

Acts and Resolves of the General Assembly Pertaining to the Village of Old Bennington (or Bennington Center Village, its original name)

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Note: An additional measure, 1955, No 306, An Act to Enable the Town of Bennington, and the Municipalities therein to Unify and Simplify Their Local Government by Consolidating the Same is not included here since it was never approved and expired in 1965.

Said Bellows Falls Village Corporation is hereby 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 its electric light plant.

SEC. 2. This act shall take effect from its passage.

Approved November 23, 1900.

No. 170.—AN ACT GRANTING CERTAIN PRIVILEGES
TO THE VILLAGE OF BENNINGTON CENTER.

Section
1. Highway tax.
2. Sidewalk assessments.

Section
3-7. Sewers.

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

SECTION 1. Four-fifths of all the highway taxes assessed upon the poll and ratable estate within the village of Bennington Center, in the town of Bennington, shall be paid in money, and shall be expended upon the highways, streets, lanes and sidewalks of said village, and the selectmen shall make tax bills therefor and deliver the same seasonably as required by law, with warrants for their collection to the collector of said village, who shall collect the same as other taxes of the said village are collected, and pay the same to the treasurer of the

said village, which money may be drawn from the treasury by the trustees, and shall be expended in constructing, maintaining and repairing the highways, sidewalks and lanes of the said village.

SEC. 2. The trustees of the said village, on making, altering or repairing sidewalks, shall have power, subject to the ordinances and by-laws of the said village, on giving twelve days' notice to the party or parties interested, of the time and place of hearing, to assess the owner of land adjoining such sidewalk, so much of the expense of making, altering or repairing the same, as the said trustees shall adjudge said land to be benefited thereby; and when they shall have made such assessment they shall make a report of their doings, signed by a majority of the board of trustees, setting forth their doings in the premises, and cause the same to be recorded in the town clerk's office of said town of Bennington; and when so left to be recorded, the amount so assessed shall be a lien, in the nature of a tax, upon the lands so assessed, until the same shall be paid; provided, that any person aggrieved by such assessment shall have the like opportunity of applying to the county court in and for the county of Bennington, for a new assessment, as is now provided by law for a re-appraisal of land damages in the laying of highways by commissioners, appointed by the county court, giving notice to one or more of the trustees, instead of the selectmen of the town; and such application to the county court shall not delay the making, altering or repairing of said sidewalk.

And in case of such appeal to the county court, the record of the final decision of the court in the premises shall, by said trustees be left in said town clerk's office to be recorded, and from the time it is so left, the amount assessed by said court, and all legal costs, shall be a lien upon said land, instead of the amount assessed by said trustees. And if the owner of said land shall neglect, for the space of three months after the final decision as to the assessment upon the same, to pay to the treasurer of the village the amount of such assessment and the legal costs, the trustees shall issue their warrant, directed to the village collector of taxes, who shall have authority to sell at public auction so much of said lands as will satisfy said assessment and costs, and all legal fees, and who shall proceed, in the same manner as collectors of town taxes are required by law to proceed, in selling real estate at auction for the collection of town taxes.

SEC. 3. The trustees of said village are hereby authorized and empowered, whenever said village at a meeting legally warned and holden so votes to provide a system of sewerage

for said village, and to expend in laying out and constructing the same, a sum, not to exceed ten thousand dollars, the same to be done under the direction of said trustees, by contract let to the lowest responsible bidder, whose contract is most favorable to said village.

SEC. 4. For the purpose of paying the expense of laying out, constructing or extending said system of sewerage, the said trustees, when authorized by a majority vote of said trustees and by the written consent of the owners, both resident and non-resident of at least two thirds in amount of the taxable property in said village, as shown by the last preceeding tax roll or list, are hereby authorized and empowered to make, execute and deliver the bonds of said village, not exceeding in amount the sum of ten thousand dollars; the amount and denomination of each bond, the rate of interest which they shall bear, and the times when they shall become payable, and the establishment of a sinking fund for their payment, if the same shall be deemed desirable, shall be provided for by the said trustees, and their determination in regard thereto shall be put in the form of a written certificate, signed by at least a majority of said trustees, and filed in the town clerk's office of the town in which said village is located. And said trustees are further authorized and empowered, and it shall be their duty to include in the tax budget and tax levy, and raise by taxes each year, the yearly interest on said bonds outstanding, together with such amount of principal of said bonded indebtedness as shall become due and payable in that current year.

