

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 207: Village of Bellows Falls

§ 207-1. Preface

Under authority granted by the general assembly of the state of Vermont, the voters of the Bellows Falls village corporation hereby adopt a charter for the following purposes:

- (1) To clarify the structure and organization of local government.
- (2) To define the duties and responsibilities of village officers.
- (3) To provide for the citizens of the village a unified and convenient reference with respect to the basic laws affecting local government.

§ 207-2. Amendment and repeal

The present officers of said corporation shall hold their respective offices until the next annual meeting thereof, as provided in its by-laws. And its by-laws now in force, insofar as they do not conflict with the provisions of this charter, shall continue in force until others are adopted in their stead. And, subject to this provision, all acts and parts of acts heretofore passed relating to said corporation are hereby repealed.

§ 207-3. Boundaries and general powers

The inhabitants within the bounds of the original first school district in the town of Rockingham in the county of Windham, and their successors forever, are hereby constituted a body politic and corporate, by the name of the "Bellows Falls Village Corporation" and by that name may sue and be sued; may have a common seal and alter the same at pleasure; and shall have power to purchase, hold and convey real estate for the use of said corporation, and its departments, and shall have the power to purchase, hold and convey personal estate through its board of trustees, and may tax themselves and levy and collect such taxes for the purposes aforesaid or to carry into effect any legal vote or by-law of said corporation, providing that no tax shall be laid or collected without the consent of the majority of the legal voters of said village present at a meeting duly warned and agreeable to the provisions of this charter.

§ 207-4. Meetings and warnings

(a)(1) Annual meeting. The annual meeting of said corporation shall be held within said village on the third Tuesday in May of each year at the time and place designated by the board of trustees in its by-laws, for the election of officers and the transaction of other business, and it may be adjourned to another date.

(2) When said corporation fails to hold such meeting, a warning for a subsequent meeting shall be issued forthwith and, at such meeting, all officers required by law may be elected and its business transacted.

(b) Annual business meeting. If said corporation so votes, it may thereafter start its annual business meeting at a time and place designated by the board of trustees in the afternoon of the day before the third Tuesday of May and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot. A meeting so started shall be adjourned until the following day. Public discussion of ballot issues and all other issues appearing in the warning, other than the election of candidates, shall be permitted on that preceding day.

(c) Special meeting. The board of trustees, may, in the interests of the corporation or upon the request in writing of five percent (5%) of the voters of said corporation, call a special meeting, by directing the clerk to warn the same, giving like notice of such meeting as is required for the holding of the annual meeting. Such meeting may be adjourned to another date.

(d) Warning. Public notice of every annual or special meeting shall be given by a warning, and the warning shall:

(1) Contain voter information, such as stating the date, time and place of meeting.

(2) Be signed by a majority of the trustees, except for meetings required by charter to be called by the village clerk upon receipt of a petition, in which case the warning shall be signed only by the clerk.

(3) Specifically indicate by separate articles what business is to be transacted by all day Australian ballot, and which articles are to be transacted at the annual business meeting.

(4) Contain any articles approved by the trustees and any article requested by petition signed by at least five percent (5%) of the voters and filed with the village clerk at least forty-five (45) days prior to the day of meeting and posting.

(5) Be published in a newspaper having a general circulation in the village at least five (5) days before the meeting unless the warning is published in the village report and the village report is mailed or otherwise distributed to the voters at least ten (10) days before the meeting. This shall not apply to municipal informational meetings at which no voting is to take place.

(6) Be posted in two (2) public places in such village and in or near the village clerk office not less than thirty (30) nor more than forty (40) days before the meeting.

(7) Not include improper influences, such as an opinion or comment by any corporation, body, officer, or other person on any matter to be voted upon.

(e) Australian ballot. At any annual or special meeting, election of officers, any article which requires balloting, and any article approved by the board of trustees to be determined by Australian ballot shall be among the first articles in the warning.

§ 207-5. Elected officers' terms and vacancies

(a) The officers of said corporation shall be a moderator, a president, a clerk, a treasurer, a collector of taxes, four trustees and three auditors of accounts. No person shall hold office of treasurer and auditor of accounts simultaneously.

