

ACTS AND RESOLVES



PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

THIRTEENTH BIENNIAL SESSION, 1894.



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able of each bond so numbered by him, and said clerk shall append to each bond a certificate under his hand and the seal of said court that the requirements of this section have been complied with.

SEC. 5. The treasurer of such town shall keep an accurate record of every bond so issued thereon stating the number and denomination of each bond, when issued, and where payable, to whom issued and the rate of interest thereon, and also keep a true record of all payments of interest and principal, and if coupons or bonds are taken up to deface the same.

SEC. 6. It shall be the duty of the selectmen of said town without vote of the town to seasonably assess upon the grand list of such town a tax sufficient to meet the interest and principal of said bonds as they respectively fall due to be collected as other town taxes are collected. And it is hereby made the duty of the town treasurer and selectmen of such town to pay the interest and principal of such bonds as they fall due.

SEC. 7. This act shall be considered a public act and shall take effect from its passage.

Approved November 23, 1894.

No. 283.—AN ACT TO ENABLE THE VILLAGE OF NEWPORT TO BRING WATER INTO SAID VILLAGE AND TO ISSUE BONDS FOR THAT PURPOSE.

SECTION

1. Water commissioners, election of authorized; their duties and terms of office.
2. Power to take water with certain restrictions.
3. Aqueduct may be constructed and water conveyed to village; authority to enter lands and dig up highways.
4. Damages, how awarded.

SECTION

5. Disagreements, proceedings in case of.
6. Bonds authorized; provisions concerning.
7. By-laws and regulations; water rates, how established.
8. Water sold under what conditions.
9. Injury to water works, how punished.
10. When to take effect.

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

SECTION 1. Act No. 201, laws of 1878, entitled an act defining the power of the village of Newport is hereby amended so as to provide for the election by ballot of three water commissioners whose duty it shall be to carry into effect the provisions of said act "To provide a supply of water for the protection of the village against fire and for other purposes, and to regulate the use of the same" and the provisions of this act.

The term of office of said water commissioners shall be three years, excepting the several members of the first and second boards of water commissioners. The term of office of the first board shall

continue from the time of their election until the next annual meeting; the terms of office of the second board of water commissioners shall be determined as follows: the commissioner first chosen shall hold office three years from the annual meeting at which he is elected; the commissioner next chosen shall hold office two years; and the commissioner next chosen shall hold office one year; and one commissioner shall be elected at each annual meeting thereafter. The first board of commissioners may be elected at any meeting of the voters of said village, duly warned for that purpose according to the by-laws of said village; the second board of water commissioners shall be elected at the first annual meeting after the passage of this act, or in case of failure to so elect, at any subsequent village meeting.

SEC. 2. Said village is hereby authorized, under any vote hereafter had for that purpose, through its board of water commissioners hereinbefore mentioned, to take the water of any fountains, springs, ponds or streams for the purpose of supplying the inhabitants of said village with water for fire, domestic and other purposes, except power for manufacturing and mechanical purposes, provided the owner or other person having any interest in the same shall not be deprived of such portion of such water as may be necessary for agricultural and domestic purposes, but in no case shall the water of any pond taken under the provisions of this act be drawn more than twelve inches below low water mark except in case of fire or extreme drought in which last instance the quantity drawn shall be under the direction of the state board of health, and before any water is taken from such pond under the provisions of this act, the low water mark point of such pond shall be determined and permanently marked, a record of which shall be made in the town clerk's office of the town in which such pond is situated, and it is hereby made the duty of the selectmen of such town to see that such low water mark is established and recorded as herein required, and to take any land, to take or remove any buildings which the said commissioners shall adjudge necessary to prevent the pollution of such water supply taken for the purposes of this act. But the right to take or control any lands or buildings, or any police powers granted by this act shall not be construed to give authority to in any way interfere, either now or hereafter, with any cemetery or burying ground and any additions thereto upon the shore of any pond from which such water is taken.

SEC. 3. Said village is hereby authorized and empowered under any vote hereafter had for that purpose, through said water commissioners, to construct and complete an aqueduct with all necessary reservoirs and appurtenances, to conduct said water to and distribute the same through said village, and for this purpose may enter upon and use any land over or through which it may be necessary or desirable for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs, and appurtenances as may be necessary for the complete construction and repairing of the same, and it may

also, for the purposes aforesaid, dig up or occupy any common, highway, street, or bridge, for the purpose of laying, constructing, or repairing such aqueduct and the appurtenances thereof.

