

The Vermont Statutes Online

Title 24APPENDIX: Municipal Charters

Chapter 111: Town Of Chester

Subchapter 1: Merger Of The Village And Town Of Chester

§ 111-101. Merger of the Village and Town

The Village of Chester and the Town of Chester are hereby consolidated and merged, and the Village of Chester shall, except as hereinafter provided, cease to exist as a political entity or body corporate.

§ 111-102. -103. [Transitional sections related to the real property, financial and administrative matters pertaining to the termination of the corporate existence of the Village of Chester and its merger into the Town of Chester.]

Subchapter 2: Municipal Powers

§ 111-201. Town powers

The Town of Chester may exercise the following powers and functions in addition to those already or otherwise conferred upon it by law:

- (a) To establish and maintain a Police Department, to provide for the appointment of police officers, who shall be sworn and who shall have the same powers as constables in the service of civil and criminal process and such further special authority as may be provided in any bylaws or ordinances of said Town enacted under authority of law.
- (b) To acquire by gift or purchase, sell, convey, lease, assign, maintain, and service real and personal property as may be necessary or incidental to the exercise of its municipal powers, duties, and functions and to exercise in connection therewith any incidental powers as may be necessary to preserve and maintain the value of any such property once lawfully acquired.
- (c) To establish and maintain a Fire Department.
- (d) To establish, maintain, and keep in repair systems of sewers and drainage and to apportion and assess the expenses thereof against property benefited thereby as hereinafter provided.
- (e) To light its highways and bridges and to lay dust on said highways and bridges by sprinkling or otherwise, and to assess by vote of the Town such portion as may be voted to the cost of sprinkling or otherwise laying the dust on the highways and bridges against abutting land owners.
- (f) To establish, maintain, and keep in repair the water system heretofore owned by the Village of Chester and to provide the government and control of the same as hereinafter is specifically provided.
- (g) To provide for the collection and disposition of garbage, waste, and other refuse material.

Subchapter 3: Bylaws And Ordinances

§ 111-301. Powers of the Selectboard

The Selectboard of the Town of Chester, consistent with the Constitution and laws of the United States and of this State, shall have the power and authority to make, establish, alter, amend, or repeal ordinances, regulations and systems of licenses for regulation or revenue, for the following purposes:

- (1) To establish and regulate a market.
- (2) To make regulations relating to the suppression and restraint of disorderly and gaming houses, bowling alleys, billiard and pool tables, and all descriptions of gaming, and relating to the destruction of all instruments and devices used for that purpose and relating to the location of bowling alleys.
- (3) To regulate the exhibition of common showmen and of shows of every kind not interdicted by law.
- (4) To abate and remove all public nuisances and private nuisances.
- (5) To compel the owner or occupant of any unwholesome, noisome, or offensive house or place to remove or cleanse the same from time to time as may be necessary for the health and comfort of the inhabitants of said Town.
- (6) To direct the location and management of all slaughterhouses, meat markets, steam mills, blacksmith shops, and sewers.
- (7) To regulate the manufacture and keeping of gunpowder, ashes, and all combustible and dangerous materials.
- (8) To regulate the making of alterations and repairs of stovepipes, furnaces, fireplaces, and other things from which damage by fire may be apprehended and also to regulate the use of buildings in crowded localities for hazardous purposes, to provide for the preservation of buildings from fires by precautionary measures and inspections, and to establish and regulate a Fire Department and fire companies.
- (9) To prevent inordinate driving or riding in streets, and cruelty to animals.
- (10) To regulate the erection of buildings and to regulate entrances and exits to public halls and theatres until proper exits are provided, to prevent the encumbering of streets, sidewalks, or public alleys with firewood, lumber, carriages, boxes, and other things, and to provide for the care, preservation, and improvement of public grounds.
- (11) To provide a supply of water for the protection of the Town against fire, and for other purposes, and to regulate the use of same.
- (12) To compel all persons to remove from the sidewalks and gutters adjacent to the premises owed or occupied by them, all snow and ice, dirt and garbage, and to keep sidewalks and gutters clean.
- (13) To license innkeepers, keepers of saloons or victualing houses, peddlers, itinerant vendors, and auctioneers under such regulations and for such sums of money as shall be prescribed therefor.
- (14) To regulate or restrain the use of rockets, squibs, firecrackers or other fireworks in the streets or commons, and to prevent the practicing of any amusements therein having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.
- (15) To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting, and branding of beef, pork, and produce, and selling and measuring wood, lime, and coal, and to appoint suitable persons to superintend and conduct the same.

(16) To prescribe by regulation, as the same may be necessary and under the general authority herein granted, the powers and duties of the police officers of the Town.

(17) To regulate the grade of streets and the grade and width of sidewalks and the construction thereof and protect the same.

(18) To provide for street lighting.

(19) To prohibit and punish wilful injury to trees planted for shade, ornament, convenience, or use, public or private, and to prevent and punish trespassing, or wilful injuries to or upon public buildings, squares, commons, cemeteries, or other property.

(20) To restrain and punish vagrants, mendicants, and common prostitutes, and to suppress houses of ill fame.

(21) To establish and maintain a public library and reading room.

(22) To regulate and license junk dealers.

(23) To license taxicabs and to regulate their fees and prescribe their duties; and to rescind any license granted hereunder.

(24) To make rules and regulations for the parking of motor vehicles, automobiles, and vehicles of every kind and description, to exclude the parking thereof from certain public highways or parts thereof, and to make such traffic rules and regulations as the public good may require.

§ 111-302. Other ordinances and bylaws

Said Town may make, establish, alter, amend, or repeal any other bylaws, rules, and ordinances which it may deem necessary for the well-being of said Town, and not repugnant to the Constitution or laws of the State or the United States.

§ 111-303. Recordation and certificate of prima facie evidence

The bylaws, rules, and ordinances of said Town shall be recorded in the office of the Clerk of said Town, and the Clerk's certificate that such by-laws, rules, and ordinances were adopted at an annual meeting of said Town, or at a special meeting thereof, called for that purpose shall be prima facie evidence of such fact in any court in this State; and certified copies of said by-laws, rules, and ordinances and Clerk's certificates shall also be received as evidence in all the courts of the State.

§ 111-304. Fines and prosecution

A fine not exceeding \$20.00 and costs of prosecution may be imposed for the breach of any by-law, rule, or ordinance, or of any section of this act unless some other sum is named in the section. In case such fine and costs are not paid, the alternative sentence shall be confinement in the house of correction as is provided by law in other criminal cases. Prosecution for offenses under this act, unless otherwise specified, shall be commenced within three months after the commission of the offense. All fines shall be paid to the Town Treasurer and justices shall have jurisdiction where punishment is by fine not exceeding \$20.00.

§ 111-305. Parking ordinances

(a) Any person who has violated any ordinance which regulates, restricts, or defines the time or place of parking vehicles in the Town of Chester and who has not been convicted of any such offense more than once prior thereto in the same calendar year may, within three days from date of such violation, by a statement signed by the person, admit such violation and may waive the issuing of any process and a trial by jury or hearing, and may voluntarily pay to the Windsor Municipal Court, or a justice of the peace, the penalty herein prescribed; provided, however, that whenever, in the opinion of the court, or such justice, the gravity of the offense requires a fine in excess of the above penalty, such court, or justice, may refuse to accept such signed statement and penalty, and may order that the offender be proceeded against in the manner prescribed by law. In such event, the penalty shall be returned to the offender and the signed statement shall not be considered as an admission or used as evidence in any trial in any court in this State.

(b) The said court, or such justice, shall treat such signed statement, if accompanied by the penalty herein prescribed as a plea of guilty, and shall make such entry in its records. No costs, fees, or further charges shall be assessed against any person so admitting a violation of said parking ordinances or shall be allowed or paid to any officer or person because of such violations, but such penalty shall be accepted by said court, or such justice, in full discharge of the criminal liability of such person caused by such violation.

