

NORTH BRANCH FIRE DISTRICT #1
By-Laws (Ordinance-Plans)
Revised October 28, 1986
Reprinted July 26, 2011

General Provisions

§101 Short Title

These By-Laws (Ordinance-Plans) have been adopted by North Branch Fire District #1 in accordance with and pursuant to the authority vested in the Fire District under and by virtue of the laws of the State of Vermont and may be referred to as the District By-Laws, (Ordinance-Plans).

§102 Purposes

- (a) It is the intent and purpose of these By-Laws (Ordinance-Plans) to assist in the development of lands within the Fire District by the action of its Prudential Committee. In addition, these By-Laws (Ordinance-Plans) shall further the following more particularly described and specific aims:
 - (1) To protect our environment and our waters for the benefit of this and future generations.
 - (2) To reduce water pollution.
 - (3) To provide the means to abate present sewer pollution and to prevent new sources thereof.
 - (4) To service by municipal sewerage collection, expansion and growth in the Fire District, and increased skier demands.
 - (5) To adopt an orderly and systematic phasing of existing sewer pollution abatement and prevention of future sources of pollution.
 - (6) To allocate the use of existing excess treatment plant capacity to enable improvement.
 - (7) To preserve, repair, upgrade and remodel a treatment plant and its facilities in order to attain and retain its designed capacity, and to do what is lawful in increasing its capacity to meet growth and additional demands.

§103 Definitions

The following definitions shall apply throughout these By-Laws (Ordinance-Plans) unless the context otherwise requires:

- (1) “Person” means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
- (2) “Sewer Facility” means the Municipal sewer disposal system within the Fire District including the treatment plant, equipment fittings, valves, pumps and pumping stations, and the network of pipes and conduits existing and proposed for the collection, treatment and disposal of effluent.
- (3) “Prudential Committee” means the elected legislative and governing body of the Fire District.
- (4) “Excess Capacity” means that designated but unused and available capacity of the disposal system and treatment plant to effectively collect, treat, and discharge effluent.

§ 104 Powers of the Prudential Committee

As authorized and prescribed by the laws of the State of Vermont, the Prudential Committee may, among other things:

- (1) Determine and establish a schedule of rates, charges, sewer rents, assessments, taxation and methods and manner of the collection thereof.
- (2) Determine and establish rules and ordinances regulating the amount, extent, use and allocation of excess capacity among persons in the Fire District.
- (3) Attach such conditions to contracts allocating excess capacity as may be necessary to cause conformance with these By-Laws (Ordinance-Plans) and with other rules, regulations and ordinances.
- (4) To have such other powers and duties as provided by law.

§107 Administration and Enforcement/By-Laws (Ordinance-Plans) effect of adoption

No hook ups to the municipal system may be undertaken or effected within the Fire District, nor continued use thereof after the effective date of these By-Laws (Ordinance-Plans), except in conformance with its rules, regulations, ordinances, inspections, and schedule of fees from time to time in effect.

§114 Enforcement: remedies

The Prudential Committee may institute in the name of the Fire District any appropriate action, injunction or other proceeding to prevent, restrain, or abate use of municipal facilities or when persons violate its rules, regulations and ordinances.

§116 Availability of Documents

Current copies of schedules, rules, regulations, By-Laws (Ordinance-Plans) ordinances, or other substantive and administrative documents shall be available to the public during normal business hours in the office of the Clerk of the Fire District.

NORTH BRANCH FIRE DISTRICT #1
These By-Laws were published on April 20 & 27 in the Valley News
And
Become effective on April 28, 1972/ Joseph Lassiter, Chairman
Prudential Committee
(Reprinted July 26, 2011)

Administration and Enforcement

§107 By-Laws: effect of adoption

No development may be undertaken or effected within the jurisdiction of the Fire District after the effective date of these By-Laws, except in conformance therewith.

§ 108

The Prudential Committee shall administer these By-Laws literally, and shall not have the power to permit any development which is not in conformance therewith.

§ 109

Within the Fire District no development may be commenced without a disposal permit issued by the Prudential Committee. No such permit may be issued except in conformance with these By-Laws. It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, after the effective date of this By-Law, until a disposal permit is issued therefore by the Prudential Committee stating that the proposed use of the structure or land conforms to the requirements of this By-Law.

§ 112 Enforcement: penalties

Any person who violates this By-Law after the effective date shall be fined not more than fifty dollars for each day said violation continues. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists. No notice shall be required to any person who violates this By-Law in connection with a development for which an application has been submitted and a permit therefore denied. In default of payment of the fine, such person, joint owners, tenants in common, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine. All fines collected for the violation of these By-Laws shall be paid to the Fire District and as prescribed by law.

§114 Enforcement: remedies

If any development is commenced or maintained, or is proposed to be commenced in violation of this By-Law, the Prudential Committee may institute in the name of the Fire District any appropriate action, injunction or other proceeding to prevent, restrain, or abate such development or the commencement of the use thereof, or to prevent any act, conduct, business or use therein.