SEC. 5. Said trustees shall have the power, and it shall be their duty, to properly maintain said system of sewerage, and to make the necessary and proper regulations concerning its use: the necessary expense of maintaining said sewers shall be levied and collected as part of the general village tax.

SEC. 6. And said trustees shall also have the power to require any property owner along the line of said sewer to make connections with the same, when the distance from said sewer to residence does not exceed two hundred feet; and the said trustees after having given notice to the said property owner, and he having failed to comply with the said order within ten days from the time thereof, shall cause the work to be done and the cost of same shall be assessed against said property. Wherever buildings are located more than two hundred feet from the said sewer, the trustees may in their discretion direct the property owner to make connection with said sewer, and in that case the expense for the first two hundred feet from said sewer shall be paid or collected in the manner before provided, and the additional expense of making

such connection, for such distance beyond the two hundred feet, shall be levied and collected against the whole taxable property of said village the same as any other village tax.

SEC. 7. And the said trustees are further authorized and empowered, where the course of said sewer shall be through farm lands, to institute condemnation proceedings for the right of way through such farm lands and to lands beyond the corporate limits for such distance as shall be necessary for an outlet to said sewer, in manner and form as is provided in other cases for the condemnation of land.

Approved November 23, 1900.

No. 171.—AN ACT IN ADDITION TO AN ACT APPROVED NOVEMBER 23, 1900, ENTITLED AN ACT GRANTING CERTAIN PRIVILEGES TO THE VILLAGE OF BENNINGTON CENTER.

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

SECTION 1. The act approved November 23, 1900, entitled, "An act granting certain privileges to the village of Bennington Center," shall take effect on the first day of December, 1900.

SEC. 2. This act shall take effect from its passage.
Approved November 27, 1900.

No. 172.—AN ACT IN AMENDMENT OF NUMBER 226 OF THE ACTS OF THE GENERAL ASSEMBLY FOR THE YEAR 1884, ENTITLED AN ACT IN AMENDMENT OF, AND IN ADDITION TO, AN ACT TO INCORPORATE THE VILLAGE OF BENNINGTON, APPROVED NOVEMBER 25, 1884.

Section

1. Election of village officers.
2. Section 9 of number 226, acts of 1884, amended.
3. Sections 11, 12 and 13 of said act repealed.

Section

4. Section 15 of said act amended.
5. Trustees may require abutting owners to build and repair sidewalks.
6. Report of trustees assessing abutting owners shall be delivered to persons interested in property assessed.

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

SECTION 1. Number 226 of the acts of the General Assembly for the year 1884 entitled an act, in amendment of, and

No. 258.—AN ACT RELATING TO THE HOLDING OF THE ANNUAL MEETINGS OF THE VILLAGE OF BENNINGTON CENTER.

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

SECTION 1. The annual meetings of the voters of the village of Bennington Center shall be held on the first Tuesday of October in each year.

Approved January 6, 1909.

No. 259.—AN ACT IN ADDITION TO NO. 254 OF THE ACTS OF 1872, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF BRATTLEBORO."

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

SECTION 1. The corporation of the village of Brattleboro is hereby authorized and empowered to acquire, purchase, own, construct, maintain and renew an electric or gas plant, or both, for the purpose of lighting the streets, walks, public grounds and public buildings of said village, and said village may furnish electric or gas light, electric or gas heat, or both, and electric power to parties residing within or without the corporate limits of said village upon such terms and subject to such regulations as may be agreed upon between the contracting parties.

SEC. 2. Said village is also authorized and empowered to purchase, hold, maintain and operate any existing electric, gas or power plant, or avail itself of the right to purchase or take electricity, gas or power from such persons or corporations as may be bound by law to furnish the same, for the purpose specified in section 1 of this act.

SEC. 3. For the purpose set forth in section 1 of this act said village may acquire and hold within its limits by gift, grant, purchase or by the right of eminent domain, such lands and rights of way as may be needed for the construction, maintenance and operation of said electric and gas light plant, and may use any public street which it may be necessary to pass through with the poles, wires and pipes of the same, provided the use of such highway for purposes of public travel is not thereby unnecessarily impaired.

