

Fire districts are found in several American states and in other parts of the world, but they often are not well understood, in part because they assume widely different forms. In some places, they are basically geographical areas defined for fire fighting purposes. In these cases, there is usually a correlation between the fire district and a local – and often – volunteer fire department. However, in other states – such as Vermont – fire districts are primarily political in nature. They are self-governing municipal corporations, located within a town, and charged with providing specified public services. These fire districts are comparable to school districts except for the difference in services rendered. Typically, fire districts are established to provide one or more of the following public services: protection against fire, provision of drinking water, wastewater collection and treatment, sidewalks and street lights. The services a particular fire district provides are set out in the district's charter and/or bylaws.

Historically, fire districts have arisen and been established to meet public needs in a part of a town that the town itself declined to assume. In the past, the need for fire fighting services often prompted the establishment of a fire district, but more recently the needs for public drinking water or wastewater treatment have been the catalyst. In some states, fire districts are directly created by acts of the state legislature, but in most states they are established by a town's civil authority on the basis of enabling state legislation.

Vermont fire districts: their origins

Fire districts in Vermont are all political entities (municipal corporations) established by acts of their respective towns under the authority of state law. Historically, the first Vermont statute that provided for fire districts was adopted by the state's General Assembly on 8 November 1832, 'An act, authorizing and directing the mode of forming fire companies in this state'. Under this law, if three-fourth of the voters in any section of a town having at least twenty houses submitted a petition to their town select board, the board was bound to create a 'fire society' and determine its geographical boundaries. The fire society, according to the 1832 law, was 'a body politic and corporate', enjoying 'all the privileges and rights which are incident to corporations'. The statute itself reveals two basic political factors underlying the creation of fire districts. First, a group of people within a town had an identifiable public need(s) for which they were prepared to assume full responsibility. Second, town authorities confronted such an expression of popular democracy and being unwilling or unable to meet the need(s) as a town, were required, in light of provisions in Vermont's constitution (esp. articles 6 and 7), to respect the people's expressed will and make them a 'body politic'.

Vermont has a large number of fire districts, due mainly to the awkward correlation between the state's political and geographical maps. The townships that Benning Wentworth, the royal governor of the New Hampshire colony, created for Vermont in the mid-eighteenth century, were remarkably geometric in shape. Wentworth's plantation design would have made more sense had it been superimposed on the plains of Kansas. But given Vermont's mountainous topography, his scheme was far less amenable to patterns of human

settlement. Indeed, the effects could exacerbate differences between rural and village residents, and also between residents of different hamlets, all in the same town. For people living in an early nineteenth-century village, for example, being able to put out a house fire was both a public concern (lest a neighbor's house catch fire) and a practical possibility. On the other hand, for farmers in the same town, dispersed across the hillsides, a fire was each one's personal tragedy and one for which there was little prospect of effective public response. While a 'fire society' was practical for a village it may have been impractical for most other residents of the town. The 1832 statute provided a way of remedying these conflicting local interests.

Subsequent legal history of Vermont fire districts

The Vermont legislature on 11 November 1854 revised the 1832 statute by means of a new one, 'An Act authorizing the selectmen of the several towns to establish fire districts in certain cases'. Under this act, the petition to form a fire district had to be signed by at least twenty voters who lived within an area no larger than one square mile. Incorporated villages, on the other hand, required at least thirty voters. By 1862, state law started to refer to the prudential committee of a fire district as its ordinary instrument of governance, extending to them the same powers as were held by prudential committees of school districts. Taken together, these two laws suggest that fire districts had become an accepted part of Vermont's political life before the American Civil War, and specifically as alternatives to incorporated villages. Residents of a fire district belonged to both their fire district and their town.

While the stated function of fire districts in Vermont throughout the nineteenth century remained the protection of property from damage by fire, the means of doing so developed from simply a 'fire society' (a group of local volunteers with a 'fire engine') to more complex entities. For example, after two calamitous fires, in 1869 and 1871, the village of St Albans reorganized its fire society into a company of fifty salaried men and invested in the construction of a reservoir, an aqueduct and a network of fire hydrants. Such an elaborate infrastructure, of course, could easily become the basis for a public water system. Indeed, both popular and financial pressures would drive it in this direction. For a long time, however, Vermont law did not mention this new public function in connection with fire districts, apparently because they were not the only type of municipal corporation that assumed that role. Only in the mid-twentieth century was the provision of water explicitly included within the stated functions of fire districts in Vermont law.

The first statutory expansion of the role of fire districts came from an act adopted on 22 January 1908. In addition to protection from damage by fire, this act added: to provide sewers. The re-codification of Vermont laws in 1917 greatly enlarged the scope of functions that fire districts could assume: protecting the property in the district from damage by fire; constructing and maintaining sewers, sidewalks and public lighting. In view of the larger financial obligations associated with these broader responsibilities, the same laws added fire districts to the municipal corporations enabled to incur debts and issue bonds. The 1917

code also began the practice of devoting a separate 'chapter' of state laws just for fire districts; in 1917, it was chapter 180; in 1933, chapter 156; in 1947, chapter 176, and in the current Vermont Statutes Annotated, chapter 171 of title 20. Vermont's re-codification of 1933 expanded both the maximum geographical size of fire districts (from one to two square miles), and added a new and broader function they could assume: "and for other lawful purposes". The 1933 code also introduced the practice of separate 'chapters' for water and sewer works, to which was added sewage disposal (wastewater treatment) systems in 1947, so that the laws governing these functions became basically the same for all municipal corporations. If a fire district provided one or more of these functions it had to observe the appropriate 'chapter' of statutes, in addition to those specifically for fire districts.

Vermont fire districts today

Today in Vermont, fire districts vary greatly in size: from a relatively small hamlet to most of a township. They provide a variety of public services. For several older fire districts and most of the newer ones, wastewater treatment services are their principal functions. In fact, fire districts have often played a leading role in Vermont's modern environmental conservation movement by providing quality drinking water and effective wastewater treatment often via the same water source. However, as these services become ever more complex, towns and regional or inter-municipal agencies may be better suited to fulfilling the tasks. A central provision in the Vermont constitution that helped to underwrite the formation of fire districts seems insightful for their future as well: "That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal" (art. 7; formerly art. 6 of the 1777 constitution of the Republic of Vermont).

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30 May 2006