§ 116 Availability of documents

Current copies of plans, schedules, rules, regulations, By-Laws, or other substantive and administrative documents or criteria shall be available to the public during normal business hours in the office of the Clerk of the Fire District.

Appeals

§ 120 Review Board

Promptly after adoption of these By-Laws, the Prudential Committee shall appoint a Board of Review which shall consist of members of the Prudential Committee and six additional members appointed by the Prudential Committee from a list of twelve or more nominees submitted by the Selectmen of the Town of Dover. If the said Selectmen fail to provide sufficient nominees within 30 days from the request therefore the Prudential Committee shall appoint members to fill the said board. The tenure of office of the list of six additional members shall be as follows:

Two for one year;
Two for two years;
Two for three years:

Any vacancy occurring shall be filled by appointment of the Prudential Committee from a list of two nominees submitted by the Selectmen of the Town of Dover. Appointments for expired terms shall be for three years. If multiple vacancies exist the list of nominees shall be combined. The members of the board shall be qualified voters of the Fire District.

§ 121

The Review Board shall elect its own officers and adopt rules of procedure and may set such reasonable fees for filing notices of appeal. The officers of the board may administer oaths and shall have the power to compel attendance of witnesses and the production of books, records, documents and materials germane to any issue under appeal. All meetings shall be open to the public. The board shall keep minutes of its proceedings and shall indicate, in writing, the vote of each member upon each question. It shall keep records of its meetings and official actions and it shall retain same as a public record. For the conduct of any hearing and the taking of any action, a quorum

shall be not less than a majority of the members of the board, and any action thereof shall be taken by the concurrence of a majority of the Board. Decisions of the Board shall be sent to the appellant by certified mail and it shall also file a copy thereof with the Clerk of the Prudential Committee and the Dover Town Clerk.

§ 122

- (a) Any person aggrieved by a decision of the Prudential Committee may appeal any decision or act taken by it, or failure to act, by filing a written notice of appeal in triplicate with the Clerk of the Prudential Committee within thirty days of the date of such decision or act.
- (b) For the Purposes of this section, a person aggrieved shall mean any one of the following:
 - (1) a person owning title to or having interest in property affected by a By-Law who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
 - (2) the Fire District
 - (3) any adjoining municipality
 - (4) any person or group of persons owning or occupying property in the Fire District who alleges that the decision or act is not in accord with the policies, purposes or intent of these By-Laws.

§ 123

The filing of a notice of appeal hereunder shall automatically stay the enforcement provisions by the Fire District and all action by applicant in connection with the development affected by such appeal.

§125

Any person aggrieved by a decision of the review board may appeal said decision to the County Court in accordance with Vermont Law.

§127 Construction, Severability and Saving Clause

Within thirty days of filing of an application for a disposal permit with the Clerk of the Fire District, the Prudential Committee shall act upon the application either approving the disposal permit, denying the request, or returning the application stating what information was lacking. Reapplication with additional information shall be treated as a new application except no fee shall be charged.

Within thirty days of filing an appeal to the Review Board with the Clerk of the Fire District, the Review Board shall act upon the appeal by either approving the disposal permit, denying the request, or returning the application stating what information was

lacking. In the latter case, the applicant may resubmit his/her appeal any time within one year without additional fees.

The word “approve” as used in this section shall include in its meaning the attaching of conditions to the permit.

If the Prudential Committee or the Review Board fails to act within thirty days as prescribed in this section, then the Clerk of the District shall issue the disposal permit as requested.

The filing date is the earlier of:

- (a) Personal service to the Clerk of the District.
- (b) Mailing of certified or registered mail
- (c) Receipt by Clerk of regular mail

The action date shall be the earlier of:

- (a) Personal service to applicant of results in writing.
- (b) Mailing of certified mail to address on application.

§128

Any statement of policy, interpretation of a statute, or decision made hereunder disposing of a particular matter on the basis of a specific set of facts and circumstances, does not effect an amendment of these By-Laws nor constitute specific adoption of any rule or law changing or adding to these By-Laws.

§129

If any provision of this By-Law or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications hereunder which can be given effect without the invalid provision or application, and for this purpose the provisions of these By-Laws are severable.

§130

Notwithstanding the provisions herein before set forth, any person holding all of the necessary permits before April 14, 1972, (whether Federal, State or Municipal) to start construction of a development and who has actually begun construction by April 14, 1972, by at least pouring of concrete in a useful shape or setting of any useful foundation shall be considered as an existing structure, or land use, or business.

Any person who qualifies as above in this section, but has not started construction shall be eligible for a disposal permit using excess capacity of the original treatment plant as defined by the administrative rules of the Prudential Committee and shall be treated for charging purposes as new construction.

In either of the cases in this section, if a private system of sewage disposal is to be utilized it shall meet the standards of the Fire District in effect at the time of construction. In case the District has none in effect, those of the Town of Dover shall apply.

