

Excerpt from  
Laws of Vermont 1852

No. 86.—AN ACT CONSTITUTING THE BOROUGH OF BURLINGTON AND INCORPORATING THE SAME UNDER THE NAME OF THE VILLAGE OF BURLINGTON.

SECTION

1. Certain parts of Burlington incorporated as a Village.
2. Annual and special meetings how called.
3. Election of officers and their powers.
4. Village may be divided into five wards.
5. Powers of trustees in regard to streets, roads, &c.
6. Trustees may make improvements in streets, and assess taxes therefor.
7. Fire-wardens to be appointed; their powers and duties.
8. Formation of Engine Companies, &c. authorized.
9. Powers of corporation defined.

SECTION

10. Trustees may appoint police officers; powers of such police officers. Provisions respecting violations of by-laws.
11. Fines for violations of this act, provisions relating to.
12. Corporation may assess taxes.
13. Regulations in regard to schools.
14. Corporation may authorize a plan of the village to be made. Obstructions on any street may be abated.
15. Voters of said village to vote as to acceptance of this act.
16. Members of corporation competent to act as judge, juror, &c. when the corporation is party. This act subject to control of future Legislatures.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows:*

SEC. 1. All that part of the town of Burlington included within the following boundaries to wit: Beginning at a point in the south line of one hundred acre lot number one hundred and fifty-nine which is at low water mark on the shore of Lake Champlain, thence easterly on the south line of said lot to the northeast corner of one hundred acre lot number one hundred and sixty, thence southerly along the easterly line of said lot number one hundred and sixty to the most southerly line of said lot number one hundred and fifty-nine, thence along said line of said lot number one hundred and fifty-nine and the north line of one hundred acre lot number one hundred and sixty-four to the westerly line of one hundred acre lot number one hundred and eighty-four, thence northward along the west line of one hundred acre lot number one hundred and eighty-four to the northwest corner thereof, thence easterly along the north line of lot number one hundred and eighty-four to the west line of Spear street so called, thence along the west line of Spear street and in the direction of said west line to the north line of Winooski Turnpike, thence along the northerly line of said turnpike to the westerly line of the road leading from said turnpike to Colchester avenue so called on the east side of the homestead of the late Moses Catlin, thence along the westerly line of said road and in the direction of said line to Winooski River, thence down by the southerly shore of said river to the northerly end of the west abatement of the bridge of the Vermont Central Railroad on said river, thence continuing down said river at the foot of the bank two chains,

thence westerly along the food of the bank bounding the interval on the south to the southerly line of one hundred acre lot number one hundred and fifty, thence westerly along the southerly line of said lot number one hundred and fifty to low water mark on the shore of Lake Champlain, at low water mark, thence in a right line to the place of beginning, shall be hereafter known by the name of the Village of Burlington; and the inhabitants of said village are hereby constituted a body politic and corporate with the usual powers incident to public corporations, to be known by the name of the Village of Burlington.

SEC. 2. An annual meeting of said corporation shall be holden on the first Monday of February at ten o'clock in the forenoon, at the town house in said Burlington, or at such other time and place as said corporation shall hereafter appoint, of which a notice shall be posted at two public places in village and published once in any newspaper published therein at least ten days previous to such meeting, which notice shall be signed by the clerk of said corporation; and in case of his failure, by the trustees, and for want of such trustees, by a majority of the justices of the peace residing in said village, who shall give notice of the first meeting and organize the same. And whenever five legal voters of said corporation shall so request, the clerk, and upon his neglect or refusal, the trustees may call a special meeting of said corporation, giving like notice of the same, and specifying in such notice the object of said meeting; and at such meetings in said town, and who shall reside within the bounds herein or hereafter established for said village, shall be entitled to vote.

SEC. 3. At any annual meeting, said corporation shall, by ballot if called for, elect for the ensuing year, and until their places are filled by due elections, a moderator, who shall preside at all meetings with the powers of a moderator in town meetings; a clerk who shall keep a record of all the proceedings of said corporation, with power to certify copies of the same, and who shall perform the usual duties of clerk; five trustees, who shall reside in said village, and said trustees shall have the management of the affairs of said corporation, and the necessary power for that purpose, may fill vacancies in the offices of said corporation and act by a majority; and of whom the eldest in office present at any meeting shall preside when the moderator is absent; a treasurer and a collector, who shall be sworn and who shall discharge the usual duties of such offices, and give bonds to said corporation, in such sums as said trustees shall direct, for the faithful performance of the same: *Provided*, that if the annual meeting shall fail to be held for want of the notice hereinbefore mentioned or for any cause, the corporation shall not thereby be prejudiced, and all its officers aforesaid may at any time thereafter be elected at a special meeting called for that purpose as hereinafter provided.