(c) Such court, or such justice, shall retain the above 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.

(d) The penalty which may be so voluntarily paid by any person so violating any ordinance regulating, restricting, or defining the time or place of parking vehicles in the Town of Chester, shall be \$1.00 for the first violation in any calendar year and \$2.00 for the second violation in any calendar year. Other violations of Town ordinances shall be punished in the manner prescribed by law.

(e) All money so collected by the said court, or by such justice, shall be turned over to the Treasurer of the Town of Chester, at the time when fines and costs collected for violations of other Town ordinances are paid to such Treasurer.

Subchapter 4: Water System

§ 111-401. Adoption of rules and regulations

The Selectboard under the vote and direction of said Town, may make and adopt such rules and regulations concerning the management and use of the water system of said Town, reservoirs, lands, and appurtenances, not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates.

§ 111-402. Water rents

All water rents with the charges for making water connections and piping shall be chargeable to and may be collected of the owners of property supplied with the same, and such owners and all such rents with charges for making water connections and piping shall be a lien and charge upon the buildings, lots, and other property so supplied and may be collected in the same manner as any tax assessed by said corporation.

§ 111-403. Taking of water and land for water system

Said Town is hereby authorized and empowered under any vote hereafter had for that purpose, through the Selectboard, to take, in addition to the water rights and appurtenances thereof, already owned or acquired by said Town, the waters of any fountains, springs, ponds, or streams for the purpose of affording said Town or any of the inhabitants of the Town of Chester a supply of water for fire, domestic, and other purposes, and may acquire the same by purchase or by right of eminent domain, and in like manner may take and hold such real estate as may be necessary for preventing the pollution of the water supply of said Town water system, provided that said Town shall not take water nor a supply thereof, so as to deprive an owner of water of an amount sufficient for his or her domestic and agricultural uses, without such owner's consent.

§ 111-404. Aqueduct and reservoir; laying of pipes

The said Town is hereby authorized and empowered through its Selectboard to maintain its present aqueduct and reservoir to conduct the water thereof to and distribute the same and for this purpose may enter upon and use any land through or over which it may be necessary for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs, and appurtenances as may be necessary for its complete construction and repairing of the same; and 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 appurtenances thereof.

§ 111-405. Petition to contest compensation for taking or use of land

When any person shall be dissatisfied with the award of the Selectboard as made in any of the cases mentioned in the two preceding sections, or if a person disputes the necessity of taking of any lands or streams for the purposes mentioned in said sections, such person may petition the Windsor County Court for an inquiry into such necessity or a reassessment and award of damages, and such proceedings shall be had in said Court on said petition as are provided by law in the case of an appeal from the action of Selectboard in taking lands for highway purposes. Said petition shall be served on the Clerk within 30 days next after said award shall be filed in the Town Clerk's office as aforesaid, and at least 12 days before the term of Court to which it is returnable, but nothing in said proceedings shall prevent the Selectboard from entering upon such land and using said water after the award shall have been made as herein set forth, and the amount thereof tendered by them, if the petition mentioned in this section is for a reassessment and award of damages only.

§ 111-406. Providing water to Chester and other municipalities

Said Town may sell and furnish water to any person or corporation for domestic or other purposes, except power for manufacturing and mechanical purposes, within or without said Town and lay all pipes necessary to furnish water to all such persons.

§ 111-407. Malicious damage to water system

Any person who shall maliciously disturb or injure said aqueduct, reservoir, springs, streams, or fountains, named or referred to in this act, or swim or bathe in the waters of said reservoir, springs, streams, or fountains supplying such reservoir, shall be liable to be prosecuted therefor by the Grand Juror of the Town or the State's Attorney of the county wherein such offense is committed by information, complaint, or indictment, and on conviction thereof shall be fined not less than \$5.00 nor more than \$100.00 and costs of prosecution and shall be liable, to said Town for all damage resulting to it by such disturbance-injury or pollution with full costs, the same to be recovered by said Town in an action on the case founded on this statute.