

VERMONT

TITLE NINE. COMMERCE AND TRADE

PART 4. REGULATION OF TRADE

CHAPTER 101. WAGERING CONTRACTS

§ 3982. VOID CONTRACTS

Contracts, promises, notes, bills, bonds, judgments and other assurances, and mortgages, conveyances or securities made and executed by a person in which any part of the consideration is for money or other valuable thing won on any of the aforesaid games, or borrowed or lent for such purposes at the time and place of gaming, shall be null and void.

TITLE TEN. CONSERVATION AND DEVELOPMENT

PART 5. LAND USE AND DEVELOPMENT

CHAPTER 159. WASTE MANAGEMENT

SUBCHAPTER 1. GENERAL PROVISIONS

§ 6605f. WASTE MANAGEMENT PERSONNEL BACKGROUND REVIEW

(a) Disqualifying criteria. Any nongovernmental entity or person applying for a certification under sections 6605, 6605a or 6606 of this title, for interim certification under section 6605b of this title, or for a waste transportation permit under section 6607a of this title,*[]*shall be denied certification or other authorization if the secretary finds:

(1) that the applicant or any person required to be listed on the disclosure statement pursuant to subdivision (b)(1) of this section has been convicted of any of the following disqualifying offenses in this or any other jurisdiction within the 10 years preceding the date of the application:

- (A) murder;
- (B) kidnapping as defined in section 2405 of Title 13;
- (C) gambling as defined in section 2135 of Title 13;
- (D) robbery as defined in section 608 of Title 13;
- (E) bribery as defined in chapter 21 of Title 13;

- (F) extortion as defined in section 1701 of Title 13;
 - (G) arson as defined in chapter 11 of Title 13;
 - (H) burglary as defined in section 1201 of Title 13;
 - (I) larceny and embezzlement as defined in chapter 57 of Title 13;
 - (J) forgery and fraud as defined in chapters 43, 47 and 49 of Title 13 and chapters 63, 67, 71, 105 and 131 of Title 9;
 - (K) possession and control of drugs and related offenses as defined in chapter 84 of Title 18;
 - (L) trafficking in alcoholic beverages as defined in section 561 of Title 7;
 - (M) the federal Racketeer Influenced and Corrupt Organizations Act as defined in 18 U.S.C. § 1961 et seq.;
 - (N) the criminal provisions of federal antitrust laws for activities related to solid waste;
 - (O) the criminal provisions of any federal or state environmental protection laws or rules relating to solid waste;
 - (P) obstruction of justice as defined in chapter 67 of Title 13;
 - (Q) fraud in the offering, sale or purchase of securities as defined in section 4224a of Title 9 and in the United States Code;
 - (R) alteration of motor vehicle identification numbers as defined in section 1703 of Title 23;
 - (S) unlawful manufacture, purchase, use, or transfer of firearms as defined in chapter 85 of Title 13 and in the United States Code;
 - (T) perjury as defined in chapter 65 of Title 13; or
- (2) that the applicant or any person required to be listed on the disclosure statement pursuant to subdivision (b)(1) of this section, alone or taken together, have committed more than one violation of environmental: statutes; rules; orders; certifications; or permits, issued by any jurisdiction, which have the potential to significantly harm the public health, public safety or the environment, giving due consideration to the size and scope of the applicant's business operations.
- (b) Disclosure statement. The disclosure statement shall include the following:

(1) Disclosure of equity and debt ownership. The full name, business address, and Social Security number or its foreign equivalent of the applicant or, if the applicant is a business concern, of the officers, directors, partners, or key employees of that business concern; and a listing of all persons or business concerns which hold any equity in or debt liability of the applicant business concern, or, if the applicant business concern is a publicly traded corporation, of all persons or business concerns holding more than five percent of the equity in or debt liability of that business concern. The secretary and the commissioner of public safety shall have the right, but not the obligation, to require the applicant to submit disclosure statements for the officers, directors, partners, and key employees of any business concern that holds any equity in or debt liability of the applicant business concern.

(2) Disclosure of equity and debt ownership in related business concerns. The full name, business address, and Social Security number of all persons or business concerns holding any equity in or debt liability of any business concern disclosed in this subsection. The secretary and the commissioner of public safety shall have the right, but not the obligation, to require the applicant to submit disclosure statements for the officers, directors, partners and key employees of any business concern that holds any equity in or debt liability of the applicant business concern.

(3) Disclosure of record of convictions. The record of convictions identified in subsection (a) of this section by any person identified in this section for the 10 years prior to the date of the application.

(4) Disclosure of civil and administrative penalties. A list of all civil and administrative penalties issued against the applicant by any state or federal authority, in the five years immediately preceding the filing of the application, which resulted from a finding of violation or assurance of discontinuance, relating to the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste by the applicant, or if the applicant is a business concern, by any key employee, officer, director, or partner of that business concern.

(c) Investigation. The secretary shall refer the completed application to the department of public safety for the purpose of verifying the information in the application and conducting an investigation. In connection with its investigation, the department of public safety may request and receive criminal history information from any federal or state law enforcement agency or organization and may transmit that information to the secretary. Unless the secretary's determination or decision is contested, the information contained in the investigative report shall remain confidential and shall only be used by the cooperating agencies.

(d) Definition of key employee. As used in this section, "key employee" means any individual employed by a business concern in a management capacity or who is empowered to make discretionary decisions of a financially material nature with respect to the solid or hazardous waste operations of the business concern.

(e) Change in ownership. In the event of any change in ownership, the certificate or permit holder under this section shall file a disclosure statement, as required of an applicant under this section. This filing shall be made at least 90 days before the proposed change in ownership. A proposed change of ownership shall be processed in the same manner as an application under subsection (a) of this section, and if it would result in the denial of an application, transfer of the permit to the proposed new owner shall be denied.

(f) Rehabilitation. Notwithstanding the provisions of this section, no applicant under this section shall be denied certification or licensure on the basis of disqualifying criteria with respect to any individual required to be listed in the disclosure statement or shown through investigation to have a beneficial interest in the business of the applicant other than an equity interest or debt liability, if the person has demonstrated the person's rehabilitation, as determined by the secretary.

(g) Revocation of certification. The secretary shall revoke any certification or permit subject to this section, or appoint a receiver and order that the receiver conduct the business in question, if the secretary determines:

(1) that any of the grounds for denial under subsection (a) of this section either existed at the time of application or have arisen since that time; or

(2) that the holder of the certification or permit, or the applicant for the certification or permit, knowingly omitted or falsified information required to be disclosed under this section.

(h) Agency coordination. The secretary of natural resources, the attorney general, the state's attorneys, and the commissioner of public safety shall coordinate efforts to enforce solid waste laws and to investigate for violations of those laws.

