degrees east thirty and one half rods to the southerly side~~
4 ~~of said highway; thence on the southerly side of said highway west thirty~~
5 ~~degrees north thirteen and one half rods to the place of beginning; containing~~
6 ~~two acres of land, more or less, and being the same parcel of land that was~~
7 ~~annexed to the present Village of North Bennington by vote of the corporation~~
8 ~~at the annual meeting held on the 20th day of March, A. D., 1888.~~

9 ~~(c) The following described portion of the Town of Bennington, in the~~
10 ~~County of Bennington embraced within the following described limits is~~
11 ~~hereby added to and made a part of the said Village of North Bennington, viz;~~
12 ~~commencing at the southwest corner of the old T. W. Park farm now said to be~~
13 ~~owned by the estate of John G. McCullough; thence south 74 degrees 30~~
14 ~~minutes east 107 feet along the north line of property belonging to Charles~~
15 ~~Hinsdill to the northeast corner thereof; thence south 56 degrees 45 minutes~~
16 ~~west 799 feet along the west line of the Henry woods, so called, to the south~~
17 ~~line of said woods; thence south 20 degrees 15 minutes east 417 feet, following~~
18 ~~the fence along the south line of said woods to the said McCullough estate's~~
19 ~~west line; thence south 66 degrees west 717 feet along said McCullough~~
20 ~~estate's west line to the north line of a cross road leading from Hindillville, so~~
21 ~~called, to Sodom, so called, by the Charles Hinsdill farm; thence easterly~~

1 following the northerly boundary of the aforesaid road 1504 feet to a point
2 opposite the center line of the covered bridge called the Henry Bridge; thence
3 south 31 degrees 50 minutes west to the north abutment of said bridge; thence
4 easterly following along the north bank of the Walloomsac River, so called, to
5 a point in line with the east line of property belonging to Charles Wood; thence
6 north 15 degrees 26 minutes 56 seconds east, crossing the tracks of the
7 Vermont Company and the concrete highway leading from the Village of
8 Bennington to the Village of North Bennington to the southeast corner of said
9 Charles Wood property; thence north 15 degrees, 26 minutes 56 seconds east
10 218½ feet along said Wood's east line to the south line of property belonging
11 to Mrs. F. B. Jennings; thence north 15 degrees 26 minutes 56 seconds east
12 818.31 feet along said Jennings' line to a corner marking the intersection of an
13 easterly boundary of said Jennings' land; thence north 72 degrees 39 minutes
14 18 seconds east 2285.36 feet through said Jennings' land to a point in the south
15 line of the private drive owned by said Jennings leading easterly to the
16 highway; thence running along the southerly boundary of the Village of North
17 Bennington as heretofore established by law, said southerly line running from
18 the above described point in the south line of said private drive south westerly
19 to the west line of the highway leading from H. C. White Company's factory,
20 northerly to the Village of North Bennington, and thence northerly on the west

1 side of said highway and thence westerly on the said southerly line of said
2 Village as heretofore established, to the point of beginning.

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

6 PARCEL NO. 1:

7 Beginning at a point on the south side of Town Highway No. 118 (Harland
8 Road, so called) where the present Village line intersects with said highway,
9 and thence running easterly along the south boundary of Town Highway
10 No.118 to its intersection with the West boundary of Town Highway No. 117
11 (Mattison Road, so called); thence running easterly across said highway to the
12 easterly side thereof; thence northeasterly along the east boundary of Town
13 Highway No. 117 to the southwest corner of lands of Buchsbaum; thence
14 continuing along the south line of Buchsbaum's land to its southeast corner;
15 thence running northeasterly along Buchsbaum's east line to its intersection
16 with lands of G. D. Mattison on the south line of said Mattison's lands; thence
17 running easterly along Mattison's south line to the west line of the right of way
18 of the Rutland Railroad Corporation; thence in a north westerly direction
19 following the southwesterly boundary of the Rutland Railroad Corporation
20 right of way to the point of its intersection with the present Village line; thence

1 ~~running in a generally southerly direction following the present Village line to~~
2 ~~the place of beginning.~~