(b) All officers of said village shall be residents and elected at the annual meeting of said village, except collector of taxes, who shall be appointed by the board of trustees.

(c) All officers of said village, except the trustees, shall hold office for one (1) year and until their successors shall be elected and qualified.

(d) At each annual meeting of said village, there shall be elected two trustees who shall hold office for the term of two (2) years and until their successors shall be elected and qualified.

(e) When a vacancy occurs in any of said offices by reason of non-acceptance, death, removal, insanity, refusal to act, moved from village, or from any other cause, said corporation may fill such vacancy by a new election, for the unexpired term at any legal meeting. The board of trustees may, by temporary appointment, fill any such vacancy, and the persons so appointed shall hold office until their successors are elected and qualified. A record of such appointment shall be recorded in the office of the clerk of said corporation.

§ 207-6. Board of trustees' duties

(a) The board of trustees shall have charge of all prudential affairs of said corporation and perform the duties enjoined upon it by said corporation.

(b) Said board shall direct the expenditure of all moneys belonging to said corporation, and no money shall be expended in any department of said corporation except upon the order of said board of trustees. Said board of trustees shall enforce the by-laws and regulations of said corporation and direct prosecutions for the breach thereof. The trustees shall have power to regulate the excavating of streets and the laying of pipes therein and they may issue licenses therefor.

(c) In case of the illness or absence of the clerk, it shall be the duty of the board of trustees to warn meetings of said corporation.

(d) No member of the board of trustees shall hold the position of superintendent of sewerage and water, chief of police, fire chief or manager.

(e) It shall be the duty of the board of trustees to annually make a list of the names of such persons resident within the limits of said corporation as are legal voters at town meeting of the

town of Rockingham, at least fifteen (15) days before the annual meeting of said corporation, and shall immediately cause copies thereof to be posted in two or more public places in said corporation, and a copy to be filed with the clerk thereof and said list shall be revised by the board of trustees in the same manner as is now provided by law for the revision of check lists of voters in town meeting. The clerk, or in the clerk's absence, one of the trustees of the board of said corporation, shall have such list present at any meeting of said corporation, and the same shall be used in the same manner as provided by law for the use of town check lists. And no person whose name is not on such list shall vote at any meeting of such corporation in which such list is used; and the vote of no person whose name is on such list shall be rejected if a resident of said corporation on the day on which such meeting is held.

§ 207-7. President's duties

By virtue of the office, the president shall be a member of the board of trustees and shall preside over meetings of the board of trustees. In the absence of the president, the Trustees shall elect a chairman from among their number.

§ 207-8. Clerk's duties

It shall be the duty of the clerk to warn all meetings of said corporation, both annual and special, agreeable to the direction of the board of trustees, and to keep accurate records of the proceedings of said corporation, to furnish certified copies of the same when required, and the clerk shall receive compensation as determined by the trustees. The clerk shall also be ex-officio clerk of the board of trustees.

§ 207-9. Moderator

It shall be the duty of the moderator to preside at all annual and special meetings of said corporation, and he shall have the same powers as a moderator of town meetings. In the absence of the moderator, the meeting shall be called to order by a member of the board of trustees and the meeting shall elect a moderator pro tempore.

§ 207-10. Treasurer's and collector's duties

The treasurer and collector shall perform the same duties for said corporation as by law is required of a town treasurer and a collector of town taxes respectively; and shall have the same powers, proceed in the same manner and be subject to the same liabilities; and shall give bonds to said corporation, conditioned for the faithful performance of their respective duties, with such sureties and in such sums as the board of trustees shall direct. And a failure or neglect on the part of either of said officers for more than twenty (20) days after election or appointment to furnish satisfactory bonds, shall create a vacancy in such office.

§ 207-11. Auditors' duties

It shall be the duty of the auditors of accounts to audit the accounts of the collector and treasurer of said corporation; they shall carefully examine the vouchers of the treasurer and all other

records of public funds, prior to each annual meeting, and shall have access to the books and records of all corporation officers, and shall make a written report of their doings, with criticisms and recommendations as they deem best, to said corporation at its annual meeting.

§ 207-12. Disqualifications

A person being a resident or taxpayer of said corporation shall thereby not be disqualified, solely on that basis, to act as judge, justice, juror, sheriff, deputy sheriff, constable or police officer, in any matter or proceeding in which said corporation shall be a party to or have an interest in.

