# TITLE 3

# BUILDINGS AND CONSTRUCTION

CHAPTER

# CHAPTER 1

# MOVING BUILDINGS

SECTION



## 701. Permit requirement

Whenever any person shall intend to move any building or other structure along, across, or through any of the streets or public highways within the City of St. Albans, he shall present his petition in writing to the city council for permission to make such move, which petition shall describe the building, its dimensions, location, the place to which it is designed to be moved, and the streets along, across or through which the same is to be moved, and no building shall be moved along, across, or through any of the streets or highways of the city without the written permit of the city council.

## 702. Damages

The owner of every building or other structure moved as aforesaid shall pay to the city all damages, costs and expenses occasioned to the city by such removal, to be ascertained by the city council, and before moving such building the owner, if required, shall give a bond to the city treasurer in such sum as the city council shall prescribe, satisfactory to said council, for the payment of all such damages, costs and expenses that may be caused to the property of, or that may be incurred by any person, firm or corporation in consequence of such removal.

## 703. Obstructions

In case it shall be necessary in the moving of any building to cut down or trim any tree, or move any post, wire or other obstruction on the line of the street or highway along, across or through which said building is to be moved, that fact shall be set forth in the petition, and no tree shall be cut down, nor its branches cut off, and no post, wire, or other obstruction shall be so moved, unless special permit shall have been given therefor as aforesaid.

SECTION

704. Penalty for violations

Every person who shall move, or be employed in moving any building along, across, or through, any of the streets or highways aforesaid, and every person who shall cut down any tree, or cut off any branch or branches of any tree, not his own, or who shall cut or remove any post or wire, without such permit from the city council, or in a manner not in compliance with the terms and condition of such permit, shall be fined not more than one hundred dollars.

705. Notices and lights

Every person engaged in moving a building as aforesaid, shall cause to be posted and maintained at proper distances in either direction from said building, suitable notices by day, and suitable lights by night, to give warning that the street is impassable by reason of the moving of said building. Every person neglecting or refusing to so place and maintain such notices and lights, and every person illegally removing or interfering with such notices and lights, shall be fined not more than twenty dollars for each offense.

706. Notification of permit

The city manager shall, upon the granting or refusal by the city council of a permit applied for under this chapter, immediately notify the chief of police and the street superintendent thereof in writing.

# CHAPTER 3

# MINIMUM HOUSING STANDARDS

## MINIMUM HOUSING STANDARDS ORDINANCE

AN ORDINANCE PROVIDING MINIMUM HEALTH STANDARDS FOR SANITATION FACILITIES IN HOUSING; REQUIRING ADEQUATE VENTILATION, LIGHT AND HEATING; DETERMINING ACCEPTABLE OCCUPANCY OF SPACE; REQUIRING SAFE AND SANITARY MAINTENANCE; PROHIBITING SUBSTANDARD CONDITIONS, STRUCTURALLY AND GENERALLY; REQUIRING ENFORCEMENT BY THE BUILDING INSPECTOR; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION.

WHEREAS, there exists in the City numerous dwellings which are sub-standard in one or more important features of structure, equipment, maintenance or occupancy; and

WHEREAS, such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight; and

WHEREAS, adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum housing standards;

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of St. Albans."

SECTION 2. Definition. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural numbers. The word "shall" is always mandatory and not merely directory.

(1) "Basement" is a portion of any dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(2) "Building Inspector" is the Building Inspector of this city.

(3) "Cellar" is a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(4) "City" is the City of St. Albans.

(5) "Dwelling" is a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

SECTION 2. Definitions (continued):

(6) "Dwelling Unit" is a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) "Habitable Room" is a room or enclosed floor space used or intended to be used for living, sleeping, or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms, and storage spaces.

(8) "Multi-family dwelling" is any dwelling or part thereof containing three or more dwelling units.

(9) "Occupant" is any person including an owner or operator living and sleeping in a dwelling unit or rooming unit.

(10) "Openable area" is the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(11) "Operator" is any person having charge, care management or control of any dwelling or part of it, in which dwelling units or rooming units are let.