(i) Decision by secretary. Any denial by the secretary under subsection (a) of this section shall be made within 90 days of receiving a completed application; except that when the secretary or the commissioner of public safety requests additional information pursuant to subdivision (b)(1) or (2) of this section, the 90-day period shall not run from the date of that request until the date upon which the secretary or commissioner receives the information requested. If the secretary does not issue a denial within 90 days of receiving a completed application or the additional language requested, the applicant shall be deemed to have complied with the requirements of this section, subject to the secretary's right to seek revocation under subsection (g) of this section.

(j) Private entities that contract with governmental entities. If a governmental entity is an applicant for a certification, interim certification or waste transportation permit listed in subsection (a) of this section, and contracts with a nongovernmental entity to conduct any part of its operation that is subject to the certificate or

permit, such nongovernmental entity shall comply with the requirements of this section.

(k) Exemption.

(1) Except to the extent that other activities create jurisdiction under this section, a person shall be exempt from the provisions of this section, if that person:

(A) applies for certification under this chapter for on-site storage or treatment of solid or hazardous waste:

(i) which is generated solely on-site, or

(ii) which is generated off-site by:

(I) any person under the same ownership or control as is the person applying, or

(II) any person who is a joint venturer with, or partner of, the person applying; and

(B) does not accept any other solid or hazardous waste for storage or treatment.

(2) Any person who applies for a certification under this chapter to perform corrective action, or closure or post-closure activities shall be exempt from the provisions of this section, except to the extent that other activities create jurisdiction under this section.

(l) Continuing jurisdiction. After a certification or permit has been issued, the secretary and the commissioner of public safety shall retain the right to require the permittee to submit additional information concerning all persons holding equity in or debt liability of the permittee, if the secretary or commissioner has received reliable information, that was not available at the time the certification or permit was issued, indicating that additional investigation is warranted. Upon request by the secretary or the commissioner for the submission of additional information, the permittee shall exercise all due diligence to comply completely and in a timely manner with the request.

(m) Annual statement. Any person subject to this section who has received a waste transporter permit under section 6607a of this title shall file a statement annually within 30 days prior to the month and day of issuance of that permit disclosing any changes in facts that would render the disclosure statement filed in connection with that permit inaccurate in any way, or stating that no such changes have occurred in the period of time covered by the annual statement. The annual statement shall be under oath or affirmation.

TITLE THIRTEEN. CRIMES AND CRIMINAL PROCEDURE

PART 1. CRIMES

CHAPTER 51. GAMBLING AND LOTTERIES

VERMONT STATUTES ONLINE

§ 2025. EMPLOYERS WITHOUT WORKERS' COMPENSATION INSURANCE; CRIMINAL SANCTION

Any employer who fails to comply with the provisions of 21 V.S.A. § 687 shall be fined not more than \$2,500.00 or imprisoned for up to one year, or both. For the purposes of this section, the term employer includes the owner or operator of a business, the officers of a corporation and the partners in a partnership.

§ 2101. SETTING UP, PROMOTING OR AIDING

Except as provided in section 2143 of this title, a person who sets up or promotes a lottery for money or other property, or disposes of money or property by a lottery, and a person aiding or concerned in so doing, or who knowingly allows premises owned or occupied by him or her or under his or her control to be used for that purpose, or by persons raffling or using a game of chance for money or property, shall be imprisoned not more than one year or fined not more than \$10,000.00, or both, for the first offense and imprisoned not more than three years or fined not more than \$10,000.00, or both, for each subsequent offense.

§ 2102. DISPOSING OF PROPERTY BY WAY OF CHANCE

Except as provided in section 2143 of this title, a person who sells or disposes of property by way of chance or, as an inducement to the sale of property, gives the purchaser or any other person other property to be drawn by way of chance or lottery shall be imprisoned not more than one year or fined not more than \$10,000.00, or both, for the first offense and imprisoned not more than three years or fined not more than \$10,000.00, or both, for each subsequent offense.

§ 2102a. AFFIRMATIVE DEFENSE

It shall be an affirmative defense to a charge under section 2101 or 2102 of this title that the person charged complied with the provisions of section 2143 of this title.

§ 2103. LOTTERY TICKETS

(a) A person shall not:

(1) Sell a lottery ticket or an interest therein, or a paper purporting to be a lottery ticket or an interest therein;

(2) Open or keep an office, shop or store for the purpose of selling or procuring a lottery ticket or paper or an interest therein;

(3) Act as a broker or agent in buying, selling or procuring to be bought or sold or disposed of in any way such ticket or interest therein, or in effecting or in endeavoring to effect a contract in regard thereto;

(4) Set up, exhibit or publish or cause to be set up, exhibited or published within this state written or printed proposals to buy, sell or procure such ticket or interest therein.

(b) A person violating a provision hereof shall be fined not more than \$300.00.

§ 2133. --AT GAMING HOUSE

A person who plays at cards, dice, tables or other game for money or other valuable in a common gaming or gambling house that is maintained for lucre and gain, shall be fined not more than \$200.00 or imprisoned not more than sixty days, or both.

§ 2134. KEEPING GAMBLING INSTRUMENT

A person who has or keeps on premises owned or occupied by him implements or other things used in gambling and permits persons resorting to such premises to use such implements or things for the purpose of gambling shall be imprisoned not more than six months nor less than ten days or fined not more than \$500.00 nor less than \$10.00, or both.

§ 2135. GAMBLING MACHINES - SALES, LEASE OR RENTAL

(a) A person, corporation, copartnership or association shall not lease, rent, let on shares, sell, expose for sale or offer for sale:

(1) A machine, apparatus or device, into which may be inserted a piece of money or other object, and from which, as a result of such insertion and the application of physical or mechanical or electrical force, may issue with or without gum or confection, a piece of money, or slug, or a token, or a check or memoranda calling for money, credit or merchandise or property; or

(2) A coin or slot machine, pinball machine, racing machines or other device of like character, wherein there enters any element of chance, whether the same be played for money, checks, credits, merchandise or other thing representative of value; or

(3) A machine or device of any kind or nature by the use or operation of which there is an element of chance for the winning or losing of money or other things of value.

(b) The provisions of this chapter shall not apply to slot machines which were manufactured prior to 1954 and which are not operated for gambling purposes.

§ 2136. --POSSESSION

A person shall be punished as provided in section 2139 of this title who has in his possession, or under his control, or who permits to be placed, maintained or kept in a place of public resort or in premises occupied by him, or under his management or control a machine, apparatus or device as mentioned in section 2135 of this title.

§ 2137. -- SEIZURE; HEARING

A sheriff, deputy sheriff, constable or police officer shall seize without a warrant any machine or device described in sections 2134 and 2135 of this title, found in a place of public resort. A sheriff or other officer making such a seizure shall forthwith make a complaint under oath, subscribed by him, to a district judge in the county in which such seizure is made and shall summon the owner or occupant of the place in which such seizure is made to appear before such court and show cause why such machine should not be destroyed.

§ 2138. --DESTRUCTION

If, upon hearing, it is found that such machine was seized in a place of public resort, or was seized in any place by reason of a search warrant lawfully issued, the same shall be ordered destroyed and all money or other contents thereof forfeited to the state. The court shall issue its warrant to carry such order into effect.