§ 207-13. By-laws and regulations

(a) Said corporation may enact such by-laws and regulations as are expedient, including but not limited to such as relate to vehicle traffic and parking of motor and other vehicles on the streets of said village; to streets, sidewalks, lanes and commons, and shade and ornamental trees thereon; to nuisances; to lighting the streets of said village; and to restraining animals from running at large.

(b) Said corporation shall have the authority to prosecute ordinances through its village attorney.

§ 207-14. Penalties; charter and by-laws

Fines, forfeitures and penalties, imposed for violations of any of the provisions of this charter, or of the by-laws of said corporation may be prosecuted for and recovered in and by an action founded on this section in the Vermont district court or the Windham superior court. The allegation that the acts constituting the offense charged are contrary to the form of this charter or by-laws, in such case made and provided, shall be sufficient reference thereto.

§ 207-15. Taxes

Said corporation may, at any annual or special meeting called in whole or in part for that purpose, lay a tax on the grand list of the town of Rockingham; and the board of trustees shall make out a rate bill of all taxes voted by the Bellows Falls Village corporation, in making the list of said town, to designate therein such of the rateable estate thereof as shall be within the limits of said corporation.

§ 207-16. Tax abatement

The board for the abatement of taxes shall consist of the board of trustees, president, clerk, and treasurer thereof, and justice of the peace and listers residing therein. The act of a majority of a quorum at a meeting shall be treated as the act of the board. The above requirement in respect to a quorum need not be met if the president, clerk, treasurer, and a majority of the trustees are present at the meeting. Said board shall have the power to abate taxes assessed by vote of said corporation, and the power of said board to abate taxes shall be subject to the same limitations, and may be exercised for the causes, as stated in Title 24 V.S.A. section 1535.

§ 207-17. Police department

(a) The board of trustees, and in its stead, the village manager, when appointed pursuant to chapter 37 of Title 24 V.S.A., and as may be amended, may establish and maintain a police department. Such police department shall consist of one (1) chief of police and subordinate officers as deemed necessary. Such officers, including the chief of police, shall take an oath to faithfully perform their respective duties as such police officer, which instrument shall be recorded by and in the office of the clerk of said corporation. Such police officers shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process and such special authority as may be provided in any by-law or ordinance of said corporation enacted under authority of Vermont statutes.

(b) The direction and control of the entire police department, except as otherwise provided, shall be vested in the chief of police. If the chief of police is absent or disabled, or if the office of chief of police is vacant, the appointing authority may appoint another officer to discharge the duties of the chief of police.

§ 207-18. Fire department

The board of trustees, and in its stead, the village manager when appointed pursuant to chapter 37 of Title 24 V.S.A., and as the same may be amended, may establish and maintain a fire department for the protection of life and property. Such fire department shall consist of one (1) fire chief appointed by the manager and subordinate officers and employees appointed by the manager, upon the recommendation of the fire chief, in accordance with the Bellows Falls village corporation personnel plan. The trustees shall empower the fire chief to provide for such number of firefighters as deemed necessary.

§ 207-19. Water department

Said corporation may maintain a water department for the purpose of supplying its inhabitants, and as incident thereto, the inhabitants of adjoining towns and the town of Rockingham, with water for domestic and other purposes, and may purchase and hold all necessary real and personal estate for that purpose, and may issue its corporate bonds to secure any present or future indebtedness for the establishing, enlarging and extending of its water works; it may take, hold and use such land adjacent to and surrounding the pond known as "Minard's Pond," now owned by the corporation, as may be necessary for the protection of the water of said pond from defilement, and may for that purpose enclose said pond or land so taken, by suitable fences, and whenever it shall be deemed necessary by said corporation to increase its supply of water for its water department, it may take and hold waters of any additional ponds, springs or streams of water for that purpose, together with such lands surrounding and adjacent to the same as may be deemed necessary for the use and protection of the water of such ponds, springs or streams from defilement, and may enclose such ponds, springs or streams by suitable fences for the purpose of such protection. Said corporation may, by aqueduct, conduct the waters of the ponds, springs or streams that may be taken in pursuance of this act into the said "Minard's Pond," or the waters of said "Minard's Pond," and such ponds, springs or streams to the village of Bellows Falls and

through the streets of said village. And, for that purpose, may enter upon such lands as may be necessary, and may dig, lay, and from time to time repair such aqueducts.

§ 207-20. Water rates

For the purpose of the support of said water department, and to ensure the payment of the annual principal and interest upon any water bonds issued by said corporation, the board of trustees shall establish rates to be charged and paid by the users of said water, at such times and in such manner as shall be determined by the board of trustees, and may, from time to time, alter, modify, amend, increase or diminish such rates, and extend them to any description of property or use, as the board of trustees may deem proper. Such rates shall be chargeable to, and may be collected of the owners of the property so supplied, unless otherwise agreed upon by the board of trustees and said owners, and shall be a lien and charge upon the buildings, lots and other property so supplied and may be collected in an action at law in the name of the corporation. The board of trustees may order water rents to be paid in advance and may make all necessary provisions and orders relating to the supply or stoppage of water as the board of trustees may think expedient to ensure such advance payments.

§ 207-21. Application of water management

The rents and receipts of said corporation for the use of water shall first be applied to pay the annual principal and interest as it becomes due upon water bonds issued by said corporation, and whenever such rents and receipts shall exceed the amount required to pay such principal and interest, and the interest of any other water bonds of said corporation, it shall be the duty of said corporation to pay such excess, in the necessary repairs, management and addition to said water works; and the balance of such excess, if any, shall be applied to water department operations for ensuing years. Any deficit shall also be applied to water department operations for ensuing years.

§ 207-22. Minard's Pond

It is hereby declared to be unlawful for any person or persons to go upon or into the waters of Minard's Pond or other ponds, streams or springs, from which said corporation derives its supply of water; or to remove fish from said Minard's Pond; or to enter upon the land adjacent to and bordering upon said pond for the purpose of fishing, swimming, camping, hunting, skating, snowmobiling, ATV riding, or cutting wood. Pet owners shall be responsible for properly restraining their pets from entering upon or into the waters of Minard's Pond. This area shall be closed to unauthorized motor vehicles between the hours of 4:00 o'clock p.m. and 7:00 o'clock a.m. Any person or persons violating any of the provisions of this section shall, upon conviction thereof, be fined not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, and/or restitution for damages resulting from such violations. The board of trustees of said corporation or any police officer thereof, may make complaint and prosecute such offenders in the name of said corporation as is provided for the prosecution of other offenses.

§ 207-23. Streets and sidewalks

(a) Lighting and the regulation of the highways, streets and sidewalks located within the corporate limits of said corporation shall be within the control of the board of trustees and the corporation shall have the right to use said highways, streets and sidewalks for sewer and water purposes and for other municipal purposes, all as provided elsewhere in this charter and as may be amended from time to time.

(b) The trustees shall have no power to control or direct the expenditure of funds for the purpose of maintaining the highways, bridges and culverts located within the corporate limits. The trustees may, on behalf of the corporation, petition the selectmen of the town of Rockingham to make repairs to highways, bridges and culverts within the corporate limits, or to lay out, alter or discontinue highways within said limits. Upon receipt of such a petition, the selectmen shall take appropriate action thereon as if the petition had been submitted in accordance with Title 19, chapter 7 of the Vermont Statutes Annotated and the trustees may appeal the actions of the selectmen and exercise any other rights of an interested person with respect to said petition.

(c) The board of trustees of said corporation shall have the power to regulate, improve, beautify, light, repair or sustain the parks and commons of said corporation. Said board of trustees may cause to be trimmed or removed any tree, obstruction or vegetation in any street, sidewalk or right-of-way in said corporation when said trustees shall deem the same to be necessary to the free use and occupancy of the streets and sidewalks, or to the proper lighting of the same.

§ 207-24. Sewerage department

Said corporation may maintain a sewerage department for the purposes of providing its inhabitants, and as incident thereto, the inhabitants of adjoining towns and the town of Rockingham, with sewerage systems for domestic and other purposes, and may purchase and hold all necessary real and personal estate for that purpose, and may issue its corporate bonds to secure any present or future indebtedness for the establishing, enlarging and extending of its sewerage.