3 **PARCEL NO. 2:**

4 ~~Beginning at a point on the south line of the Town of Shaftsbury where the~~
5 ~~present Village line turns south through lands of Colvin; thence running~~
6 ~~westerly along the south line of the Town of Shaftsbury along or through lands~~
7 ~~of Colvin, Jolivette, and Thurber to the west line of Thurber's land; thence~~
8 ~~running southerly along the west line of Thurber to the north line of West~~
9 ~~Street Extension, so called; thence running easterly along the north line of~~
10 ~~West Street Extension to the point of its intersection with the present Village~~
11 ~~line; thence continuing easterly and then northerly following the present~~
12 ~~Village line to the place of beginning.~~

13 (e) ~~Shall~~ The geographical area as described in subchapter 14 of this
14 chapter shall hereafter be known by the name of the Village of North
15 Bennington, and by that name may have perpetual succession, may sue and be
16 sued, prosecute, and defend in any court, may have a common seal and alter it
17 at pleasure, may purchase, take, hold, and convey real and personal estate for
18 the use or benefit of said Village and generally shall have, exercise, and enjoy
19 all the rights, immunities, and privileges, and shall be subject to the duties,
20 liabilities, and obligations that are incident to public corporations in this State.

Subchapter 2. Annual and Special Meetings

§ 201. AUTHORIZATION FOR THE ASSESSMENT AND COLLECTION
OF PROPERTY TAXES

(a) ~~Said~~ The Village may, at an annual or special meeting warned for that purpose as ~~herein~~ 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 ~~herein mentioned~~ set forth in this chapter, and the Board of Trustees shall make out a rate bill accordingly and deliver the same to the ~~Collector~~ Treasurer, who shall have the same power to collect such tax as ~~the collector of town taxes~~ 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 ~~and for want thereof may upon proper warrant commit any person to jail against whom the Collector has such a tax and it.~~ It shall hereafter be the duty of the listers of ~~said the~~ the Town of Bennington in making the grand list of ~~said the~~ the Town to designate therein such of the ratable estate thereof as shall be within the limits of ~~said the~~ the Village.

(b) ~~The Village may vote to adopt the provisions of chapter 30 of Vermont Statutes and amendments thereto relating to the collection of taxes by the Village Treasurer.~~

§ 202. WARNING OF ANNUAL AND SPECIAL MEETINGS

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

(2) The meeting shall be warned by posting in three public places in ~~said~~ the Village, at least 12 days ~~previous~~ prior to ~~said~~ 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; ~~provided that if~~.

(3) If the annual meeting is not held, for want of the notice ~~hereinbefore mentioned~~ set forth in subdivision (a)(2) of this section, or for any other cause, the Village shall not thereby be prejudiced; ~~and~~.

(b) In addition, whenever 10 legal voters of ~~said~~ 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 ~~said~~ 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; ~~and in~~.

(d) In all meetings of ~~said~~ the Village, none but the ~~inhabitants~~ residents thereof qualified by law to vote in ~~Town~~ Village meetings ~~and who have~~

1 ~~resided at least three months within the bounds of said Village~~ shall be entitled
2 to vote.

3 § 203. ELECTIONS AT ANNUAL MEETINGS

4 (a) ~~Said~~ The Village shall, at every annual meeting elect ~~for the ensuing~~
5 ~~year~~ a Moderator, Clerk, Treasurer, ~~Collector, and~~ three auditors. ~~At the first~~
6 ~~annual meeting of said Village there shall be elected three trustees whose term~~
7 ~~of office shall be for one year and two trustees whose term of office shall be~~
8 ~~for two years; and at every annual meeting thereafter there shall be elected two~~
9 ~~trustees for the term of two years, and one trustee for the term of one year, and~~
10 ~~such additional Trustees may be elected as are necessary to fill vacancies, and~~
11 the number of trustees as are necessary to fill vacancies where terms of office
12 have expired or a member has resigned, died, or been removed in order to
13 make a full board of five trustees.

14 * * *

15 Subchapter 3. Village Officers

16 § 301. TERMS OF OFFICE

17 The term of office for all trustees shall be three years, staggered so that at
18 least one trustee is elected at any annual meeting. The Moderator, Clerk,
19 Treasurer, and auditors shall all serve a one-year term. The term of office of
20 all the Village officers shall commence on the day following their election,
21 unless otherwise provided ~~herein~~ in this chapter, and continue until their

1 successors are chosen and qualified. The term of the Treasurer shall coincide
2 with the Village's fiscal year (July-June).