§ 2139. PENALTIES

An association, copartnership, corporation or person who violates a provision of sections 2135-2138 of this title shall be fined not more than \$100.00 or be imprisoned not more than six months, or both.

§ 2141. WINNING OR LOSING BY GAMBLING

A person who wins or loses money or other valuable thing by play or hazard at any game, or by betting on such play or hazard, or sharing in a stake wagered by others on such play or hazard, shall be fined not more than \$200.00 nor less than \$10.00.

§ 2143. NONPROFIT ORGANIZATIONS

(a) Notwithstanding the provisions of this chapter, a nonprofit organization, as defined in section 10201(5) of Title 32, may organize and execute, and an individual may participate in lotteries, raffles or other games of chance for the purpose of raising funds to be used in charitable, religious, educational and civic undertakings or used by fraternal organizations to provide direct support to charitable, religious, educational, or civic undertakings with which they are affiliated. Except as provided in subsection (d) of this section, gambling machines and other mechanical devices described in section 2135 of this title shall not be utilized under authority of this section.

(b) A nonprofit organization may, notwithstanding the provisions of Title 7, distribute or utilize alcoholic beverages as prizes, rewards, winnings in any lottery, raffle or other game of chance.

(c) A person shall not conduct a bingo game in which the numbers picked are communicated electronically or by satellite to players at another location.

(d) Casino events shall be limited as follows:

(1) A location may be the site of no more than:

(A) one casino event in any calendar quarter, or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

(2) A nonprofit organization, as defined in 32 V.S.A.

§ 10201(5), may organize and execute no more than:

(A) one casino event in any calendar quarter; or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

(3) For the purposes of this subsection, "casino event" means an event held during any 24-hour period at which any game of chance is conducted except those prohibited by 13 V.S.A. § 2135(a)(1) or (2). A "casino event" shall not include a fair, bazaar, field days, agricultural exposition or similar event which utilizes a wheel of fortune, chuck-a-luck or other such games commonly conducted at such events, or break-open tickets, bingo, a lottery or a raffle.

(e) Games of chance shall be limited as follows:

(1) All proceeds raised by a game of chance shall be used exclusively for charitable, religious, educational and civic undertakings after deducting:

(A) reasonable expenses, as determined by fair market value, of purchasing or renting materials and equipment used for the game of chance and of printing advertisements, and of the direct purchase of advertising through established media, such as newspapers, radio and television; and

(B) reasonable expenses, as determined by fair market value, for rent for the premises on which the game of chance is executed, except that rent paid prior to August 1, 1994, pursuant to a written lease in effect on June 1, 1994, and not subject to cancellation, may be deducted, whether or not such rent is reasonable, and repairs and upkeep to the premises for nonprofit organizations having ownership in premises; and

(C) prizes awarded to players as limited in subdivision (4) of this subsection; and

(D) payments to persons as limited in subdivision (2) of this subsection.

(2) A nonprofit organization that organizes and executes a game of chance shall not pay any person, and no person shall receive, any fee,

commission, wage, salary, reward, tip, donation or other compensation in excess of \$2,000.00 in any calendar year for organizing or executing games of chance or for working at the site of a game of chance. Refreshments or meals provided to a volunteer while working at the site shall not be considered compensation.

Notwithstanding the provisions of this subdivision, a nonprofit organization that organizes and executes games of chance may pay not more than \$15,000.00 in any calendar year, in the aggregate, to all persons for organizing, executing or working at a game of chance. In calculating the limitations on payments to persons contained in this subdivision, only that portion of a person's compensation attributable to gaming shall be considered.

(3) A nonprofit organization shall not permit any person who has not attained the age of majority to organize or execute a game of chance. A person who has not reached the age of majority may work performing services at a game of chance which are not related to the execution of the game of chance.

(4) A nonprofit organization may offer a prize worth not more than \$400.00 in value for a single game of chance, except that the nonprofit organization may offer a prize worth not more than \$1,000.00 in value for one game per day, a prize worth not more than \$5,000.00 in value for one game per calendar month and a prize of a motor vehicle, firearm, motorcycle or watercraft worth not more than \$50,000.00 for one game per calendar year. A nonprofit organization may exceed the above prize limitations on four days per calendar year, if the days are at least 20 days apart and the total prize money offered for all games executed on the day does not exceed \$20,000.00.

(5) A nonprofit organization shall not permit a person who organizes, executes or works at a game of chance to play in any game of chance organized or executed by that nonprofit on the same day.

(6) A nonprofit organization shall not organize and execute games of chance on more than two days in any calendar week, nor shall games of chance be organized and executed at any location on more than two days in any calendar week, except that:

(A) Casino events may be conducted only as permitted under subsection (d) of this section.

(B) Break-open tickets may be purchased and distributed only as provided in 32 V.S.A. chapter 239.

(C) A nonprofit organization may organize and execute games of chance on three consecutive days not more than twice in any calendar year as long as there are at least 90 days between each event.

(D) Agricultural fairs qualified to receive a state stipend pursuant to 31 V.S.A. § 617 may organize and execute games of chance for not more than 12 consecutive

days during the fair once each calendar year.

(E) A nonprofit organization may organize and execute games of chance at a location used by another nonprofit organization which results in the location being used on more than two days a week if all the nonprofit organizations using the location were in existence as of January 1, 1994, and are not affiliated with each other or under common control.

(7) A nonprofit organization shall not knowingly permit any person who has been convicted of a crime, within the last ten years, under the laws of this state or of any other state, government or country which, if

committed in this state, would be a felony criminal offense to organize or execute a game of chance. No person who has been convicted of such a crime shall organize or execute a game of chance.

(f) A nonprofit organization which organizes and executes a game of chance under subsection (a) of this section shall file financial reports with the commissioner of taxes as follows:

(1) For a nonprofit organization that is required to file federal tax forms 990 or 990T, or both, copies of those forms within 30 days of the filing date required by the Internal Revenue Service;

(2) For a nonprofit organization that has raised more than \$10,000.00 during the preceding year from organizing and executing games of chance and is not required to file federal tax forms 990 or 990T, a financial report for the preceding year, by June 15 of each year, which contains all the following information:

(A) An itemized list of all expenditures made for purchasing or renting materials and equipment used for games of chance and of printing advertisements, and of the direct purchase of advertising through established media, such as newspapers, radio and television.

(B) An itemized list of all expenditures made to all persons for organizing, executing or working at a game of chance and made for rent for premises on which games of chance are executed.

(C) The amount of all prizes awarded.

(D) An itemized list of all disbursements for charitable, religious, educational and civic undertakings.

(E) An itemized list of all funds raised from organizing and executing games of chance.

(3) For a nonprofit organization that is required to withhold Vermont income taxes from gambling winnings pursuant to 32 V.S.A. § 5841(a), a financial report describing the amounts withheld, within 30 days of the filing date required by the Internal Revenue Service or by June 15 of each year, as applicable.