Any person wishing to take advantage of this section must apply to the Clerk of the District within 20 days of the effective date of this By-Law and shall attach copies of permits and evidence of construction dates, all on or attached to his own letterhead.

§132

These By-Laws may be amended or revised by a two thirds vote of the qualified voters of the Fire District present and voting and in accordance with provisions of law made and pertaining thereto, and provided further that the proposed amendments or revisions be published in a newspaper having general circulation in the Fire District at least fifteen days prior to date vote is taken.

§133

These By-Laws will become effective at noon on the day following the second of two successive weekly publications in a newspaper of general circulation in the Fire District after adoption thereof by a majority of the voters of the District at a meeting duly warned for the purpose.

**INTERPRETIVE INFORMATION AND CRITERIA
APPLICABLE TO BY-LAWS AND RULES AND REGULATIONS
Approved by Prudential Committee May 6, 1972
(Retyped July 26, 2011)**

GENERAL

The Bond was voted for the express purposes of abating and preventing water pollution by sewage within the Fire District and to protect the Community from environmental damage of other types. The By-Laws outline the administrative procedures and criteria by which the Prudential Committee and the Review Board shall work to accomplish the purposes of the Bond.

§102 Purposes

Gives an official statement of these aims. It was intended and represented to the voting public that Section 102 was our counsel's wording of the twenty-two objectives of the March 23, 1972 article in the Valley News as amended at the public meeting of March 30, 1972. For clarity that section is reproduced below, as amended.

“The Prudential Committee, in consultation with the Selectmen and the Planning Commission, have developed a tentative outline of the objectives to guide implementation of new procedures and design of the sewer project. Certain types of new facilities would be encouraged by providing sewer capacity because they would be of broad based community benefit. For example:

1. Ski area base lodge expansion as needed to support ski area expansion to keep pace with growth of skier traffic.
2. High quality gas stations and repair shops in modest number and well-chosen locations.
3. Professional services such as doctor, dentist, chiropractor, social counsel, accountant, engineer and lawyer.
4. Non-ski season tourist attractions such as indoor tennis, golf driving range, miniature golf, health club, horses, ice rinks.
5. Retail services such as grocery, department store, hardware, bowling and indoor theater.
6. Improvement, expansion and completion of existing facilities in modest amounts.
7. Teenage recreation facilities other than skiing.
8. Shuttle service for both residents and tourists to reduce pedestrian hazards, relieve parking problems and connect with public transportation at airports, railroads and bus lines.
9. Educational and municipal facilities.

Other Objectives:

10. Sewage treatment facilities attractive and screened.
11. Provide for orderly growth of housing opportunities in step with development of ski facilities and other recreational facilities.
12. In step with ski area growth, provide adequate parking close to the lifts and improve vehicular access to that parking and reserve convenient space for future parking expansion.
13. Preserve scenic values and open space to keep area attractive to guests, tourists and residents.
14. Abate present pollution and prevent new pollution.
 - i. Water
 - ii. Air
 - iii. Noise
15. Prevent dangerous overloading of road network.
16. Encourage establishment of design control districts.
17. Encourage broadening of community base supporting municipal activities.
18. Connect cooperative existing facilities beyond original scope of project to abate smaller and widespread sources of pollution.
19. Maintain and improve the health of the economic base.
20. Encourage where practical location of new enterprises off the visible portion of Route 100 corridor to avoid the appearance of strip development.
21. Encourage area road improvement.
22. Provide that all standards and regulations be compatible with those of the Town of Dover.

These objectives are retained in an interpretive aid to Section 102.

Disposal permits for connection to the public sewer will be issued to the following automatically upon application to the Clerk and upon completion of the Disposal Permit form:

1. Existing buildings under Phase I and II.
2. Uncompleted projects under Section 130 of the By-Laws if requested by May 18, 1972.
3. Under Section 127 of the By-Laws, any application on which the Prudential Committee or Review Board has failed to act.

All other applications for disposal permits will be subject to review by the Prudential Committee. Disposal permits may be issued for public sewer connections, private disposal systems, or both, as facts warrant.

The Prudential Committee shall, after sufficient information has been received on the disposal permit application, make a determination as to the Phase of the Project. Only

those new projects qualifying under the twenty-two objectives and Section 102 above will be designated Phase IIB. All other new projects will be designated Phase III.

State of Vermont guidelines provide that we should use the excess capacity for normal community growth and that we must not use excess capacity to provide sewage service for artificially stimulated growth due to State and Federal aid being provided, only for normal growth over a 20 year period. It was intentional that new rental housing projects, condominiums, and motels were not included in the 22 objectives. It is recognized that normal traffic growth of 6½ % per year will have a serious negative effect on the health of the community, especially when it is estimated that at least 10 years will be required for the building of a new road. Based on Mt. Snow's past growth rate of 15% per year, traffic in 10 years would be quadrupled. There will be a period when growth should be restricted to protect our environment.

Signed by Joseph Lassiter, Chairman
May 6, 1972