SEC. 4. Said corporation may by vote at any legal meeting order the village to be divided into five wards, as nearly equal in population as may be, and after said division shall have been made and recorded in the town clerk's office, one trustee shall be chosen from each ward at every subsequent election.

SEC. 5. The trustees of said corporation shall have power to direct the expenditure of such portion, not being less than three-fourths, of the highway taxes assessed upon the grand lists of the inhabitants of said village, and upon the rateable estate belonging to non-residents, situated within the bounds of said village, as the selectmen of said town of Burlington may assess to them, and may lay out, alter, maintain or discontinue any street, road, lane or walk, in said village, and appraise and settle the damages therefor, and shall, in so doing, possess all the powers now possessed by selectmen in like cases, causing their proceedings to be recorded in the town clerk's office in said town: *Provided*, the any person aggrieved by their proceedings shall have the same opportunity of applying to the county court for the County of Chittenden to obtain redress, as now is or may be allowed by law to those aggrieved by the proceedings of selectmen in similar cases.

SEC. 6. Said trustees shall also be empowered to make improvements in any street, by way of filling up or grading down or paving the same, may grade, pave or construct any sidewalk, gutter or sewer, which they may consider necessary, and may assess a tax for the whole, or such portion of the value of said improvement, grading, paving or construction upon such rateable property adjacent, as in their opinion shall be benefited thereby, in such proportions as they shall consider equitable, and for all such taxes the said trustees may make out rate bills and warrants, and deliver the same to the collector of said village, who shall proceed in the same manner and possess all the powers in the collection of such taxes as the collector of town taxes.

SEC. 7. Said trustees shall, by appointment in writing, which shall be recorded by the clerk of said corporation, appoint ten fire wardens, two from each wards, who shall have power, in times of fire, to suppress

all tumults and riots, by force; if necessary, to direct the labor of all persons present during the continuance of such fires, to receive and protect goods and effects endangered by such fires, to pull down and remove any house, store, or other building, when they deem it necessary to prevent the spreading of such fire, for which neither they, their aid and assistance to suppress any fire, and for all the purposes aforesaid, under such penalties as the by-laws of said village may provide, and said wardens may inspect the manufacturing and keeping of gunpowder, lime, ashes, matches, lights, fireworks, and other combustibles, and the construction and repairs of all fireplaces, stoves, flues and chimneys in said village; and a majority of said fire wardens may, if they deem the same dangerous, order the persons manufacturing or keeping gunpowder, lime, ashes, matches, lights, fireworks or combustibles, in what manner to manufacture and keep the same; and the owners or occupiers of such fireplaces, stoves flues or chimneys, how to repair the same; and every person neglecting or refusing to obey such order, shall forfeit and pay to the use of said corporation, a fine of not less than ten nor more than fifty dollars for each period of thirty days after notice of such order that such person shall neglect or refuse to obey the same.

SEC. 8. Said corporation shall have the power to direct the organization and regulate the proceedings of such engine, fire, and hook and ladder companies, as they may judge best, and may, from time to time, appropriate such sums of money to the use of any of such companies as said corporation may deem expedient.

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, measurement and weight, of wood, hay, grain, and all other articles within the limits of said village; the construction, location, and use of hayscales, markets, and slaughter houses, groceries and 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, standing in any street in said village, to restrain all nuisances or abate the same; to control all bowling alleys, billiard saloons, concerts, public meetings, public, theatrical and other exhibitions, and permit the same under such licenses as they may deem proper; direct the cleaning, 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 dogs, 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 shad and other trees, lay out, grade, fence, and otherwise improve all public parks and commons; and may impose any fine, not exceeding fifty dollars, for a breach of any of said by-laws, which fines and all others provided by this act, prosecuted within six months from the time they accrue, in the name of such corporation, may be recovered before any justice of the peace of said county, town or village, in an action of debt, declaring generally for a breach of such by-law or of this act.