(4) If the required financial report is not filed within 30 days after the report is due or does not contain the information required by this subsection, the commissioner of taxes may bring an action in superior court against the nonprofit organization for injunctive relief to restrain the organization and execution of games of chance by that organization. The state shall not be required to demonstrate immediate and irreparable injury in order to be granted injunctive relief.

(g) The commissioner of taxes shall design the financial forms required by subsection (f) of this section and make them available on request.

(h) The commissioner of taxes shall provide the financial reports required by subsection (f) of this section to the attorney general upon request, notwithstanding the provisions of 32 V.S.A. § 3102.

(i) A person who intentionally violates subsection (a) of this section shall be fined not more than \$500.00.

(j) A person who intentionally violates subsection (c), (d), (e) or (f) of this section shall be fined not more than \$10,000.00 for the first offense and fined not more than \$100,000.00 or imprisoned not more than three years, or both, for each subsequent offense.

(k) A nonprofit organization which organizes and executes a game of chance under subsection (a) of this section shall permit its members to examine the financial books and records relating to gambling activities of the organization at any reasonable time and, upon request, shall provide photocopies of these records to its members at cost.

§ 2143a. POLITICAL PARTIES

Notwithstanding the provisions of this chapter, a political party, organized under chapter 45 of Title 17, may organize and execute, and an individual may participate in raffles, the proceeds of which are to be used in undertakings consistent with the purpose of political parties.

§ 2143b. CONTESTS AND SWEEPSTAKES

Notwithstanding the provisions of this chapter, a person may organize, execute or participate in a contest or game of chance, including a sweepstake, provided that persons who enter the contest or game of chance are not required to venture money or other valuable things. The cost of mailing an entry shall not be considered a venture of money or other valuable things.

§ 2151. BOOKMAKING; POOL SELLING; OFF-TRACK WAGERS

Except as provided under chapter 13 of Title 31, a person shall not

- (1) engage in bookmaking or pool selling, except deer pools, with or without writing;
- (2) keep or occupy, for any period of time, any place or enclosure of any kind, with any material for recording any wager, or any purported wager, or selling pools, or purported pools, upon the result of any contest, lot, chance, unknown or contingent event, whether actual or purported;
- (3) receive, hold or forward, or purport or pretend to receive, hold or forward, in any manner, any money, thing or consideration of value, or the equivalent or memorandum thereof, wagered, or to be wagered, or offered for the purpose of being wagered, upon such result;
- (4) record or register, at any time or place, any wager upon such result;
- (5) permit any place or enclosure of which he is the owner, lessee or occupant to be used or occupied for any purpose or in any manner prohibited by subdivisions (1), (2), (3) or (4) of this section;
- (6) with the exception of deer pools, lay, make, offer or accept any wager, upon such result or contest of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus.

§ 2152. -- PENALTY

A person who violates a provision of section 2151 of this title shall be fined not more than \$250.00 or imprisoned not more than six months or both for the first offense and fined not more than \$2,000.00 or imprisoned not more than five years or both for a subsequent offense. When a person has been convicted in any state of a felony or of a violation of a statute prohibiting bookmaking, his conviction under this section shall be considered a subsequent offense.

§ 2153. RACING ANIMALS; DRUGS OR DEVICES; FALSE NAMES

A person shall not

(1) influence, induce or conspire with any owner, jockey, groom or other person associated with or interested in any stable, horse, or race in which a horse participates, or any greyhound dog or race in which a greyhound dog participates, to affect the result of such race by stimulating or depressing a horse or dog through the administration of any drug to such horse or dog, or by the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment;

(2) so stimulate or depress a horse or dog;

(3) knowingly enter any horse or dog in any race within a period of twenty-four hours after any drug has been administered to such horse or dog for the purpose of increasing or retarding the speed of such horse or dog;

(4) transport or use any local anaesthetic of the cocaine group, including but not limited to natural or synthetic drugs of this group, such as allocaine, apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-eucaine, novol or anestubes or the drugs nikethamide or phenylbutazone, or hormones, within the racing enclosure, except upon a bona fide veterinarian's prescription with complete statement of uses and purposes of same on the container. A copy of such prescription shall be filed with the stewards and such substances may be used only with approval of the stewards and under the supervision of the veterinarian representing the racing commission;

(5) except for medicinal purposes, administer any poison, drug, medicine, or other noxious substance to any animal entered or about to be entered in any race or expose any poison, drug, medicine, or noxious substance with intent that it shall be taken, inhaled, swallowed, or otherwise received by any animal with intent to affect its speed, endurance, sense, health, physical condition, or other character or quality, or cause to be taken by or placed upon or in the body of any animal entered or about to be entered in any race any sponge, wood, or foreign substance of any kind, with intent to affect its speed, endurance, sense, health, or physical condition;

(6) wilfully or unjustifiably enter or race any horse in any running or trotting race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club or the United States Trotting Association or wilfully instigate, engage in or in any way further any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club or the United States Trotting Association.

§ 2154. --DRUG DEFINED

The term "drug" includes all substances recognized as having the power of stimulating or depressing the central nervous system, respiration, or blood pressure of an animal, such as narcotics, hypnotics, benzedrine or its derivatives, but shall not include recognized vitamins or supplemental feeds approved by the veterinarian representing the racing commission.

§ 2155. -- PENALTY

A person who violates a provision of section 2153 of this title shall be fined not more than \$5,000.00 or imprisoned not more than two years, or both.

§ 2156. TOUTING PROHIBITED; PENALTY

Any person who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse or dog in a race to be run in this state or elsewhere, and upon which money is wagered in this state, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting and shall be fined not more than \$500.00 or imprisoned not more than one year or both.

§ 2171. "BUCKET SHOPS"

A person or corporation shall not keep or cause to be kept a "bucket shop," office, store or other place in which it is conducted or permitted, the pretended buying or selling of stock or bonds of a corporation, or petroleum, cotton, grain, provisions, pork or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold; or in which is conducted or permitted the pretended buying or selling of such property on margins; or when the party buying or offering to buy such property does not intend actually to receive the same if purchased, or the person selling such property to deliver it if sold.

§ 2172. --EVIDENCE

If stocks or bonds are in any manner quoted in such places, or the word "corporation", "association", or "company", or an abbreviation thereof, used therein and therewith, it shall be prima facie evidence that such stocks or bonds are the stocks or bonds of then going corporations. If such stocks or bonds, or such petroleum, cotton, grain, provisions, pork or other produce are not actually received when purchased or actually delivered when sold, it shall be prima facie evidence that:

(1) Such property was sold or purchased without any intention of receiving it or paying for or delivering it;

(2) Such property was bought or sold on margins; and

(3) The parties buying or offering to buy or selling such property did not intend actually to receive or deliver the same.