SEC. 4. For the purpose specified in section 1 of this act, said village may acquire and hold, without the incorporated

No. 296.—AN ACT TO AUTHORIZE THE TRUSTEES AND TREASURER OF THE BELLOW FALLS VILLAGE CORPORATION TO ISSUE BONDS.

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

SECTION 1. The trustees and treasurer of the Bellows Falls Village Corporation, in the county of Windham and state of Vermont, are hereby authorized to issue bonds to an amount not exceeding fourteen thousand dollars pursuant to a resolution adopted by said Bellows Falls Village Corporation at its annual meeting duly warned and held on the twenty-fifth day of January, 1909, authorizing and directing its trustees and treasurer to issue bonds of the village to the amount not to exceed fourteen thousand dollars in such denominations as they think best to cover the cost of the purchase of land and the erection thereon of a building for the use of the street, water, and fire departments of the village, said bonds not to bear a larger rate of interest than four per cent per annum, payable semi-annually: all of said bonds to be payable twenty years from date of issue or any of them at the option of the village after five years from date of issue upon thirty days' notice by publication for two successive weeks in any newspaper published in Bellows Falls, the date of the last publication to be at least thirty days prior to the date of payment, the trustees and treasurer to negotiate said bonds, the same to be denominated "Bellows Falls Village Corporation Improvement Bonds," and the action of said Bellows Falls Village Corporation in authorizing and directing the issue of said bonds is hereby declared to be legal and valid.

SEC. 2. This act shall take effect from its passage.

Approved January 14, 1911.

No. 297.—AN ACT TO CHANGE THE NAME OF THE VILLAGE OF BENNINGTON CENTER TO OLD BENNINGTON.

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

SECTION 1. The village of Bennington Center which was granted certain privileges by No. 170 of the acts of 1900, shall hereafter be named and designated as Old Bennington.

SEC. 2. This act shall take effect from its passage.

Approved January 12, 1911.

requiring hospital treatment residing in the village or town of Bennington and other towns in Bennington county, or residing elsewhere if the hospital is of sufficient capacity, are to be admitted and receive treatment at reasonable charges, and the destitute free of charge, under such reasonable rules and regulations as may be adopted by said hospital corporation for the government, management and operation of said hospital. Said hospital is always to be located within the present limits of the village of Bennington, and said corporation may acquire by purchase, gift or devise, lands within said village upon which to erect the same; the legal title to which and the structures thereon, to be in and held by said village; and said village is hereby authorized and empowered to take and hold said title the same as though it was empowered in its charter so to do. The way and manner of determining what shall be and be held and considered as the said net income of said system of water works to be paid to said hospital shall be agreed upon and determined by said Water Company and said village, and be fully and clearly expressed in said deed or deeds of conveyance; and they may also agree as to other sums, from said gross income or proceeds that may be paid from time to time to said hospital corporation for the purposes above stated, and the same, and such other agreements as are made by and between said Bennington Water Company and said village of Bennington as to said system of water works, and the income thereof, shall be fully and clearly set forth in said deed or deeds of conveyance.

SEC. 6. The village of Bennington shall never tax or assess said system of water works or the income thereof, and shall never mortgage or encumber the same or allow or permit the same to be encumbered.

SEC. 7. This act shall take effect from its passage.

Approved December 10, 1912.

NO. 307.—AN ACT TO EMPOWER THE TRUSTEES OF THE VILLAGE OF OLD BENNINGTON TO MAKE CERTAIN PUBLIC IMPROVEMENTS AND TO ISSUE BONDS IN PAYMENT THEREFOR.

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

SECTION 1. The trustees of the village of Old Bennington, in the town of Bennington, are hereby authorized and empowered

to expend not to exceed ten thousand dollars in building highways and cross walks and other public improvements in said village, when a majority of the voters present at a legally warned village meeting so vote.