3 § 302. COMPENSATION OF OFFICERS

4 The compensation of the Clerk; and Treasurer; ~~and Collector~~ shall be fixed
5 by the Village; the compensation of all other officers, servants, and employees
6 of the Village shall be fixed by the Board of Trustees, except as ~~herein~~
7 otherwise provided in this chapter.

8 § 303. BOARD OF TRUSTEES; GENERAL AUTHORITY

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

16 (b) ~~Said~~ The Board shall have power to abate taxes laid or assessed by
17 virtue of this ~~act~~ chapter, and also all highway taxes assessed against tax
18 payers of ~~said~~ the Village, and to remit fines imposed for the violation of the
19 bylaws or regulations of ~~said~~ the Village, ~~and to discharge offenders from~~
20 ~~imprisonment for the same~~. The power of ~~said~~ the Board to abate taxes shall

1 be subject to the same limitations and may be exercised for the causes provided
2 in ~~sections 3069 and 3070 of the general~~ Vermont Statutes law.

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

7 (d) The Board may fill any vacancy in any elective Village office, and a
8 person so appointed shall serve until a successor is elected, but the Village
9 may, at any time, at a meeting duly called for that purpose, fill such vacancy
10 for the unexpired term.

11 * * *

12 § 305. TREASURER ~~AND COLLECTOR OF TAXES~~

13 The Treasurer ~~and Collector of Taxes~~ shall perform for ~~said~~ the Village the
14 same duties required by law respectively of a town treasurer and collector of
15 town taxes and shall have the same powers, proceed in the same manner, be
16 subject to the same liabilities, and give such bonds to the Village as the ~~trustees~~
17 Board of Trustees may direct. A failure to give such bond within 10 days from
18 their election or appointment will render such office vacant.

19 * * *

Subchapter 4. Board of Trustees

§ 401. ELECTION OF CHAIR AND APPOINTMENTS

The Board of Trustees shall annually, at their first regular meeting, elect from their number a ~~Chairman~~ Chairperson and Vice Chairperson. They shall also appoint a Chief and two assistant engineers of the Fire Department, and may appoint a ~~Street Commissioner~~ 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. ~~Said~~ 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.

* * *

Subchapter 5. Fire Department

§ 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 to require the assistance of any and all inhabitants of said Village for the purposes aforesaid,~~ and for such acts the Fire Chief and

1 those acting under the Chief's authority shall not be held personally
2 responsible.

3 (b) It shall be the Chief's duty, under the direction of the Board of Trustees,
4 to inspect the manufacture or keeping of gun powder, lime, ashes, matches,
5 lights, gasoline, fireworks, and other combustibles, and the construction and
6 repairs of fireplaces, chimneys, and stoves within ~~said~~ the Village, and if the
7 Chief deems the same dangerous to the safety of the inhabitants, the Chief
8 shall by order in writing approved by the ~~trustees~~ Board of Trustees and
9 recorded by the Clerk and delivered to the person so conducting such
10 manufacturing, keeping, construction, or repairs direct in what way to
11 construct the same, and any person neglecting or refusing to obey any such
12 order so made, recorded, and delivered shall be punished by a fine ~~of not~~
13 ~~exceeding \$50.00~~ as established by ordinance or bylaw with costs of
14 prosecution.

15 (c) The duties of the Chief may also include ex-officio Fire Warden and
16 Emergency Management Director.

17 * * *

18 Subchapter 6. Streets and Highways

19 § 601. ~~STREET COMMISSIONER~~ HIGHWAY SUPERINTENDENT

20 The ~~Street Commissioner~~ Highway Superintendent shall, under the
21 direction and control of the Board of Trustees, have in charge the building and

1 repairing of all the highways, streets, lanes, and sidewalks in the Village; the
2 ~~Commissioner~~ Superintendent shall keep such accounts relating thereto as the
3 ~~trustees~~ Board of Trustees may direct, and shall at all times have the same
4 ready for inspection by ~~said~~ the trustees or any of them, and furnish a copy
5 thereof to the auditors when required at least three days before the annual
6 meeting.

7 * * *

8 Subchapter 7. Police Department

9 § 701. POLICE DEPARTMENT; APPOINTMENT; DUTIES

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

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

19 (b) ~~Such~~ The Chief of Police and other police officers shall, by virtue of
20 their ~~said~~ appointment be constables, informing officers, and conservators of
21 the peace within the Village, and may serve any criminal process throughout

1 the County of Bennington returnable within ~~said~~ the Village or to the County
2 Court within and for ~~said~~ the County of Bennington; and they may commit any
3 person convicted of a violation of any bylaw, regulation, or ordinance of ~~said~~
4 the Village or any provision of this ~~act~~ chapter, or any law of the State, upon
5 mittimus, to the common jail in Bennington County; and they shall be proper
6 officers in justice criminal courts held within ~~said~~ the Village, with full power
7 to empanel, draw, and summon jurors before such justice courts.