§ 2173. -- PENALTIES

A person or corporation, whether acting individually, or as a member, officer, agent or employee of a corporation, who violates a provision of section 2171 of this title shall be fined not more than \$1,000.00 nor less than \$200.00. A person who is guilty of a second offense, in addition to the penalty above prescribed, shall be imprisoned six months and, if a corporation, shall be liable to forfeit its charter. The continuance of such establishment after a first conviction shall be deemed a second offense.

§ 2174. --WHAT CONSTITUTES OFFENSE; ACCESSORIES

The offense shall be complete against a person or corporation pretending or offering to sell or to buy, as provided in sections 2171 and 2172 of this title, whether the offer to sell or buy is accepted or not. A person or corporation communicating, receiving, exhibiting or displaying in any manner such offer so to buy or sell or any statements or quotations of the prices of such property, with a view to such transaction, shall be deemed an accessory and shall be punished as provided in section 2173 of this title.

§ 2175. COMMISSION MERCHANTS TO FURNISH STATEMENT OF CONTRACT

A person or corporation doing business as a commission merchant or broker shall furnish, on demand, to a customer or principal for whom such person or

corporation has executed an order for the actual purchase or sale of any of the commodities mentioned in sections 2171 and 2172 of this title, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom sold, the time when, place where and price at which the same was bought or sold. If such person or corporation refuses promptly to furnish such statement upon reasonable demand, such refusal shall be prima facie evidence that such property was not bought or sold in a legitimate manner.

§ 2176. LIABILITY OF LANDLORDS

A person who knowingly permits any of the illegal acts, mentioned in sections 2171-2175 of this title, in a building, booth or erection of which he has the care or possession, shall be fined not more than \$1,000.00 nor less than \$500.00. A penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted.

§ 2177. RESTRAINT BY INJUNCTION; COSTS

When a prosecution is commenced for the violation of a provision of sections 2171, 2173, 2174 or 2176 of this title, the state's attorney may petition the presiding judge of the county court to enjoin the carrying on of such unlawful business in the place where the complaint, information or indictment charges that it has been conducted. Such presiding judge shall hear and determine such petition in the manner provided by law and the rules of civil procedure for the determination of causes and may, if the allegations therein are sustained, permanently enjoin the person, firm or corporation shown to have kept or caused to have been kept such place, from conducting such prohibited business therein. The county court or presiding judge may, upon petition therefor in such proceedings, issue a temporary injunction to effect, during the pendency of the petition, the closing of such place against such unlawful business. The costs of the proceedings authorized by this section, shall be taxed against the defendant in case the state prevails.

TITLE FOURTEEN. DECEDENTS' ESTATES AND FIDUCIARY RELATIONS

PART 4. FIDUCIARY RELATIONS

CHAPTER 111. GUARDIAN AND WARD

SUBCHAPTER 2. PERSONS FOR WHOM GUARDIANS APPOINTED

ARTICLE 3. SPENDTHRIFTS

§ 2681. SPENDTHRIFT, DEFINED

The word "spendthrift" shall be held to include every person who is liable to be put under guardianship on account of excessive drinking, gambling, idleness or debauchery.

§ 2682. FOR SPENDTHRIFTS

When a person by excessive drinking, gambling, intemperate habits, idleness or debauchery, spends, wastes or lessens his estate and exposes himself or his family to want or suffering and requires or is likely to require aid or assistance from the department of social welfare for himself or his family, the commissioner of social welfare or a member of the family may present a complaint to the probate court setting forth the facts and asking to have a guardian appointed.

TITLE TWENTY-FOUR APPENDIX. MUNICIPAL CHARTERS

PART 1. CITIES

CHAPTER 9. CITY OF RUTLAND

SUBCHAPTER 3. POWERS OF MUNICIPALITY

§ 3.1 Powers of the City of Rutland

The powers of the City of Rutland under this charter shall be construed liberally in favor of the city and, except as expressly limited herein specific mention of particular powers in this charter shall not be construed as limiting in any way the general powers as stated herein. The City of Rutland may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Vermont or any subdivision or agency thereof, or provided it is so authorized under the general laws of the State of Vermont or by a special act, with the United States of America or any subdivision or agency thereof. The City of Rutland has the power to receive by gift, grant, devise, bequest, purchase or condemnation any real or personal

property, and to hold in fee, hold in trust, lease or convey any such real or personal property within or without the limits of the City of Rutland as the purpose of the corporation may require; to borrow on the credit of the city in the mode and subject to the restrictions hereinafter provided; to contract, to sue, prosecute and defend; to have, make use and alter at pleasure a city Seal; to have and to exercise all other rights, powers, privileges and immunities conferred upon towns of the State of Vermont by law or necessary to carry out its corporate functions and duties. In the exercise of any of the powers granted to the City of Rutland by this charter, the city may enact ordinances, rules and regulations and prescribe penalties for the violation of any such ordinances, rules and regulations, provided however, that no such penalties shall exceed imprisonment for one (1) year or a fine of five hundred dollars (\$500), or both. Without in any way limiting the powers hereinafter granted, the City of Rutland shall have the power:

- (1) To enact and enforce rules for its government;
- (2) To enter into any agreement on behalf of the city with the United States of America, or any department, subdivision or agency thereof, to accept grants, loans and assistance from the United States of America or any department, subdivision or agency thereof to make public improvements within the city or upon property of the city outside its corporate limits and to make appropriations consistent with the provisions of this Act to accomplish such purpose; provided, however, no such agreement shall be entered into unless authorized under the general laws of the State of Vermont or by a special act;
- (3) To accept and administer gifts, grants and bequests in trust or otherwise for public purposes;
- (4) To regulate the time and manner in which examinations of public documents, and records and other records shall be made;
- (5) To acquire voting machines, so-called, and prescribe the use thereof in any or all elections held within said city;
- (6) To establish and create a fund or funds available as a pension to such employees of the City of Rutland as the city council may hereafter from time to time designate; to create and authorize such boards or officers as may be necessary to administer, control and make expenditures from such fund or funds; to appropriate funds from which such pension and the expenses incidental to the administration thereof may be paid; to designate by ordinance a retirement age for city employees beyond which age such employees may be removed from office and permanently retired; to establish the conditions and regulations under which such city employees may or shall be removed from office and retired; to designate and establish the sums which may be paid to such city employees as pensions and conditions of payment thereof; and to make, amend or repeal such ordinances as may be convenient or necessary to create, manage and operate a retirement plan and pension

fund for city employees;

(7) To establish a reserve or fund to compensate the city for any and all losses and damages to city property by reason of fire or other casualty and to pay to city employees or those entitled any and all compensation that may become their due under the workman's compensation laws of the State of Vermont;

(8) To establish and regulate a police commission and police department;

(9) To prevent and prohibit riots, disturbances and disorderly assemblages;

(10) To prohibit vagrancy;

(11) To regulate and control the use of streets and public places for pedestrian and vehicular traffic and the parking of vehicles of every kind and description;

