

ACTS AND RESOLVES
PASSED BY THE
GENERAL ASSEMBLY

OF THE
STATE OF VERMONT

AT THE
Forty-sixth Biennial Session

1961

SESSION CONVENED JANUARY 4, 1961
ADJOURNED AUGUST 1, 1961



PUBLISHED BY AUTHORITY

two auditors each for a one year term; at the next following annual meeting there shall be elected one auditor for a term of three years and one auditor for a term of one year. At each subsequent annual meeting one auditor shall be elected for a term of three years to succeed the auditor whose term of office expires in that year.

All the foregoing officers shall be elected by ballot by the village at large, and the trustee for each ward shall be a resident thereof.

Sec. 2. No. 298 of the Acts of 1959 is hereby repealed.

Sec. 3. This act shall take effect from its passage.

Approved: March 1, 1961.

NO. 310—AN ACT TO AMEND THE CHARTER OF THE CITY OF BURLINGTON.

[H. 239.]

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

Section 1. Sec. 46 of No. 298 of the Acts of 1949 is hereby amended by adding thereto a new paragraph, as follows:

In the event that any ordinance, by-law, resolution or vote of the board of aldermen shall contain more than one appropriation, or establish more than one salary, the mayor shall have the power to veto with respect to each such appropriation or salary, and no item of appropriation or salary so vetoed shall be effective unless adopted by the board of aldermen upon reconsideration, by two-thirds vote of the whole number as hereinabove provided.

Sec. 2. Sec. 205 of No. 298 of the Acts of 1949 is hereby amended to read:

Sec. 205. Said board shall have power to appoint a superintendent and to employ an engineer and such other officers and employees as it may deem necessary, and shall prescribe and assign their respective duties, powers and authority, and shall, subject to the approval of the city council, fix and regulate the compensation to be paid to the several persons so employed.

Sec. 3. The second paragraph of section 231 of No. 298 of the Acts of 1949 as added by section 9 of No. 299 of the Acts of 1953, is hereby amended to read:

Said board shall also have all the powers and duties of sewage disposal commissioners under the provisions of, Chapter 79 of 24 V.S.A., notwithstanding the designation therein of the mayor and board of aldermen as sewage disposal commissioners, except that

sewage disposal charges under said chapter shall be established and changed by the city council, and salaries within the department shall be subject to approval of the city council.

Sec. 4. Section 270 of No. 298 of the Acts of 1949 is hereby amended to read:

Sec. 270. The board of public welfare shall have exclusive management and control of the pauper department of said city, except that salaries within the department shall be subject to the approval of the city council, and shall furnish the board of aldermen with any information they may require concerning the finances, condition and affairs of the department. Said board shall annually submit to the board of finance their estimate of the amount needed for the relief of the poor for the current year, and they may, if special emergency arises, report the same to the board of aldermen requesting such appropriation as may be needed for such emergency.

Approved: May 2, 1961.

NO. 311—AN ACT TO VALIDATE THE ORGANIZATION, DEFINE THE POWERS AND CONFIRM CERTAIN PROCEEDINGS OF COLCHESTER FIRE DISTRICTS NUMBERS 1, 2 AND 3.

[S. 82.]

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

Section 1. The organization of Colchester Fire Districts numbers 1, 2 and 3 (in this act sometimes called district number 1, district number 2, and district number 3, respectively) is hereby validated, and those districts, having been organized August 29, 1938, May 24, 1949 and June 6, 1955 respectively, are declared to be and at all times since their respective dates of organization to have been validly existing districts. All proceedings of each district before the effective date of this act are hereby validated and confirmed.

Sec. 2. *The districts shall include the following territory:*

(1) District number 1 consists of that territory within the town of Colchester bounded westerly by a straight line beginning at the intersection of the north line of the Central Vermont Railway right of way and the east boundary line of the city of Winooski and running northerly along the east boundary line of the city of Winooski to the south boundary of the State Militia Grounds;

northerly by the south line of the State Militia Grounds and the south line of the United States Military Reservation, commonly known as Fort Ethan Allen; and southeasterly by the north line of the Central Vermont Railway right of way between its intersection with the south boundary of Fort Ethan Allen and its intersection with the easterly boundary line of the city of Winooski.

(2) District number 2 consists of that territory within the town of Colchester bounded northwesterly by the waters of Mallett's Bay and Lake Champlain; southwesterly by the Colchester-Burlington boundary line; southeasterly by the northwest boundary of the city of Winooski; and northeasterly by a line three hundred feet east of and running parallel to a road, commonly known as Mallett's Bay avenue, between the waters of Mallett's Bay and the northwest boundary of the city of Winooski.

(3) District number 3 consists of that territory within the town of Colchester bounded westerly by the waters of Mallett's Bay and a line three hundred feet east of and running parallel to a road, commonly known as Mallett's Bay avenue, from the waters of Mallett's Bay south to the boundary line of the city of Winooski; southerly by the north boundary line of the city of Winooski, the north boundary of the State Militia grounds and the west and north boundaries of the United States Military Reservation, commonly known as Fort Ethan Allen; easterly by the Colchester-Essex town line; and northerly by a stream known as Sucker Brook and Colchester Pond, the entire waters of Colchester Pond being within the area thus described.

Nothing in this section shall be construed to limit the power of any of those districts to change their boundaries under 20 V.S.A. §2481.

Sec. 3. The districts shall each have all the powers and duties of municipal corporations under 24 V.S.A. subchapter 2 of chapter 47 and 24 V.S.A. chapter 73 and any amendments thereto and all the powers and duties of fire districts under the provisions of 20 V.S.A. chapter 171 in effect on June 1, 1955.

Sec. 4. In addition to the powers and provisions authorized by Title 24, §3305, District 1, District 2, and District 3 may each at such rate or rates as may be determined by their respective governing bodies, furnish and contract to furnish water for domestic use, fire prevention or any other purpose to the State Militia Grounds and United States Military Reservation commonly known as Fort Ethan Allen.

A contract and consent authorized by the section may be entered into and given for a term not to exceed thirty years from the date water is first furnished under it, and may be renewed from time to time for additional terms not exceeding thirty years.

Sec. 5. This act shall take effect from its passage.

Approved: May 16, 1961.

NO. 312—AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF ENOSBURG FALLS.

[H. 66.]

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

Section 1. The first paragraph of section 9 of No. 195 of the Acts of 1886 is hereby amended to read as follows:

Sec. 9. Said corporation may purchase, hold, and convey any real estate, and erect and keep in repair any building necessary for their purposes; may construct, maintain, or purchase such aqueducts and reservoirs as they may judge best; may make by-laws regulating the sale, measurements, and weight of wood, hay, grain, and all other articles, within the limits of said village; the construction, location, and use of hay-scales, markets, and slaughter-houses, victualing shops, and the erection of dwelling houses and other buildings, so as to provide for the safety of said village; may make such by-laws and regulations as they shall deem proper in relation to horses, carriages, and other vehicles in said village; to restrain all nuisances, or abate the same; direct the clearing, repairing, and improvement of streets, highways, commons, or walks, and protect the same from injury, light the same, keep a watch, restrain cattle, horses, sheep, swine, geese, and other creatures, from running at large, or permit the same to run at large under such restrictions as they may provide; provide for the planting and preservation of shade and other trees, lay out, grade, fence, and otherwise improve all public parks and commons, and may impose a fine not exceeding twenty-five dollars for a breach of any of the by-laws or regulations. A breach of any of the by-laws or regulations for which a penalty has been prescribed may be prosecuted within six months from the time of the alleged breach upon a complaint brought in any court having jurisdiction.

Approved: May 2, 1961.