8 (c) ~~And such police~~ Police officers shall be entitled to receive ~~therefor~~ the
9 same fees as constables would be entitled to receive for the same services.

10 (d) ~~Said police officer~~ Police officers shall have the same right to demand
11 assistance from any person or persons which sheriffs and constables now have,
12 and any person refusing to assist such police officer shall be subject to the
13 same fines and penalties as now provided by law for refusing to assist a sheriff
14 or constable.

15 Subchapter 8. Sewer, Water, And Light Systems

16 * * *

17 § 804. UNAUTHORIZED DIVERSION AND MALICIOUS DAMAGE

18 ~~If any person willfully~~ Any person who shall willfully, wantonly, or
19 maliciously ~~diverts~~ divert the water or part thereof of any of the ponds, springs,
20 streams, aqueducts, water courses, or reservoirs, which shall be taken, used, or
21 constructed by ~~said~~ the Village, or shall corrupt the same, or make it impure, or

1 commit any nuisance therein, or shall bathe therein, or within the limits that
2 may be taken or prescribed by ~~said~~ the Village pursuant to the provisions of
3 this act, or maliciously injure or destroy any dam, embankment, aqueduct,
4 pipe, reservoir, conduit, hydrant, structure, pump, machinery, or other property
5 owned, held, or used by ~~said~~ the Village under the provisions of this act
6 chapter, ~~he or she~~ shall be liable to ~~said~~ the Village, in treble damages therefor,
7 to be recovered in an action of tort founded on this statute, ~~and any such person~~
8 ~~on conviction of either of the malicious acts aforesaid, shall be punished by a~~
9 ~~fine not exceeding \$100.00 or imprisoned in the house of correction not~~
10 ~~exceeding six months and such.~~ Such action may be commenced and
11 prosecuted by the Board of Water Commissioners in the name of ~~said~~ the
12 Village.

13 § 805. SEWERS AND DRAINS

14 * * *

15 (c) ~~Whenever, after there has been established in said Village a system of~~
16 ~~water works so that the inhabitants thereof may have the right to obtain from~~
17 ~~such system water for culinary and domestic purposes, if~~ If in the judgment of
18 the Board of Trustees the public good and necessity and convenience of
19 individuals shall require the construction of a sewer system in ~~said~~ the Village
20 or a sewer main through the principal streets thereof, ~~said~~ the trustees are
21 hereby authorized and empowered to lay out and construct such sewer system

1 or sewer main and may from time to time extend the same as the public good
2 and the necessity and convenience of individuals shall require, and when
3 constructed, the same shall be under the care and control of the Board of
4 Trustees or the Sewer Commissioner, as herein provided. ~~Said~~ The trustees are
5 also authorized and empowered to lay out and construct ~~said~~ the sewer main or
6 parts of ~~said~~ the system through lands of individuals or corporations,
7 whenever, in the judgment of the Board, the public good shall so require,
8 provided compensation for damages sustained by private individuals is made
9 to them by ~~said~~ the Village.

10 * * *

11 Subchapter 9. Bonded Indebtedness

12 § 901. BONDING FOR WATER AND SEWER SYSTEMS AND LIGHT
13 PLANT

14 ~~Said~~ The Village at an annual or special meeting called for that purpose, is
15 hereby authorized and empowered to borrow money ~~at the rate of not to exceed~~
16 ~~five percent, per annum, payable annually or semiannually~~ for any of the
17 purposes herein mentioned, including the construction and establishment of a
18 water system, sewer system, and light plant, and to issue notes and bonds
19 therefor, and such notes or bonds shall be signed by the ~~trustees~~ Board of
20 Trustees and countersigned by the Treasurer of ~~said~~ the Village, and ~~if interest~~
21 ~~coupons are attached they shall be signed by the Treasurer; and the bonds or~~