(12) To remove and impound at the expense of the owner any vehicle found parked in a public place in violation of any city ordinance and prescribe the terms and conditions upon which the owner may redeem such vehicle;

(13) To install and operate coin operated parking meters for the regulation and control of parking of vehicles;

(14) To establish and regulate a fire department;

(15) To regulate and prohibit conditions and activities from which damage by fire or explosion may be apprehended;

(16) To establish and regulate a department of public works;

(17) To provide a supply of water for the protection of the city against fire and for the use of the inhabitants of said city, and for other purposes; to establish, increase, maintain and repair reservoirs, aqueducts, water pipes, pipelines and other necessary apparatus for and in connection with its water supply; and from time to time to increase and add to its water supply; to preserve, protect, maintain and operate the same; and in the exercise of such powers the said City of Rutland may purchase, and take, within or without its corporate Limits, lands, springs, streams and water rights of individuals and corporations, and divert water from natural channels into its water supply, on making compensation therefore. But the city shall not take, otherwise than by gift or purchase, waters or a spring of water, which the owner or lessee or other persons having a vested right or interest therein, or in the use thereof, may reasonably require for domestic use or watering stock; no money other than funds received on account of the water works will be appropriated without a vote to that effect by the legal voters of the city;

- (18) To establish, maintain, alter and enlarge such sanitary sewers, storm drains, combined sewers, sewage disposal systems, and sewage disposal plants both within and without the city as the public health, safety or convenience may require and to take private lands and rights, both within and without the city necessary to accomplish such purposes on making compensation for the same;
- (19) To establish a municipal system for the collection, removal and disposal of garbage and other waste material and to make proper charges for such service.
- (20) To accept, establish, maintain, alter and enlarge such highways as the public safety or convenience may require and to take private land and rights necessary to accomplish such purpose on making compensation for the same.
- (21) To construct, alter and repair sidewalks and curbing and to assess abutting property owners for one-half of the cost of such improvements;
- (22) To require all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them all snow, ice, dirt and rubbish, and to keep such sidewalks and gutters clean; and to require the owners or occupants of any land or premises in the city to cut and remove from the same and from the street or sidewalk in front of such land or premises all grass, brush and weeds growing or being thereon under such regulations as shall be prescribed therefore;
- (23) To fix, impose and enforce such terms, conditions and regulations for the use and occupancy of any highway or other public lands in the city for the transmission of material, energy or information by any public service or utility corporation or by any persons enjoying the privileges or exercising the functions of said corporations
- (24) To construct and maintain an electric generating and distribution system;
- (25) To provide for the lighting of streets and public places;
- (26) To regulate the size, height, material and manner of erection and construction of new buildings, and the repairing, alteration or removal of buildings already constructed in said city, or in certain prescribed localities therein; and to regulate the use of streets for such purposes;
- (27) To establish and regulate a department of buildings and to prescribe the powers and duties of the building inspector;
- (28) To regulate by ordinance minimum health and safety standards relative to housing;
- (29) To adopt and enforce codes and regulations relative to the installation and maintenance of electric wiring, plumbing, heating and fire protection and to license and regulate artisans engaged in the installation and maintenance of such facilities;

- (30) To establish and regulate a planning department;
- (31) To establish and operate a recreation department and to acquire and provide land and structures for recreational purposes;
- (32) To provide for and regulate the care, preservation, improvement and use of public property;
- (33) To establish and operate a Welfare Department;
- (34) To retain a city physician;
- (35) To appoint a milk inspector and to regulate the production of milk, cream or milk products for distribution within the city and the sale and distribution of such products within the city and to license persons engaged in these activities;
- (36) To establish and operate a department of civil defense and to make ordinances and regulations for the protection of the city in the event of a public emergency;
- (37) To establish an airport department and to operate a municipal airport within or without the city;
- (38) To appropriate a sum for the support and maintenance of the Rutland Free Library Association, Inc., provided that the inhabitants of the city shall at all reasonable and proper times have the free use of said library;
- (39) To establish and regulate a market and to prohibit or regulate the selling of provisions and merchandise of any kind on public lands;
- (40) To regulate, license, tax or prohibit vendors, peddlers, solicitors, beggars and transient auctioneers, except when licensed by state or federal authorities;
- (41) To license and regulate the processing and sale of meat;
- (42) To regulate, license, tax or prohibit entertainments of every kind exhibited for money, including but not limited to circuses, fairs, plays, motion pictures, exhibitions and mechanical and amusement devices including coin machines.
- (43) To regulate the location and manner of operation of all slaughter houses, filling stations, fuel storage depots, public garages, manufacturing establishments, junk yards, vehicle repair shops, welding shops and other commercial activities or establishments which cause smoke, fumes, soot, dust or noxious substances to be cast upon the public ways;
- (44) To license and regulate hotels, motels and other lodging places, restaurants and other victualing establishments and to tax the same for revenue purposes;

- (45) To license and regulate public dance halls, bowling alleys, skating rinks and other places of amusement and to tax the same for revenue purposes;
- (46) To license and regulate truckmen, taxicabs, busses and the owners or drivers of automobiles and motor trucks furnishing transportation for hire and to regulate their fees and prescribe their duties;
- (47) To permit, regulate, license, tax or prohibit the suspending, erection or maintenance of any sign, awning, marquee or display in or over any street or public place or visible therefrom and whenever the public good may require to order that any such sign, awning, marquee or display be removed;
- (48) To fix, impose and establish terms, conditions and regulations under which persons may use or occupy public land for private purposes;
- (49) To regulate the manner of subdivision and development of real estate;
- (50) To abate, enjoin and remove nuisances;
- (51) To regulate or prohibit gaming of all descriptions and to order and affect the destruction of all instruments and devices used for that purpose;
- (52) To prohibit and punish for prostitution;
- (53) To compel the owner or occupant of any unwholesome, noisome or offensive house or place to remedy such condition so far as may be necessary for the health, safety or comfort of the inhabitants of the city;
- (54) To require the removal from private property of trees which due to their damaged or diseased condition represent a hazard to persons or property;
- (55) To prohibit and punish for cruelty and inhumane treatment to animals;
- (56) To prohibit the obstruction or the encumbering of streets, sidewalks or other public places;
- (57) To prohibit or regulate the keeping or running at large of animals within the city;
- (58) To license and tax the owning or keeping of any animals in addition to any license fee or tax imposed by the State of Vermont;
- (59) To prohibit and punish for trespasses or willful damage to public or private property;
- (60) To prohibit or regulate the use of firearms or potentially dangerous weapons and to regulate the sale and transportation of the same within the city;

(61) To prohibit or regulate the preparation and use of rockets, missiles and fireworks of all kinds within the city;

(62) To adopt a zoning ordinance to permit, prohibit, restrict, regulate and determine land use or development, including specifically without limitation the following:

(A) Specific use of land, water courses and other bodies of water;

(B) Dimensions, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;

(C) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures;

(D) Density of population and intensity of use.