SEC. 2. For the purpose of paying the expenses of building such highways and cross walks and other public improvements, the trustees of said village are hereby authorized and empowered to make, execute and deliver the bonds of said village, not exceeding in amount the sum of ten thousand dollars; to fix the amount and denomination of such bonds and the rate of interest which they shall bear, the times when they shall become payable and the establishment of a sinking fund for their payment, if the same shall be deemed desirable, and their determination in regard thereto shall be put in the form of a written certificate, signed by a majority of said trustees and filed in the town clerk's office for the town in which said village is located. And said trustees shall include in the tax budget and tax levy and raise by tax each year the yearly interest on said bonds outstanding, together with such amount of principal of said bonded indebtedness as shall become due and payable that current year.

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

Approved January 21, 1913.

No. 308.—AN ACT TO AMEND NO. 254 OF THE ACTS OF 1872 AS AMENDED, INCORPORATING THE VILLAGE OF BRATTLEBORO.

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

SECTION 1. Section 1 of No. 254 of the acts of 1872 is hereby amended so as to read as follows:

Section 1. That a part of the town of Brattleboro, in the county of Windham, within the following bounds, to wit: beginning at the mouth of West River, thence running westerly as the river now runs on the south side thereof to the northwest corner of the farm formerly owned by Ebenezer Wells, deceased, thence southerly on the west line of the said Wells farm and the west side of the farms formerly owned by Colonel Joseph Goodhue and Henry Clark, deceased, to the north line of Guilford, thence easterly on the north line of Guilford and Vernon to Connecticut River; thence northerly on said river to place of beginning, being the present boundaries of said village, shall hereafter be known by the name of the village of Brattleboro, and shall also include the fire district of said village.

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equipment or apparatus to be used therefor or in connection therewith. Upon the determination by the school board that the public interest or necessity demands improvements, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue of the city, the city council shall, at the request of the school board, call a city meeting for the purpose of submitting the proposition of making such improvements, and of incurring a bonded debt to pay for the same, to the qualified voters thereof. All bonds that may be issued pursuant hereto shall be issued in conformity with the provisions of the charter of the city of Montpelier, as amended.

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

Approved May 2, 1951.

NO. 287—AN ACT RELATING TO THE HOLDING OF THE ANNUAL MEETINGS OF THE VILLAGE OF OLD BENNINGTON, AND TO REPEAL NO. 258 OF THE ACTS OF 1908.

[S. 3]

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

SECTION 1. *Annual meetings, designation.* The annual meeting of the village of Old Bennington shall be held in each year at the time and place designated in its by-laws, to elect officers and for the transaction of business specified in the warning of such meeting.

SEC. 2. *Meeting legalized.* The annual meeting of 1949 is hereby declared to be legal and valid and all proceedings taken thereat and thereunder are hereby ratified and declared legal.

SEC. 3. No. 258 of the Acts of 1908 is hereby repealed.

SEC. 4. This act shall take effect from its passage.

Approved February 28, 1951.

NO. 288—AN ACT TO LEGALIZE THE TOWN MEETING OF MARCH 6, 1951 IN THE TOWN OF PLAINFIELD.

[H. 328]

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

SECTION 1. *Legalized.* The meeting held March 6, 1951, in the town of Plainfield and all acts in connection therewith, or authorized thereat, are hereby legalized.

SEC. 2. This act shall take effect from its passage.

Approved April 5, 1951.

sidered as an admission or used as evidence in any trial in any court in this state.

Sec. 6. Signed statement. Said court shall treat such signed statement, if accepted and accompanied by the penalty herein prescribed, as a plea of guilty, and shall make such entry on its records. No costs, fees or further charges shall be assessed against any person so admitting a violation of any such ordinance or shall be allowed or paid to any officer or person because of such violation, but such penalty shall be accepted by said court in full discharge of the criminal liability of such person caused by such violation.

Sec. 7. Same. Said court shall retain all such signed statements for a period of two years from the date thereof and shall keep a separate record, available to the public at any reasonable time, of all money collected and all other official acts done in connection herewith.

Sec. 8. Penalty. The penalty which may be so voluntarily paid by any person so violating any ordinance regulating, restricting or defining the time, place or manner of parking motor vehicles in the village of Bennington shall be \$1.00 for the first violation in any fiscal year of the village of any such parking ordinances, and \$2.00 for the second violations in such fiscal year. Other violations of the ordinances of said village shall be punished in the manner prescribed by law.