(12) "Owner" is any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit, or rooming unit.

(13) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(14) "Plumbing" is water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.

(15) "Premises" is a lot, or parcel of land including the buildings and structures thereon.

(16) "Rooming House" is any dwelling or that part thereof containing one or more rooming units, in which space is let to three or more persons.

SECTION 2. Definitions (Continued):

(17) "Rooming Unit" is any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(18) "Single Family Dwelling" is any dwelling containing one dwelling unit.

(19) "Supplied is installed, furnished, or provided by the owner or operator at his expense.

(20) "Two-Family Dwelling" is any dwelling containing two dwelling units.

(21) "Yard" is all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

SECTION 3. Sanitation Facilities. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for basic equipment and facilities:

(1) Dwelling Units. Every dwelling unit shall contain within its walls:

(a) Toilet Facilities. A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.

(b) Bathtub or shower. A room, separate from the habitable room, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

(c) Sharing by Dwelling Units in Same Dwelling. The occupants of not more than two dwelling units which are located in the same dwelling may share a single flush water closet, a single lavatory basin, and a single bathtub or shower provided:

1. Neither of the two dwelling units contains more than two rooms; however, for the purpose of this Subsection, a kitchen with not more than 60 square feet of floor area is not counted as a room;

2. The habitable room area of each of such dwelling units aggregates not more than 300 square feet;

**SECTION 3. SANITATION FACILITIES (CONTINUED):**

3. The water closet and lavatory basin are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or going outside the dwelling.

4. The bathtub or shower is within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going outside the dwelling.

(d) Kitchen Sink. A kitchen sink.

(2) Water Line connections. Every kitchen sink, lavatory basins and bathtub or shower required by this Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than 120 degrees F. even when the heating facilities required by this ordinance are not in operation.

(a) Plumbing Fixtures. All plumbing fixtures required by this Section shall be properly connected to a water system and a sewerage system.

(3) Rubbish Collection. Every multi-family dwelling shall have garbage and rubbish storage or disposal facilities.

(4) Rooming House - Additional Sanitation Standards.

(a) Lavatories. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for no more than one-half the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this Subsection except when approved by the Building Inspector.

**SECTION 3. Sanitation Facilities (Continued):**

(a-1) Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by this Subsection shall be located within the room house in a room or rooms which:

(1) Afford privacy and are separate from the habitable rooms;

(2) Are accessible from a common hall and without going outside the rooming house;

(3) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

(b) Bedding and Towels.

Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

SECTION 4. Ventilation, Light and Heating. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

(1) Windows and openable space.

(a) Habitable Rooms. Every habitable room shall have at least one window which can be easily opened and which faces directly to the outdoors. The minimum glass area shall be 10% of the floor area of the room. The openable area shall not be less than 4% of the floor area of the room.

(b) Glass-enclosed Porch. For the purpose of this Section, where a habitable room faces onto a glass-enclosed porch, the porch shall be considered as a part of the living room if the total window and open area between the porch and the habitable room is at least 20% of the floor area of the living room.

SECTION 4. Ventilation, Light and Heating ((Continued):

(c) Bathrooms. Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of 3 square feet, except where there is supplied some other positive and dependable device approved by the Building Inspector as affording adequate ventilation.

(d) Laundry Rooms. Every laundry room shall have a minimum openable area of at least 3 square feet except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.

(e) Insufficient Air Space. Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than 3 feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.

(f) Sky-light-type windows. A skylight-type window shall be considered as a window for the purpose of this Section except in the case of a kitchen with more than 60 square feet in floor area, a living room or sleep room.

(g) Public Halls and Stairways. Each public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately ventilated.

(2) Lighting. Every dwelling within 500 feet of a power line shall be supplied with electricity as follows:

(a) Habitable Room. Every habitable room shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling type electric light fixture.

(b) Bathrooms, Utility Rooms. Every water closet compartment, bathroom, laundry room and furnace room, shall contain at least one supplied ceiling or wall-type electric light fixture.