(63) To establish and regulate a department of community development;

(64) To establish, maintain and fund a redevelopment authority.

(65) To establish and regulate campaign contributions and expenditures for local elections held within the city; provided that the provisions of Title 24 relating to the procedures for adopting ordinances and permissive referendums shall apply to ordinances adopted, amended or repealed under this subdivision.

PART 2. TOWNS

CHAPTER 151. TOWN OF ST. JOHNSBURY

§ 8. Ordinances and regulations

The selectmen of the town of St. Johnsbury consistent with the constitution and laws of the United States and of this State, shall have the power and authority to make, establish, impose, alter, amend or repeal ordinances and regulations and to enforce the same by fine, penalty, forfeiture, injunction, restraining order or any proper remedy, with respect to the inspection, regulation, licensing or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings and businesses, viz:

(1) The sale and measurement of wood, coal, oil and all other fuels; hay scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses; groceries; restaurants, lunch carts and other eating establishments; all places where beverages are manufactured, processed, bottled or sold; manufacturing establishments; saloons; taverns;

innkeepers; hotels; motels; rooming houses; junk businesses; advertising billboards; overhanging signs and awnings; billiard rooms; pool rooms; bowling alleys; public halls; dance halls; theaters; moving picture houses; all places where tobacco, cigars and cigarettes are manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops; public garages; the transportation, storage and sale of propane gas, naphtha, gasoline, kerosene, fuel oil and other inflammable oils; the breeding, raising and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing and other domestic animals; coal sheds; wood yards; creameries, dairies; dyeing establishments; garbage plants; gas works; livery stables; skating rinks; sewers; cesspools; privies; cow stables, barns; wells; and public dumps; oil and gasoline storage tanks, and gasoline filling stations.

(2) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists, mediums, itinerant vendors, peddler, auctioneers, pawnbrokers, professional and amateur sports.

(3) The use of streets and highways; the regulation of traffic, both vehicular and pedestrian; taxicabs and all vehicles, exclusive of motor buses, used in the conveyance for hire of persons or goods; the parking, operation and speed of vehicles; guide posts, street signs, and street safety devices; milk and cream businesses and routes.

(4) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.

(5) The erection of poles, and the placing of wires, cables, and pipes, subject to the provision of chapter 409 V.S. 47; the laying of water mains and sewers; the excavating of streets; the disposal of refuse, filth and animal carcasses; the throwing or dumping of ashes, waste paper, handbills, circulars, or rubbish of any sort; the planting, preservation, or destruction of shade trees.

(6) The transportation, manufacture, storage and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.

(7) The cleaning of public sidewalks and gutters, and the removal therefrom of snow, ice, litter, garbage, stands, tables, boxes and other materials encumbering or obstructing any public sidewalk, street or way.

(8) A building code; the construction, repair and alteration of chimneys, flues, stovepipes, furnaces, fireplaces and heating apparatus and plumbing facilities of all kinds.

(9) Nuisances, bawdyhouses, gaming houses; racing pools; gambling instruments of all kinds; noisome and offensive places and occupations, loafing, obscenity and

ribaldry upon the town streets and highways; vagrancy; riots, disturbances, disorderly assemblies, and all breaches of the peace; pollution of the public water supply.

PART 3. VILLAGES

CHAPTER 257. VILLAGE OF NORTHFIELD

SUBCHAPTER 3. BOARD OF TRUSTEES

§ 305. Powers

The Village of Northfield shall have power, by the Board of Trustees, by ordinances, resolution or otherwise:

(1) To acquire by gift or purchase, hold, convey, and lease any real or personal estate, within or without the Village limits.

(2) To erect and keep in repair any buildings necessary or convenient for Village purposes.

(3) To establish, amend, dissolve, and prescribe the duties of a Police Department,

Fire Department, Street Department, Water Department, Sewage Department, Electric Department, and any other department deemed necessary or convenient for the government or administration of the Village; and to appoint, prescribe the duties of, and remove at its pleasure boards and officers as it deems necessary or convenient for the government or administration of the Village. The Trustees may consolidate two or more departments, and may establish, amend, dissolve, and prescribe the duties of a Public Works Department to supervise and control one or more departments.

(4) To provide a penalty for, and the enforcement of penalties for violation or non-performance of any ordinance, bylaw, rule or regulation.

(5) To build and maintain streets and sidewalks.

(6) To establish and regulate a market, and to regulate and license the selling or peddling of meat, fish and other provisions for vehicles about the Village.

(7) To regulate, license, tax, or prohibit itinerant vendors, peddlers, street musicians, and transient auctioneers, but not including farmers selling produce raised by them.

(8) To direct, regulate, and inspect the location and management of all slaughter houses, markets, blacksmith shops, sewers and private drains within the limits of the Village.

(9) To regulate, license, inspect, restrain, or prohibit saloons, victualing houses, billiard saloons, bowling alleys, places of amusement, yard sales, drive-in theaters, motels, hotels, and auctioneers.

(10) To regulate gauging, the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork, and produce; and of selling and measuring wood, lime, lumber, and coal; and to appoint suitable persons to superintend and conduct the same.

(11) To license porters, carters, truckmen, livery stable keepers, and owners and drivers of hackney coaches, automobile cabs or carriages.

(12) To regulate and license the selling, supplying and delivering of milk, cream and milk products within the Village, in addition to the regulations and license imposed by state law.

(13) To regulate, prohibit, or license the suspending or putting up of any sign, billboard, or other outdoor advertising, or awning in or over any street, lane, alley, common, or other public place in the Village, and whenever the public good may require to order and direct that signs, billboards, or other outdoor advertising, and awnings heretofore erected or suspended as aforesaid shall be changed, taken down or removed.

(14) To restrain and prohibit all descriptions of gaming and to destroy or provide for the destruction of all instruments and devices used for such purpose.

(15) To regulate, license, tax, or prohibit the exhibitions of common showmen, circuses, menageries, and shows of every kind not prohibited by law, and all plays, exhibitions or entertainments for money.

(16) To restrain and punish vagrants, and common prostitutes and to make regulations respecting paupers.

(17) To define and determine what shall constitute a nuisance within the Village as public health and interest may require, and to provide for prohibiting, abating, and removing same.

(18) To compel the owners 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 health or comfort of the inhabitants of the Village.

(19) To compel the cleaning and repair of any premises, when in such condition as to seriously impair the general appearance of the Village and to be seriously injurious to other property in the vicinity, and to control the removal of rubbish, waste and objectionable material therefrom.

(20) To regulate the inspection, material, size, height, construction, alteration, repair, removal, and use of buildings throughout the whole or any defined part of the Village.

(21) To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them all snow, ice, dirt, and garbage, and to keep such sidewalks and gutters clean; and to compel the owners or occupants of any land or premises in the Village to cut and remove from the street or sidewalk in front of such land or premises all grass, brush, and weeds growing or being thereon.