1 ~~notes shall contain a statement that they were issued for the purposes~~
2 ~~mentioned and in conformity with the provisions of this act, and such~~
3 ~~statement shall be conclusive evidence of the same, and of the liability of the~~
4 ~~Village to pay such notes or bonds in an action by a person who in good faith~~
5 ~~holds the same. The Village Treasurer shall keep a record of every note or~~
6 ~~bond issued under the provisions of this act, therein stating the number and~~
7 ~~denomination of each note or bond, when and where payable, to whom issued,~~
8 ~~and the rate of interest thereon; and also shall keep a record of payments,~~
9 ~~interest, and principal, and if any coupons are taken up, shall deface the same~~
10 payable at times and in a manner as the Board may direct. However, no vote
11 to borrow, or for the issue of orders therefor, shall be taken at any meeting for
12 which the purpose is not specified in the warrants. Before the orders shall
13 issue, a record thereof shall be made in a book kept for that purpose by the
14 Treasurer.

15 * * *

16 Subchapter 12. Bylaws and Ordinances

17 * * *

18 § 1203. FINES

19 (a) Said Village may impose a fine not exceeding \$100.00, for For the
20 breach of any bylaw, rule, regulation, or ordinance, the Village may impose a
21 fine as specified therein. The Court or Judicial Bureau shall impose the costs

1 of prosecution in addition to the fine, in case of a conviction, and when it is
2 necessary to abate a nuisance, the expense of abatement may be imposed upon
3 the delinquent in addition to such fine and costs ~~and if any person violates any~~
4 ~~ordinance or bylaws of said Village, he or she may on conviction thereof, be~~
5 ~~imprisoned in the common jail in the County of Bennington not exceeding 60~~
6 ~~days, in addition to or in lieu of said fine and costs, in the discretion of said~~
7 ~~Court.~~

8 (b) If any person while residing without this State and while owning real or
9 personal property within the Village, shall with and by means of ~~said~~ the real
10 or personal estate or by his or her agents and servants violate any of the
11 ordinances which ~~said~~ the Village is authorized to make, the Village may sue
12 for and recover the penalty for violation of such ordinance in an action founded
13 on this statute and shall proceed in the same manner as by law is now provided
14 in civil actions against persons residing without the State.

15 * * *

16 Subchapter 14. Appendix

17 § 1401. BOUNDARIES

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

20 It being the same territory that on the 10th day of May, 1866, the
21 Selectboard of Bennington, pursuant to law, set out as and for the Village of

1 North Bennington, the bounds of which in their order so setting out the Village
2 of North Bennington were as follows, viz.:

3 Commencing on the north line of the Town of Bennington at the northeast
4 corner of lands belonging to Robinson and Parsons; thence westerly on the
5 north line of the Town of Bennington to the west side of Sidney Colvin's land;
6 thence southerly on the west line of Sidney Colvin's land to the highway
7 leading from North Bennington Village to Richard Henry's dwelling house;
8 thence westerly on the north side of the highway to a point due north from the
9 northwest corner of T. W. Park's home farm; thence across the highway
10 southerly and following the westerly boundary of T. W. Park's farm to the
11 southwest corner thereof; thence easterly on the south side of the Park's farm
12 to the road leading by the Milo Hinsdill place; thence southerly on the west
13 side of the road to a point due west from the southwest corner of Hiram
14 Richardson's land; thence easterly across the road and following the south line
15 of the Richardson's land to the highway; thence easterly across the highway to
16 the southwest corner of Hall Brothers' land; thence on the south line of the
17 Hall Brothers' land to the southeast corner thereof; thence northerly on their
18 east line to the northwest corner of the Fasset farm; thence easterly on the
19 north line of the Fasset farm to the highway leading from North Bennington
20 Village to the Edgerton place; thence on the west side of the highway southerly
21 and on the south side of the highway easterly to the southeast corner of the

1 Harvey farm recently bought by T. W. Park; thence northerly on the east side
2 of the Harvey farm to the northeast corner thereof; thence northerly across the
3 highway and following the boundaries of Robinson and Parsons land to the
4 place of beginning which the proceedings so setting out the Village, were
5 recorded on the 11th day of May, 1866, in the Bennington land records in book
6 E on page 310 thereof.