(c) Public Halls. Every public hall and stairway in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture and one outlet.

**SECTION 4. Ventilation, Light and Heating (Continued):**

(c-1) Two family Dwelling, Multi-family Dwelling and Rooming House. Every Public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located wall switches shall be permitted instead of a full-time lighting system.

(d) Standards for Installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

(3) Heating. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms bathrooms, and water closet compartments within its walls to a temperature of at least 70 degrees F. when the outside temperature is 0 degree F.

(a) Gas Heaters. Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this Ordinance and are prohibited.

**SECTION 5. Space and Occupancy**. No person shall occupy or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for space and occupancy.

(1) Habitable Floor Area. Every dwelling unit shall contain at least 130 square feet of habitable floor area for the first occupancy, at least 100 square feet of additional habitable floor area for each of the next three occupants, and at least 50 square feet of additional habitable floor area for each additional occupant.

(1A) Exception for Children under 1 year of age. For the purposes of this Section a person under one year of age shall not be counted as an occupancy.

(2) Sleeping Rooms. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor area for each occupant 12 years of age and over and at least 20 square feet for each occupant under 12 years of age.

**SECTION 5. Space and Occupancy (Continued):**

(3) Calculation of Floor Area. Floor area shall be calculated on the basis of habitable room area. Closet area and hall area within the dwelling unit, where provided may not be counted as required habitable floor area. At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet, and the floor area of any part of any room where the ceiling height is less that 5 feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

(4) Cellars. No cellar shall be used for living purposes.

(5) Basements. No basement shall be used for living purposes unless:

(a) The floors and walls are substantially watertight.

(b) The total window area, total openable area and ceiling height are in accordance with this Ordinance.

(c) The required minimum window area of every haitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

**SECTION 6. Safe and Sanitary Maintenance of Structural Elements.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or room unit which does not comply with the following minimum standards for safe and sanitary maintenance:

(1) Foundation, Exterior Walls and Roofs. Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight, and rodent proof, shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(2) Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof.

**SECTION 6. Safe and Sanitary Maintenance of Structural Elements (Continued):**

(3) Windows and Exterior Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent proof; and shall be kept in sound working condition and good repair.

(4) Stairways and Porches. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(5) Plumbing Fixtures. Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks and obstructions.

(6) Bathroom Floor Surfaces. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

(7) Maintenance of Required Equipment and Utilities. Every supplied facility, piece of equipment or utility, which is required under this Ordinance, and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

**SECTION 7. COOKING EQUIPMENT.** No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

(1) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

(2) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

**SECTION 8. Responsibilities of Owners, Operators and Occupants.**

(1) Sanitation.

(a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls; and shall be responsible for his own misuse of areas and facilities available in common.

(b) Every owner or operator of a two-family dwelling, multi-family or rooming house shall maintain in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(2) Removal of Waste Matter.

(a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.

(b) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

**SECTION 8. Responsibilities of Owners, Operators and Occupants (Continued):**

(3) Extermination

(a) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

(b) Every owner or operator shall be responsible for extermination of any insects, rodents, or other pests whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.

(c) Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.

(4) Heat. During the time of the year when it is necessary, as determined by the Building Inspector, every owner or operator of every two-family dwelling, multi-family dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.

(5) Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this Ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

(6) Transfer of Responsibility. A contract effective as between owner and operator, operator and occupant or owner and occupant with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Ordinance.

**SECTION 8. Responsibilities of owners, Operators and Occupants (Continued):**

(7) Notice of Maximum Occupancy. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this Ordinance.

**SECTION 9.** This Ordinance shall be enforced by the Building Inspector who shall be appointed by the City Manager. He shall keep complete records of all proceedings, records and whenever he is informed or has reason to believe that any provision hereof is being violated, shall have the right, at reasonable times, to enter any dwelling in the city for the purpose of determining whether such violation in fact exists therein. The Deputy Building Inspectors shall have like duties and rights. It shall be the duty of such officers to report to the City Attorney for prosecution or other action any violations found by them to exist.