(22) To regulate and license the storing of old iron, rags, junk, and waste material and to prohibit the storing thereof in such sections of the Village as the Board of Trustees shall deem reasonable.

(23) To regulate and prohibit the moving of buildings in the streets or public ways in the Village.

(24) To regulate, license, or prohibit the storage, accumulation, removal, and disposal of garbage, ashes, rubbish, and waste materials, and to collect and remove such materials by the Village or by contract or by municipal employees, and to establish rates to be paid for such services.

(25) To prevent riots, noises, disturbances, and disorderly assemblies.

(26) To regulate or prohibit the holding of public meetings in the streets or highways of the Village.

(27) To regulate the manufacture and keeping of gunpowder, ashes, lime, matches, fireworks, and other dangerous and combustible or explosive material.

(28) To regulate or restrain the use of rockets, squibs, firecrackers, or other fireworks in the streets or commons, and to prevent the practicing therein of any amusement having a tendency to injure or annoy persons passing therein, or to endanger the security of property.

(29) To regulate or prohibit the possession and use of dangerous objects and substances, and of firearms, air rifles, and other devices having a capacity to inflict personal injury.

(30) To regulate the making of alterations and repairs of stove pipes, furnaces, fireplaces, and other things from which damage by fire may be apprehended; to regulate the use of buildings in crowded localities for hazardous purposes; and to provide for preservation of buildings from fire by precautionary measures and inspection.

(31) To regulate and determine the time and place of bathing in any of the public waters within the Village and to prevent the same.

(32) To control and regulate the parking, operation and speed of vehicles, and pedestrian and vehicular traffic, on the public highways of the Village.

(33) To remove and impound as a public nuisance at the expense of the owner any vehicle found parked on a public highway in violation of any Village ordinance, and to prescribe the terms and conditions under which the owner may redeem such vehicle from the pound.

(34) To regulate and prevent encumbering the streets, sidewalks, and public alleys with firewood, lumber, boxes or other articles.

(35) To provide for the care, preservation and improvement of public grounds.

(36) To provide for the lighting of streets and public buildings of the Village.

(37) To provide for the planting, trimming, and removing of shade, ornamental, and fruit trees, shrubs, or bushes standing on public or private land.

(38) To prevent and punish trespasses or injuries to or upon public buildings, squares, commons, cemeteries, fountains, statues, or other public property.

(39) To manage and control parks, commons, and other public places in the Village and to regulate the use of the same by the public.

(40) To establish, maintain, and conduct a system of public recreation, including playgrounds.

(41) To impose and collect a fee for the issuance of any license.

(42) To prevent cruelty to animals; restrain and regulate the running at large of animals; and impose a tax or license for the keeping of dogs upon the owner or keeper thereof.

(43) To regulate the burial of the dead.

(44) To regulate the time and manner in which examination of public documents and records shall be made.

(45) To prevent the corruption of and protect the water supply of the Village, and protect from injury any dam, reservoir, aqueduct, pipe, hydrant, or source of water supply connected with any water system now owned or hereafter acquired by the Village.

(46) To provide a supply of water for the protection of the Village against fire and for other purposes, including distribution and sale of water for public and private purposes to persons and corporations both within and without the Village, and to regulate the use of the same; and to establish and maintain reservoirs, dams, aqueducts, water pipes, hydrants, water purification facilities, water towers or any other apparatus and equipment necessary or useful for such purposes, upon, in, and through the lands of individuals and corporations, both within and without the Village, on making compensation therefore; and to acquire such land and other property adjoining any source of supply, reservoir or other water system facility as may be necessary to control or to prevent contamination or injury to such water supply on making compensation therefor.

(47) To establish, maintain and repair such common sewers, drains, sewage disposal systems, and sewage disposal plants both within and without the Village as the public health shall require, and to take land or other property necessary or useful to accomplish such purposes on making compensation for the same.

(48) To fix, demand, impose, and enforce such terms, conditions and regulations for the use or occupation of any street or highway in the Village by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, water, or other company, or by any persons enjoying the privileges or exercising the functions of any such company aforesaid, as shall be just and reasonable, and to prohibit the use of such street or highway by any such company or person until such terms have been complied with.

(49) To regulate the placing of poles, wires, and electric conduits in, over, or under the streets of the Village.

(50) To establish a building code, to appoint and prescribe the duties and powers of building inspectors, and to provide penalties for refusal or neglect to comply with the orders of said inspectors, made by virtue of any resolution or ordinance passed by the Board of Trustees.

(51) To establish an electrical code, as a standard for all electrical wiring, to provide for supervision of the installation and maintenance of all inside and outside wiring in certain sections of the Village or throughout the entire Village, to appoint and prescribe the duties and powers of a wire inspector, and to provide penalties for any refusal or neglect to comply with the orders of said wire inspector, made by virtue of any resolution or ordinance passed by the Board of Trustees.

(52) To establish a plumbing code for all plumbing and drainage of buildings, to provide for supervision of the installation and maintenance of all plumbing and drainage of buildings in certain sections of the Village or throughout the entire Village, to license plumbers, to appoint a plumbing inspector and prescribe penalties for any refusal or neglect to comply with said code or with the orders of said plumbing inspector made by virtue of any resolution or ordinance passed by the Board of

Trustees.

(53) To appoint a tree warden, and prescribe his or her duties and powers.

(54) To provide for forestation of lands of the Village connected with the water supply and water system of the Village, and to establish and manage Village forests.

(55) To establish schedule of reasonable fees for inspectors made under authority of this charter and ordinances of the Village, and to demand and receive the same.

(56) To provide for and regulate the civilian defense of the Village in event of emergency.

(57) To appoint a planning commission and to specify its duties, functions, objectives, composition, organization and duration.

(58) To authorize by resolution that the Village may become a party plaintiff under all ejection statutes of this state for the purpose of implementing enforcement of its housing, building, health, and fire prevention codes.

(59) To provide and establish by resolution, procedures of accounting and separation of Village moneys by the treasurer.

(60) To perform all powers granted to Villages and municipalities by the constitution and laws of this state.

TITLE THIRTY-TWO. TAXATION AND FINANCE

SUBTITLE 2. TAXATION

PART 5. SPECIAL TAXES

CHAPTER 201. AMUSEMENT MACHINES

§ 7501. PINBALL AND SIMILAR MACHINES

Every person who maintains for use, or permits the use, on any place or premises occupied by him an amusement or gaming machine, or device, into which may be inserted a piece of money or other object for which money is paid and which may be operated by the player in attempting to make a score or reach a standard, shall secure the license hereinafter specified and shall pay for such license the sum of \$100.00 on each machine, apparatus, or device, provided, however, no such license shall be issued on any machine, apparatus or device described in section 2135 of Title 13, and no provision herein shall be construed as legalizing a machine, apparatus or device described in that section. A person who fails to secure the license required by this section shall be subject to assessment of interest and penalty

at the rates set forth in section 5875 of this title.