

**PUBLIC HEALTH & SAFETY ORDINANCE  
CITY OF ST. ALBANS, VERMONT**

**SECTION 1. AUTHORITY.**

This Ordinance is adopted by the City Council of the City of St. Albans under authority granted in 24A V.S.A. Ch. 11, §§ 25(a)(5), (a)(8) and 25(b), 24 V.S.A. §§ 2291(13), (14), and (15), 24 V.S.A. § 2121, and 24 V.S.A. Chapter 59.

**SECTION 2. STATEMENT OF FINDINGS AND PURPOSE.**

Being that there exist in the City of St. Albans structures, buildings and parcels of land that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the St. Albans City Council finds and declares that:

- (1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety.
- (2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.
- (3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.
- (4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.
- (5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public health and safety and therefore are declared to be public nuisances.
- (7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
- (8) Communication between owners of dangerous and vacant buildings and the City is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures.

The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings, structures and lands, consistent with the authority vested in the City to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings, structures and properties within the City.

### **SECTION 3. DEFINITIONS.**

For purposes of this Ordinance, the following words and/or phrases shall apply:

- A. **Dangerous Building or Dangerous Structure.** Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation is hazardous to the health or safety of the public or likely to endanger other buildings or property.
- B. **Vacant Building.** Any building or structure that is unoccupied by a person or occupied by unauthorized persons for more than one hundred and twenty (120) days, excepting any permitted warehouse, garage, vacation property, or building or structure used only on a seasonal basis.
- C. **Building Safety Officer.** The officer appointed by the City of St. Albans City Council to enforce this Ordinance. The Building Safety officer may hold any other office in the City of St. Albans. Nothing in this Ordinance shall prevent the Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. The Building Safety Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the City of St. Albans. In the event that the Building Safety Officer is unavailable, or has a conflict of interest, the City Manager or his/her designee shall perform the functions of the Building Safety Officer.
- D. **Trash.** Shall include rubbish, waste and refuse, including, but not limited to household wastes, food scraps, household appliances, automotive parts, automobiles, furniture and yard clippings, but shall not include junk at a duly licensed junkyard.
- E. **Hazardous Conditions.** Shall include, but not be limited to, situations where a property owner, tenant, any mortgagee in possession, or a designee of any of the foregoing allows:
  - 1. Trash to unreasonably accumulate or be discarded on a property in such a way that it causes an obvious hazard to public safety;
  - 2. The creation of an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

3. Trees and other plant life to dangerously obscure drivers' views or attract vermin;
4. The placement of appliances, cars, and other objects that might constitute an attractive nuisance to children or attract vermin; or
5. Allows an abandoned or unoccupied property to be left in an unsecured state.

#### **SECTION 4. AUTHORITY OF CITY HEALTH OFFICER.**

Nothing in this Ordinance shall affect the authority of the City of St. Albans Health Officer or the City Council to take any action permitted under 18 V.S.A. §§ 126, 127 *et seq.* The Health Officer and the City Council retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

#### **SECTION 5. BUILDING AND PROPERTY OWNER OBLIGATIONS.**

Building and property owners shall ensure that the following measures have been undertaken, whether the building or property is occupied or not, to secure the building or structure by satisfying the following building maintenance standards:

- A. **Building Openings.** Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid materials which are weather protected, and tightly fitted and secured to the opening.
- B. **Roofs.** The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
- C. **Drainage.** The building storm drainage system shall be functional and allow discharge in an appropriate manner.
- D. **Building Structure.** The building shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- E. **Foundation Walls.** Foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rodent-proof.

- F. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials.
- G. Exterior Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair.
- H. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.
- I. Exposed Metal and Wood. All exposed metal and wood surfaces shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Walkways. Walkways shall be safe for pedestrian travel.
- K. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these building maintenance standards.
- L. Premises. All properties located in the City of St. Albans shall be kept clean, safe, and sanitary, free from waste, trash, rubbish, debris or excessive vegetation, and shall cause any hazardous condition or threat to the public health or safety. Lawns shall not be allowed to exceed ten inches in height.

## **SECTION 6. BUILDING INSPECTION**

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, the Building Safety Officer shall cause the building, structure or property to be inspected. Such inspection shall occur according to the following process:

- A. Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure or property at least twenty-four (24) hours prior to the inspection.
- B. If the Building Safety Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.

- C. If the owner of a building, structure or property fails or refuses to consent to the inspection, the Building Safety Officer shall be authorized to obtain a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.
- D. The Building Safety Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.
- E. The Building Safety Officer may retain such law enforcement officers, fire officials, engineers, attorneys and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

#### **SECTION 7. SAFETY ORDER.**

- A. If, upon inspection, the Building Safety Officer determines that a building, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Building Safety Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:
  - 1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
  - 2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
  - 3. Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be not less than fifteen (15) days from the date of service of the order.
  - 4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.
- B. The Safety Order shall be served upon the owner of the Dangerous Building or Premises by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be provided to the City Council of the City of St. Albans.