**SECTION 10.** Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not exceeding $50.00, or imprisoned not to exceed 90 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Violations or threatened violations of any provision of this ordinance may also be restrained under the provisions of Section 25 of the City Charter, and no criminal prosecution shall be a bar to any civil action brought for such purpose.

## CHAPTER 5

## UNSAFE BUILDINGS

**SECTION**



741. Removal or repair of unsafe buildings

(a) A building or structure or part thereof that may be or shall at any time hereafter become dangerous or unsafe, shall, unless made safe and secure, be taken down and removed by the owner of such building or structure.

(b) A building or structure or part thereof declared structurally unsafe or hazardous by duly constituted authority may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of 50 per cent of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

Cross references. Fire building regulations
of state fire marshal, see 20 V. S. A. 2721 et. Seq.
Fire hazards, orders of fire
marshal, see 20 V. S. A. 2791 et. Seq.
Fire wardens, inspections and orders,
see section 2052 et. Seq.
Municipal ordinances, filing with fire
marshal, jurisdiction of fire marshal,
see 20 V. S. A. 2798.
Public Buidlings, health regulations,
see 18 V. S. A. 1301 et. Seq.
Report by chief engineer of violations,
see section 2005.
Unsafe buildings; see 24 V. S. A. 3111-3117.

**SECTION**

742. Inspection; notice

The building inspector, upon being informed by report or otherwise, that a structure or anything attached to or connected therewith is unsafe and dangerous, shall inspect the same; and if in his judgment, it appears to be dangerous, he shall forthwith notify, in writing, the owner, agent, or person having an interest therein to remove it or make it safe and secure. If it appears that such structure would be especially unsafe in a case of fire, it shall be deemed dangerous within the meaning thereof, and the inspector may fix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

743. Time for securing or removing building

A person notified as provided in section 742 shall, before twelve o'clock noon of the day following the service of such notice, commence to secure or remove such structure, and shall employ sufficient workmen speedily to secure or remove it; and if the public safety so required, and if the mayor and aldermen so order, said inspector shall immediately enter upon the premises with the necessary workmen and cause said structure to be shored up, taken down, or otherwise secured without delay, and a proper fence or boarding put up for the protection of the passers-by.

744. Survey upon failure of owner to comply

If said owner, agent, or person interested in such unsafe structure, refuses or neglects to comply with the requirements of such order within the time limited, a careful survey of the premises shall be made by a board consisting of the city manager, the chief engineer of the fire department, and one disinterested person to be appointed by the mayor who shall fix the fee for services of such person so appointed. A report of such survey shall be made in writing and a copy thereof served on said owner, agent, or other person interested.

Cross references. Statutory provisions
see 24 V. S. A. 3113

**SECTION**

745. Building taken down or made safe by inspector

If such report declares such structure to be unsafe, and if the owner, agent, or person interested continues such refusal or neglect, the inspector shall cause it to be taken down or otherwise made safe; and the costs and charges incurred shall constitute a lien upon the land upon which such building is situated, and shall be enforced within the time and in the manner provided for the collection of taxes on land; and said owner or person interested shall, for every day's continuance of such refusal or neglect be fined not more than $50 nor less than $10.

Cross references. Statutory provisions,
see 24 V. S. A. 3114.

746. Appeal from order

The owner or person interested who feels aggrieved by any order of the inspector or by the report of said board appointed as provided in section 744 may petition the board of aldermen for relief, setting forth in detail his grievances, filing his petition with the city clerk within 5 days after receiving such order and giving the mayor a copy of such petition. Upon receipt of such copy by the mayor, he shall at once call a special meeting of the board of aldermen to consider the subject matter of said petition and take such action in the premises as the board of aldermen shall deem best; but the provisions of this section shall not prevent the city from recovering the forfeiture provided in section 745 from the date of the original notice, unless such order is set aside and annulled by the city council.

Cross references. Statutory provisions,
See 24 V. S. A. 3115.

**SECTION**

747. Notice to nonresident owner

If such owner, agent or person interested lives out of the state and has no known attorney or agent residing within this state, the notice required in each of sections 742 and 743 may be served upon such owner, or agent or interested person, by a notary public residing in the town or county in which said owner, agent or interested person resides, by delivering to him, his agent or attorney, a true and accurate copy of such notice, and the certificate upon the original notice of such delivery by the notary under his notarial seal, shall be sufficient evidence of the delivery of such copy.

Cross references. Statutory provisions,
see 24 V. S. A. 3116.

748. Powers of chancellor.

A chancellor may restrain the contraction, alteration, maintenance, or use of a building or structure in violations of the provisions of this chapter, and order its removal or abatement as a nuisance; and restrain the further construction, alteration or repair of a building or structure reported to be unsafe under a survey authorized by section 744 until the matter is determined as provided in this chapter.

Cross references. Statutory provisions,
see 24 V. S.A. 3117.

**Title Three: Buildings and Construction**
**Chapter 8:**
**Inspection of Public Buildings**
**City of St. Albans and Vermont Fire & Building Safety Code**

SECTION



750. Inspections of Public Buildings and Collection of Fees

a) In accordance with 20 V.S.A. §2736 and the Cooperative Inspection Agreement Between the State of Vermont and the City of St. Albans, dated May 4, 2016, the City of St. Albans is authorized to and has been assigned the responsibility of conducting inspections of all existing public buildings [as the term is defined in 20 V.S.A. §2730(a)] for the purpose of enforcing the Vermont Fire & Building Code and to establish and collect reasonable fees for its own use for performing any functions that would be subject to a fee established under 20 V.S.A. §273l(a).

b) Designated employees of the City of St. Albans Fire Department shall coordinate and carry out the responsibilities authorized by this Chapter.

751. Public Building Inspection Fee

Unless otherwise specifically stated in this Chapter, the owner of any public building that is inspected pursuant to this Chapter, shall be assessed a fee of $125.00 per inspection.

752. Commercial Building or Business Inspections

a) On-going and no-break or change in use fire and life safety inspections of commercial buildings or businesses will be conducted every two (2) years.

b) Owners of a Commercial building or business that is inspected pursuant to this Chapter shall be accessed a fee of $125.00 per inspection, or $100.00 per hour for large commercial and/or industrial building/facility inspections, not to exceed a maximum fee of $500.00.

c) A second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-

inspections for commercial/business buildings that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional $125.00 per inspection, or $100.00 per hour for large commercial and/or industrial building/facility for each follow-up inspection.

753. Time of Sale or Change of Use Inspection

Any party requesting a time of sale, or change of use inspection for residential or commercial properties shall pay the following fees:

a) For rental property buildings containing separate units. $100.00 per unit.

b) Time of Sale Business or Commercial building inspections shall be accessed a fee of $125.00 per inspection, or $100.00 per hour for large commercial and/or industrial building/facility inspections, not to exceed a maximum fee of $ 500.00.

c) The second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-inspections for commercial/business buildings that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional $125.00 per inspection, or $100.00 per hour for large commercial and/or industrial building/facility for each follow-up inspection.

Time of sale inspection and re-inspection associated with Time of Sale Inspections shall be paid to the City of St. Albans prior to the commencement of the inspection.

754. First Class Liquor License Establishments and/or Facilities

a) Inspections of all First Class Liquor License Establishments and/or Facilities shall be conducted pursuant to City of St. Albans Liquor Control Ordinance, Title 23, Section 108. Accordingly, inspections of first class liquor establishments shall be conducted no more than 120 days prior to the beginning of the new liquor licensing year and will occur on an annual basis.

b) If the first class liquor establishment and/or facility is owned and operated by the building owner, and other business or rental property units are contained within the same building, only the first class liquor establishment and/or facility will be inspected in accordance with the City of St. Albans Liquor Control Ordinance. All other businesses or rental units located in the same building will be inspected pursuant to the provisions of this Chapter.

c) The owner of a licensed first class liquor establishment and/or facility shall be accessed a fee of $75.00 per inspection.

d) The second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-inspections for First Class Liquor License Establishments that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional $75.00 per inspection.