SEC. 10. The trustees of said corporation shall have power to appoint police officers not exceeding seven in number, by writing under their hands, who shall be qualified by taking the oath of office and causing the said appointment and the certificate of said oath written thereon to be recorded by the clerk of said corporation; which appointment may be revoked at the pleasure of said trustees; such police officers shall be informing officers with all the powers of town grand jurors, shall hold their offices from the time of their appointment until the first day of March then next ensuing, and shall be by virtue of such appointment constables and conservators of the peace, and receive the same fees as constables under any general law of this state, and such further fees and compensation as may be fixed by said trustees. Any such police officers may serve any criminal process, and upon view of any offence, committed against the laws of this state or the by-laws of said corporation, may arrest the offender forthwith and carry him before some justice of the peace to answer a complaint therefore, and the oath of such police officer shall be sufficient evidence of such offence and authorize the said justice to punish the offender or recognize such person with surety to appear at the county court for the same, unless said oath shall be invalidated by other evidence. If any police officer shall arrest any such offender between sunset and sunrise, or upon any Sunday, or shall arrest any person for being found drunk contrary to law or to any by-law of said corporation, he may commit such person to the common jail or otherwise retain him in safe custody not exceeding twenty-four hours, unless sooner called for by the same police officer. Any person who shall violate any of the provisions of this act, or any by-law of said corporation,

may be arrested by any one of said police officers and brought forthwith before any justice of the peace for the County of Chittenden, to answer a complain therefor, and said police officer shall have power to make such complaints, on oath, in the name of such corporation, and upon the trial of such complaints, shall be a competent witness. Said justice may proceed to hear, try, and determine such complaint, and if he shall adjudge the person so charged guilty, he shall impose upon him such fine as shall be provided by this act or any such by-law, and on default of the payment of such fine, with legal costs, (which shall be taxed at the same rates now provided by statute in criminal proceedings before justices of the peace,) may order such person to be imprisoned in the common jail in the County of Chittenden, until he shall pay such fine and costs, or be otherwise discharged by order of law.

SEC. 11. All fines imposed for violations of this act, or of by-laws of said corporation, shall belong to said corporation. The trustees of said corporation may remit fines imposed for violations of said act, or by-laws, and discharge offenders from imprisonment, and said corporation shall be liable for prison charges in case of the offender's inability.

SEC. 12. The said corporation may, at any annual meeting, or special meeting called for that purpose, as herein before provided, lay a tax on the grand list of the inhabitants of said village, their real estate without said village limits being exempted, and upon the rateable estate within the same, belonging to non-residents, to raise money for the purposes contemplated by this act, and the trustees shall make out a rate bill accordingly and deliver the same to the collector, who shall have the same power to collect such tax as the collectors of town taxes, and may in like manner sell property to satisfy the same, and for want thereof commit any person against whom he has such tax to jail, and it shall hereafter be the duty of the listers of the town of Burlington, in making the list of said town, to designate therein such of the rateable estate, belonging to non-residents, as shall be within the limits of said village of Burlington.

SEC. 13. The several school districts in the town of Burlington, numbered from nine to fifteen, inclusive, shall have the same organization, rights and powers as heretofore, save that after July 1, 1853, no tax shall be laid by any one district except for that purpose of erecting school houses and keeping them in repair, and purchasing sites for school houses therein. The village corporation, after July 1, 1853, shall have as full and ample power to raise money by tax upon the grand list of said districts, for all other school or union school purposes than those above named, as are now possessed by the several school or by union school districts, and all such moneys shall thereafter be raised by taxes laid or ordered by vote of said corporation, at a legal meeting thereof, and in such meeting any legal voter in any of said districts shall be entitled to vote upon all questions relating to raising money as contemplated by this section. Whenever such tax is voted, the trustees shall cause a rate bill therefor to be made out and delivered to the village collector, who shall have full power to, and shall collect and pay over the amount of the same to the village treasurer, to be by him disbursed to the several districts under the direction of the trustees: *Provided*, that if any district have funds the income whereof is to be applied to the support of schools in such district, such income may, by a vote of such district, be applied in abatement of any school tax assessed by said corporation pro rata, according to the grand list of such district.

SEC. 14. Said corporation may, by vote at any legal meeting, authorize a complete plan of the said village to be made, as well of streets now opened, as of those which may be hereafter required. After said plan shall have been made and recorded in the town clerk's office, it shall not be lawful for any person to erect any building on part thereof, or any other obstruction in any street laid down on said plan. Buildings, or other obstructions in this respect unlawfully erected, may be abated as nuisances whenever the street is opened, and said corporation shall not be liable in damages therefor.

SEC. 15. At the first meeting of the legal voters of said Village of Burlington, to be holden as provided in section two of this act, the justices warning such meeting shall insert in such warning an article as follows:— "to see if the legal voters of the village of Burlington, will accept and approve the act of incorporation of said village," and if the majority of the legal voters present at such meeting are in favor thereof, then this act shall be in full force, otherwise void, and no effect whatever.

SEC. 16. No member of said corporation shall be deemed incompetent to act as judge, juror, sheriff, constable or witness in any cause or proceeding in which said corporation shall be interested, and this act shall be under the control of future legislatures to alter, amend or repeal, as the public good may require.

Approved, November 23, 1852.