SEC. 4. In any case where damage or compensation to owners of, and other persons interested in, the water so taken, or such land as may be used for laying, extending, constructing, and maintaining such aqueduct, and for such reservoirs and appurtenances, or for such lands or buildings as may be required to prevent the pollution of said water supply, is not adjusted by agreement, or if the owner thereof be a minor, insane, or out of the state, or otherwise incapacitated to sell and convey, the same shall be fixed by a board of three disinterested commissioners to be appointed by the assistant judges of the county court within and for the county of Orleans, after hearing all parties interested, such hearing to be had upon written notice of the time and place thereof, given at least six days before said hearing, and said commissioners shall, within ten days after said hearing, file their award in the town clerk's office in the town or towns where the property in question is situated, and cause the same to be recorded in the land records of said town or towns. Such commissioners to be appointed upon application of the village of Newport, after at least six days notice to all interested parties of the time and place of such appointment.

SEC. 5. When any person shall be dissatisfied with the award of the commissioners so made, in any of the cases mentioned in the preceding section, such person may petition the Orleans county court for a re-assessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law for the assessments of damages for land taken for highways, except that the commissioners appointed by said court shall notify one of said water commissioners of said village, instead of one of the selectmen. Said petition shall be served on the clerk of said village within sixty days next after said award shall be filed in the town clerk's office as aforesaid, and at least twelve days before the term of court to which it is made returnable, but nothing in said proceedings shall prevent the water commissioners from entering upon such land, and laying and constructing said aqueduct, reservoirs, and appurtenances, and using said water after the award shall have been made as hereinbefore set forth, and the amount thereof tendered by them.

SEC. 6. Said village, by a majority vote in a meeting legally warned for that purpose, is authorized to issue bonds not exceeding forty thousand dollars on such terms as said village shall prescribe, for the purpose of paying the debt incurred in constructing said water system and carrying into effect the foregoing provisions. And, in case said village shall neglect to make reasonable provisions for the payment of the interest and the principal of said bonds, as the same shall become due, it shall be the duty of the treasurer of the said village to make out and deliver to the collector of said village a tax bill on the grand list of said village, and he shall there-

with issue to said collector his warrant, substantially in form as now provided, to be issued for the collection of town or other taxes, directing the collection and payment of said tax to said treasurer within sixty days from the time of such delivery, in amount sufficient to promptly pay the interest or principal then past due and unpaid. And such tax shall be paid to said treasurer and the money so collected shall be specially held and used for the payment of such interest and principal as is unpaid; and it is hereby made the duty of the treasurer of said village to promptly pay the interest and principal of such bonded indebtedness as the same shall become due without any vote thereupon of said village, and such tax bill shall have all the force in every respect of a tax bill voted therefor by said village.

SEC. 7. The board of water commissioners as aforesaid, under the vote and direction of said village, may make and adopt such by-laws and regulations concerning the management and use of such aqueduct, reservoirs, and appurtenances, not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates.

SEC. 8. Said village of Newport may sell and furnish water to any persons or corporations for domestic or other purposes, except power for manufacturing and mechanical purposes, within or without said village, and lay all pipes necessary to furnish water to all such persons.

SEC. 9. Any person who shall maliciously disturb or injure said aqueduct, reservoirs, springs, stream, pond or fountain, or any of the connecting appurtenances, enclosures or works thereof, or pollute the water of said aqueduct, reservoirs, springs, stream, pond or fountains, named or referred to in this act, or swim or bathe in the waters of said reservoir, springs, streams or fountains, shall be liable to be prosecuted therefor by the grand juror of the town or the state's attorney of the county wherein the offence shall be committed, by information, complaint or indictment, and on conviction thereof, shall be fined not less than five dollars nor more than twenty dollars and costs of prosecution, and also shall be liable to said village for all damage resulting to it by such disturbance, injury or pollution, with full costs, the same to be recovered by said village in an action on the case founded on this statute.

SEC. 10. This act shall take effect from its passage.

Approved November 24, 1894.