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

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

1 (c) The following described portion of the Town of Bennington, in the
2 County of Bennington embraced within the following described limits is
3 hereby added to and made a part of the Village of North Bennington, viz;
4 commencing at the southwest corner of the old T. W. Park farm now said to be
5 owned by the estate of John G. McCullough; thence south 74 degrees 30
6 minutes east 107 feet along the north line of property belonging to Charles
7 Hinsdill to the northeast corner thereof; thence south 56 degrees 45 minutes
8 west 799 feet along the west line of the Henry woods, so-called, to the south
9 line of the woods; thence south 20 degrees 15 minutes east 417 feet, following
10 the fence along the south line of the woods to the McCullough estate's west
11 line; thence south 66 degrees west 717 feet along the McCullough estate's west
12 line to the north line of a cross road leading from Hindillville, so called, to
13 Sodom, so called, by the Charles Hinsdill farm; thence easterly following the
14 northerly boundary of the aforesaid road 1504 feet to a point opposite the
15 center line of the covered bridge called the Henry Bridge; thence south 31
16 degrees 50 minutes west to the north abutment of the bridge; thence easterly
17 following along the north bank of the Walloomsac River, so called, to a point
18 in line with the east line of property belonging to Charles Wood; thence north
19 15 degrees 26 minutes 56 seconds east, crossing the tracks of the Vermont
20 Company and the concrete highway leading from the Village of Bennington to
21 the Village of North Bennington to the southeast corner of the Charles Wood

1 property; thence north 15 degrees, 26 minutes 56 seconds east 218½ feet along
2 the Wood's east line to the south line of property belonging to Mrs. F. B.
3 Jennings; thence north 15 degrees 26 minutes 56 seconds east 818.31 feet
4 along the Jennings' line to a corner marking the intersection of an easterly
5 boundary of the Jennings' land; thence north 72 degrees 39 minutes 18 seconds
6 east 2285.36 feet through the Jennings' land to a point in the south line of the
7 private drive owned by Jennings leading easterly to the highway; thence
8 running along the southerly boundary of the Village of North Bennington as
9 heretofore established by law, the southerly line running from the above
10 described point in the south line of the private drive south-westerly to the west
11 line of the highway leading from H. C. White Company's factory, northerly to
12 the Village of North Bennington, and thence northerly on the west side of the
13 highway and thence westerly on the southerly line of the Village as heretofore
14 established, to the point of beginning.

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

18 PARCEL NO. 1:

19 Beginning at a point on the south side of Town Highway No. 118 (Harland
20 Road, so called) where the present Village line intersects with the highway,
21 and thence running easterly along the south boundary of Town Highway

1 No.118 to its intersection with the West boundary of Town Highway No. 117
2 (Mattison Road, so called); thence running easterly across the highway to the
3 easterly side thereof; thence northeasterly along the east boundary of Town
4 Highway No. 117 to the southwest corner of lands of Buchsbaum; thence
5 continuing along the south line of Buchsbaum's land to its southeast corner;
6 thence running northeasterly along Buchsbaum's east line to its intersection
7 with lands of G. D. Mattison on the south line of the Mattison's lands; thence
8 running easterly along Mattison's south line to the west line of the
9 right-of-way of the Rutland Railroad Corporation; thence in a north-westerly
10 direction following the southwesterly boundary of the Rutland Railroad
11 Corporation right-of-way to the point of its intersection with the present
12 Village line; thence running in a generally southerly direction following the
13 present Village line to the place of beginning.

14 PARCEL NO. 2:

15 Beginning at a point on the south line of the Town of Shaftsbury where the
16 present Village line turns south through lands of Colvin; thence running
17 westerly along the south line of the Town of Shaftsbury along or through lands
18 of Colvin, Jolivette, and Thurber to the west line of Thurber's land; thence
19 running southerly along the west line of Thurber to the north line of West
20 Street Extension, so called; thence running easterly along the north line of
21 West Street Extension to the point of its intersection with the present Village

1 line; thence continuing easterly and then northerly following the present
2 Village line to the place of beginning.

3 Sec. 3. TRANSITIONAL PROVISIONS

4 (a) In order to transition to the provisions of Sec. 2 of this act, 24 App.
5 V.S.A. chapter 251, §§ 203 (Elections at Annual Meeting) and 301 (Terms of
6 Office), that provide that trustees shall be elected to staggered three-year terms,
7 at the 2016 annual Village meeting, two trustees shall be elected for a term of
8 three years and one trustee shall be elected for a term of two years. Thereafter,
9 trustees elected at an annual Village meeting shall be elected as provided in
10 Sec. 2 of this act, 24 App. V.S.A. chapter 251, §§ 203 and 301.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.