§ 207-25. Sewerage rates

For the purpose of the support of said sewerage department and to ensure the payment of the annual principal and interest upon any sewerage bonds issued by said corporation, the board of trustees shall establish rates to be charged and paid by the users of said sewer system, at such times and in such manner as shall be determined by the board of trustees, and may, from time to time, alter, modify, amend, increase or diminish such rates, and extend them to any description of property or use, as the board of trustees may deem proper. Such rates shall be chargeable to, and may be collected of, the owners of the property so provided, unless otherwise agreed upon by the board of trustees and said owners, and shall be a lien and charge upon the buildings, lots and other property so provided and may be collected in an action at law in the name of the corporation. The board of trustees may order sewerage rents to be paid in advance and may make all necessary provisions and orders relating to said sewerage as the board of trustees may think expedient to ensure such advance payments.

§ 207-26. Application of sewerage management

The rents and receipts of said corporation for the use of sewerage shall first be applied to pay the annual principal and interest as it becomes due upon sewerage bonds issued by said corporation, and whenever such rents and receipts shall exceed the amount required to pay such principal and interest, and the interest of any other sewerage bonds of said corporation to pay such excess, in the necessary repairs, management and addition to said sewerage; and the balance of such excess, if any, shall be applied to sewerage department operations for ensuing years. Any deficit shall also be applied to sewerage department operations for ensuing years.

§ 207-27. Drains and sewers

The board of trustees of said corporation may lay out, grade, alter, maintain and discontinue any sewers or drains in said corporation, and may appraise and settle the damages therefor, causing their proceedings to be recorded in the office of the clerk of the town of Rockingham, provided that any person or persons aggrieved by the appraisal of said board shall have the like opportunity for applying to the superior court for the county of Windham to obtain redress, as is or may be allowed by the law to those aggrieved with the proceedings of selectmen in similar cases.

§ 207-28. Refuse disposal

Said corporation is hereby authorized and empowered by and with the consent of the majority of the legal voters of said village at a meeting legally warned and held for the purpose, to establish, maintain and operate a dumping ground for the reception and disposal of leaves, trees and like materials and to take by lease or purchase and hold such property, either real or personal or both, as may be necessary for such purposes, within or without the limits of said corporation; and said corporation shall have authority, by and with the consent of the majority of the legal voters of the village at a meeting legally warned and held for the purpose, to borrow and appropriate money, to raise taxes, and to issue its corporate bonds for the purpose of purchasing, establishing, constructing, extending, enlarging and maintaining said dump or refuse disposal plant.

§ 207-29. Electric utility authorization

Said corporation is authorized and empowered by and with the consent of a majority of the legal voters of said village, at a meeting legally warned and held for that purpose to purchase or establish an electric light plant, and for such purpose may purchase, have, hold and convey personal and real estate within or without the limits of said village corporation for the purpose of lighting the highways and streets of said village, and furnishing electric lights, electric heat and electric motive power to persons and parties within the corporate limits of said village, on such terms and subject to such rules and regulations as may be agreed upon between said corporation and said persons and parties, and for the purposes aforesaid, may run electric lines along, over or under highways, streets or public grounds, within or without the corporate limits, provided public travel shall not be unnecessarily affected or impeded thereby, and subject to all lawful ordinances and regulations, as to the use of highways and streets; and said village corporation shall have authority to hire and appropriate money, raise taxes, and issue its corporate bonds for

the purchasing, establishing, constructing, extending, enlarging and maintaining of its electric light plant.

§ 207-30. Public parks and playgrounds

Said Bellows Falls Village Corporation is hereby authorized and empowered to acquire by gift or purchase land within or without the corporate limits of said village corporation to be held by it and used as a public park and public playground. Said corporation for the purpose of purchasing land for the objects aforesaid and to pay for the same and for the improvement and maintenance thereof, is hereby authorized to levy and collect, from year to year, such taxes upon the rateable estate of said corporation as may be necessary, to borrow money, to pay such purchase price, and to issue its bonds or notes for such purpose, provided that all taxes laid and all loans authorized shall be only by virtue of a majority vote of the voters of said corporation present and voting at a meeting duly warned and held for that purpose.