Sec. 9. Collections. All money so collected by said court in any one month shall be turned over to the treasurer of the village of Bennington on the first day of the following month with a statement of the names of the persons from whom the money was collected and the amount paid by each and the date on which the same was collected.

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

Approved March 21, 1955.

NO. 308—AN ACT TO REPEAL SECTION 1 OF NO. 170 OF THE ACTS OF 1900 RELATING TO THE VILLAGE OF BENNINGTON CENTER NOW KNOWN AS THE VILLAGE OF OLD BENNINGTON.

[S. 69]

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

Section 1. Section 1 of No. 170 of the Acts of 1900 relating to highway taxes upon the poll and ratable estate within the village of Bennington Center in the town of Bennington, now known as the village of Old Bennington, is hereby repealed.

sidered as an admission or used as evidence in any trial in any court in this state.

Sec. 6. *Signed statement.* Said court shall treat such signed statement, if accepted and accompanied by the penalty herein prescribed, as a plea of guilty, and shall make such entry on its records. No costs, fees or further charges shall be assessed against any person so admitting a violation of any such ordinance or shall be allowed or paid to any officer or person because of such violation, but such penalty shall be accepted by said court in full discharge of the criminal liability of such person caused by such violation.

Sec. 7. *Same.* Said court shall retain all such signed statements for a period of two years from the date thereof and shall keep a separate record, available to the public at any reasonable time, of all money collected and all other official acts done in connection herewith.

Sec. 8. *Penalty.* The penalty which may be so voluntarily paid by any person so violating any ordinance regulating, restricting or defining the time, place or manner of parking motor vehicles in the village of Bennington shall be \$1.00 for the first violation in any fiscal year of the village of any such parking ordinances, and \$2.00 for the second violations in such fiscal year. Other violations of the ordinances of said village shall be punished in the manner prescribed by law.

Sec. 9. *Collections.* All money so collected by said court in any one month shall be turned over to the treasurer of the village of Bennington on the first day of the following month with a statement of the names of the persons from whom the money was collected and the amount paid by each and the date on which the same was collected.

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

Approved March 21, 1955.

NO. 308—AN ACT TO REPEAL SECTION 1 OF NO. 170
OF THE ACTS OF 1900 RELATING TO THE VILLAGE
OF BENNINGTON CENTER NOW KNOWN AS THE
VILLAGE OF OLD BENNINGTON.

[S. 69]

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

Section 1. Section 1 of No. 170 of the Acts of 1900 relating to highway taxes upon the poll and ratable estate within the village of Bennington Center in the town of Bennington, now known as the village of Old Bennington, is hereby repealed.

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Sec. 2. This act shall take effect when approved by a majority of the legal voters of the village of Old Bennington, present and voting at a regular or special meeting of the village duly warned for that purpose.

Approved April 15, 1955.

NO. 309—AN ACT RELATING TO THE ELECTION OF TRUSTEES OF THE VILLAGE OF OLD BENNINGTON.

[S. 25]

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

Section 1. Term of office. The term of office of the trustees of the village of Old Bennington shall be two years.

Sec. 2. At the 1955 annual meeting of the Village of Old Bennington there shall be elected three trustees for a term of two years each and two trustees for a term of one year each. Thereafter all terms shall be for two years each.

Approved February 24, 1955.

NO. 310—AN ACT TO AMEND SECTION 2 OF NO. 121 OF THE ACTS OF 1870, RELATING TO THE ELECTION OF TRUSTEES OF THE BENNINGTON GRADED SCHOOL DISTRICT.

[H. 403]

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

Section 1. Section 2 of No. 121 of the Acts of 1870 is hereby amended so as to read as follows:

Sec. 2. Said graded school district shall elect seven school trustees who shall reside in the village of Bennington. The trustees presently in office shall serve the remainder of their respective terms. Thereafter, at each annual meeting, vacancies caused by the expiration of the term of office of trustees shall be filled by the election of trustees at large for the term of three years each; and all vacancies caused by resignation, death, removal from the district, or other cause, shall be filled at an annual or special meeting warned for that purpose, for the unexpired term of such trustees only. Said trustees shall have all the powers and perform all the duties of a prudential committee, and shall choose one of their number to be president, and shall appoint a secretary of said board of trustees, who shall hold office for the term of one year, and until their successors are chosen and appointed.

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