- C. If it appears to the Building Safety Officer that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.
- D. If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Building Safety Officer shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.
- E. For removal or demolition, the Building Safety Officer, or other appropriate City officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Building Safety Officer may also seek the imposition of fines in accord with Section 9(A) of this Ordinance.
- F. The Building Safety Officer may contract with such service providers or use such other City employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

## **SECTION 8. APPEAL OF SAFETY ORDER**

- A. A person aggrieved by a Safety Order may appeal such Order to the City Council of the City of St. Albans within fifteen (15) days of service of the Order. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.
- B. Within thirty (30) days of service of the notice of appeal, the City Council shall hold a hearing on the appeal. The City Council shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as the City Council deems necessary and appropriate to implement the purpose of this Ordinance.

## **SECTION 9. PENALTY AND ENFORCEMENT**

- A. If the owner fails to comply with a Safety Order, the owner shall be considered to be in violation of the Order and this Ordinance. The City shall be authorized to take such steps as may be allowed under Section 7(D) of this

Ordinance. In addition, any violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Franklin County Superior Court, at the election of the Building Safety Officer.

- B. A civil penalty of not more than \$100.00 per violation may be imposed for violation of this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.
- C. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq.* For purposes of enforcement in the Judicial Bureau, the Building Safety Officer shall be the designated enforcement officer. The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing.
- D. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The City of St. Albans may pursue any and all remedies available at law or in equity.

#### **SECTION 10. VACANT BUILDING PERMIT AND STANDARDS**

- A. Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the Building Safety Officer. Applicants shall disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards.
- B. The application shall include a "statement of intent." The statement of intent shall include but not necessarily be limited to information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.
- C. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Building Safety Officer and the appropriate police and fire officials. The purpose of such inspection is to determine and ensure the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building or structure is in compliance with the standards of this Ordinance.

- D. If the Building Safety Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, safety or welfare of the general public, no notification or warrant shall be necessary and the Building Safety Officer shall enter and inspect the premises pursuant to Section 7 of this Ordinance.
- E. The Building Safety Officer shall provide the St. Albans Police Department with copies of vacant building permits at the time of issuance.
- F. If the owner of the vacant building or structure fails or refuses to consent to an inspection, the Building Safety Officer may seek a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building and structure is in compliance with the standards of this Ordinance.
- G. The Building Safety Officer, upon inspection, shall issue any order for work needed to:
  - 1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the standards set forth in this Ordinance.
  - 2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
  - 3. When issuing such orders, the Building Safety Officer shall specify the time for completion of the work. The Order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the Building Safety Officer's order. No interim permit shall be effective for a period of more than ninety (90) days. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning statutes and ordinances.
  - 4. The Building Safety Officer shall issue a vacant building permit upon his or her satisfaction that the building has been inspected and is in compliance with the standards set forth in this Ordinance, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of three hundred sixty-five (365) days.

5. A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the building maintenance standards in Section 5(A) of this Ordinance.

#### **SECTION 11. FEES.**

- A. A fee of one hundred dollars (\$100.00) shall be charged for a vacant building permit or interim permit. This one-hundred dollar fee shall also be charged upon the renewal of such permits. The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.
- B. Upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to its vacant building permit or renewal thereof, the Building Safety Officer shall waive the fee. The waiver of the permit fee for the active marketing and maintenance of the building or structure shall be for a period of twelve (12) months from the time the fee first becomes due. This waiver may be extended for an additional year for such buildings if the owner (a) continues to show that the building or structure is being actively marketed for sale and maintained and (b) discloses the details of how the building was actively marketed for sale during the waiver year (i.e., offers, appraisals, or consultants engaged). Upon the expiration of the initial twelve-month period or its extension, the fee shall be charged.
- C. When a building is in need of substantial rehabilitation, as determined by the Building Safety Officer, to comply with the obligations and standards set forth in this Ordinance, no initial vacant building permit fee is required if the owner has: (i) developed and submitted a statement of intent, scope of work which meets the applicable building and zoning standards and the obligations and standards set forth in this article, and a reasonable schedule for the completion of the work, approved by the Building Safety Officer, and (ii) secured all necessary building and zoning permits. To qualify for a continued exemption upon renewal, the owner must certify that the improvements set forth in the scope of work are being made according to the schedule of work or prove to the Building Safety Officer that the schedule will be completed within a reasonable amount of time.
- D. If an owner has secured all the duly required permits to demolish the building or structure, no fee shall be required.

#### **SECTION 12. REPEAL OF PRIOR CONFLICTING ORDINANCES.**

The enactment of this Ordinance shall repeal all other ordinances of the City of St. Albans that regulate the topics addressed herein.

**SECTION 13. SEVERABILITY.**

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

**SECTION 14. EFFECTIVE DATE.**

This Ordinance shall become effective upon its adoption by the City Council of the City of St. Albans in accordance with 24A V.S.A. Ch. 11, § 11.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURES