

TITLE 7
FIRE PROTECTION AND PREVENTION

CHAPTER

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CHAPTER 1
FIRE DEPARTMENT

SECTIONS

- 2001. Control of department; disorderly conduct; conduct at fires; assistance.
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2001. Control of department; disorderly conduct; conduct at fires; assistance.

No person not a member of the fire department shall assume, without authority, control over any members of the department in respect to their duty. No person, while present at any fire, shall willfully or unnecessarily make outcries or other loud noises, or be guilty of disorderly conduct in others. All firefighters are required to obey the orders and directions of the officers in command at a fire, and to render their services if ordered to do so. All citizens are required to obey the orders and directions of the officers in command at a fire.

Cross references. City Council powers
See City charter section 25 (11).

2002. Powers of fire chief during fires.

During the continuance of any fire the fire chief or qualified designee:

- 1) Shall have absolute control of the streets adjacent thereto;
- 2) may blockade such streets and forbid passage therein
- 3) may order those present to stand back to any reasonable distance
- 4) may command the assistance of any police officer or other person present at the fire in extinguishing the same or preventing its spread or in saving and securing property.
- 5) shall have power with necessary assistance to enter any building or premises for the purpose of extinguishing or checking the progress of fire or securing and protecting property

- 6) may with the consent of the mayor or two members of the City Council, direct the destruction of any building to stay the progress of the fire and
- 7) shall have power to cut or cause to be cut any electric, telephone, or any other wire when it is necessary in order to control a fire, and to order the cutting out of any electric current which may interfere with extinguishing a fire.

Cross references. Driving over
hose and other apparatus, prohibition,
See section 5153.

Powers and duties of chief engineer,
see 20 V. S. A. 2671 - 2675.

Right of way of apparatus, see
Section 5152.

2003. Entry in area near fire

No person not a member of the City Council or of the fire department or of the police department shall, without the authority of one of the officers of one of said departments, enter upon such part of a street, lane, or alley roped off, barricaded, or plainly designated in any way for the use of the fire department, in extinguishing a fire or for the protection of persons attending a fire, by the officers of either of said departments. No person not a member of the City Council or of the fire department or of the police department shall enter on foot or vehicle upon a street adjacent to a fire within the block where and while such fire is in progress.

2004. Powers and duties of fire chief, generally.

The fire chief, subject to the direction of the City manager, shall:

- 1) Have the supervision, care and control of all equipment belonging to or used for the purpose of the fire department, and, in case of fire, of all hydrants. After the use of a hydrant he or she shall immediately report such use to the superintendent of streets and/or the director of the public works department.
- 2) Be responsible for the discipline, good order and proper conduct of the whole fire department.
- 3) Report to the fire marshal, building safety officer, and/or the zoning administrator all violations of any ordinances regulating the safety and construction of buildings.
- 4) Perform other duties as may be required.

Powers and duties of chief engineer,
see 20 V. S. A. 2671 - 2675.

Appointment of chief engineer, see City
Charter, section 9 (V).

2005. Reward for information

The City Council may offer a reward for information which shall result in the detection and conviction of any person or persons guilty of arson or the malicious or felonious burning of property in the City.

2006. Property of department, taking

No person shall wrongfully appropriate, use, take away, conceal, or refuse or neglect to deliver up to an authorized officer of the City or of the fire department, property belonging to the City and use by or required for the use of said department. Any person held in violation of this section shall be fined in accordance with the City of Saint Albans schedule of fees.

2007. Enforcement.

It shall be the duty of all members of the fire department and the police department to see that the provisions of this chapter are duly observed and that all violations of the same are promptly prosecuted. All violations of the ordinances contained in Title 7 of the City of Saint Albans Ordinances shall be a civil ordinance violation enforced in the Vermont Judicial Bureau. 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 may constitute a separate violation of this Ordinance. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. Secs. 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Fire Chief, Fire Marshal, Building Safety Officer, Enforcement Officer, or other Fire Department Officer who issues a violation shall be the appearing officer at any hearing. All persons cited by an officer of the fire department to have violated the ordinances contained in Title 7 of the City of Saint Albans Ordinances shall plead no more than one of the following; Not Guilty, Guilty, No Contest. Those who plead No Contest shall pay the applicable waiver fee as set by the City Council in the City's Schedule of Fees.

2008. Authority of City Health Officer.

Nothing in this Ordinance shall affect the authority of the City of Saint 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.

2009. Authority of Building Safety Officer.

Nothing in this Ordinance shall affect the authority of the City of Saint Albans Building Safety Officer or the City Council to take any action permitted under the Public Health & Safety Ordinance, or other regulations, as amended, of the City of Saint Albans, Vermont.

CHAPTER 2

Reserved

CHAPTER 3

Fire Marshal and Inspections

SECTIONS

- 2051. Appointment of fire marshal.
- 2052. Inspections.
- 2053. Entry into premises.
- 2054. Removal of fire hazard and hazardous materials; fees.
- 2055. Temporary discontinuance of use of furnace, oil burner, boiler, flue or chimney.
- 2056. Refusal to permit entry.
- 2057. Penalties.
- 2058. Performance of work by official.

2051. Appointment of fire marshal

The City manager shall appoint a fire marshal who shall be subject to the direction of the City manager and the fire chief.

(Ch 8-2-94)

2052. Inspections

The fire marshal shall insure that all public buildings within the City are inspected on a periodic basis. As used in this Section, a "public building" means:

- 1)
 - a) a building owned or occupied by a public utility; hospital; school; house of worship; convalescent center or home for the aged, infirm, or disabled; nursery; kindergarten; or day care;
 - b) a building in which two or more persons is employed, or occasionally enter as part of their employment or are entertained, including private clubs and societies;
 - c) a cooperative or condominium; [A condominium is described as a building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners. A unit in such a complex.]
 - d) a building in which people rent accommodations, whether overnight or for a longer term;
 - e) a restaurant, retail outlet, office or office building, hotel, tent, or other structure for public assembly, including outdoor assembly, such as a grandstand;

- f) a building owned or occupied by the state of Vermont, a county, a municipality, a village, or any public entity, including a school or fire district.
- 2) a) Use of any portion of a building in a manner described in this subsection shall make the entire building a "public building" for purposes of this subsection. For purposes of this subsection, a "person" does not include an individual who is directly related to the employer and who resides in the employment-related building.
- b) The term "public building" does not include:
- (1) an owner-occupied single family residence, unless used for a purpose described in subsection (a) of this section;
 - (2) a family residence registered as a day care home under chapter 35 of Title 33, or specifically exempted from registration by subdivision 3502(b)(1) of Title 33;
 - (3) farm buildings on a working farm or farms. For purposes of this subchapter and subchapter 3 of this chapter, the term "working farm or farms" means farms with fewer than the equivalent of 10 fulltime employees who are not family members and who do not work more than 26 weeks a year. In addition, the term means a farm or farms:
 - A) whose owner is actively engaged in farming; or
 - B) if the farm or farms are owned by a partnership or a corporation, one which includes at least one partner or principal of the corporation who is actively engaged in farming;
 - C) where the farm or farms are leased, the lessee is actively engaged in farming. The term "farming" means:
 - (i) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
 - (ii) the raising, feeding, or management of livestock, poultry, equines, fish, or bees;
 - (iii) the production of maple syrup;
 - (iv) the operation of greenhouses;
 - (v) the on-site storage, preparation, and sale of agricultural products principally produced on the farm. Notwithstanding this definition of farming, housing provided to farm employees other than family members shall be treated as rental housing and shall be subject to the provisions of this chapter. In addition, any farm building which is open for public tours and for which a fee is charged for those tours shall be considered a public building.
 - (4) a single family residence with an accessory dwelling unit as permitted under subdivision 4406(4)(D) of Title 24. [reference 24 vsa 4412(E) An accessory dwelling unit is an efficiency or one bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living,

including sleeping, food preparation, and sanitation, and does not exceed 30 percent of the total habitable floor area of the single-family dwelling. An accessory dwelling may be contained within the single-family dwelling, or detached, but cannot be located across a public way. A common driveway, shared water and waste water systems, and a common electrical service entrance are examples of an accessory dwelling unit being clearly subordinate to a single family dwelling.]

c) For the purpose of this subchapter, subchapter 3 of this chapter, and chapter 174 of Title 20, the words "premises," "building," and "structure," or any part thereof shall mean "public building" as defined in this section. [Buildings classified as public buildings and owned by a federal agency are not exempt from state and municipal codes but there are limitations on how this Code is applied. 40 U.S.C.A, section 3312 requires that a federal agency consult with local code officials, submit plans for review and permit inspection of the construction project. The federal agency is required to give due consideration to any recommendations made by the local code official and build in compliance with nationally recognized building, electrical, fire, life safety and plumbing codes. A federal agency is exempt from any fees and no enforcement action can be brought against the federal agency for failure to comply with the law.]

d) "Historic building" or "historic structure" means any structure which has been listed in the National Register of Historic Places or the state register of historic properties or which has been determined to be historically significant by the Vermont advisory Council on historic preservation or which meets the standards adopted by the division for historic preservation pursuant to subsection 723(a) of Title 22.

e) The phrase "damage or destroy the historic architectural integrity of the historic building or structure" means to have an undue adverse impact on historically significant features of the historic

The fire marshal shall at once, on the application of any trustworthy person or at the request of said fire chief or of the City manager, inspect any building or premises within the City complained of as being unsafe or containing unsafe material.

(Ch 8-2-94)

2053. Entry into premises

For the purposes aforesaid, the fire chief or fire marshal, or their qualified designee, may at all reasonable times have access to and enter into any and all premises and buildings in the City.

2054. Removal of fire hazard and hazardous materials; fees.

- 1.) The fire chief or fire marshal shall direct the owner or occupant of any building or premises to move to a place of safety, any unsafe or

combustible materials which in his or her opinion shall expose to unnecessary hazard, such building or the surrounding or adjacent buildings or property or persons passing by on foot or by any vehicle, and may also direct such owner or occupant to clear away from his or her building or premises debris or other materials resulting from fire, windstorm or other catastrophe, within a reasonable time after the occurrence of such fire, storm or catastrophe.

2.) The fire department is authorized to recover any and all reasonable direct expenses incurred as a result of the response to and recovery of a hazardous material or chemical incident from the person or persons responsible for the incident. The fire department acting through the City of St. Albans shall have the right to recover its costs and reasonable attorney fees incurred to enforce this provision of the Ordinance.

a.) For the purposes of this ordinance, " hazardous materials or chemicals," as defined by the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) includes any substance or chemical which is a health hazard or physical hazard, including: chemicals which are carcinogens, toxic agents, irritants, corrosives, sensitizers; agents which act on the hematopoietic system; agents which damage the lungs, skin, eyes, or mucous membranes; chemicals which are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water-reactive; and chemicals which in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists or smoke which may have any of the previously mentioned characteristics. This definition also includes any substance or chemical which can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

b.) Fees: Fees shall be determined in accordance with the City of Saint Albans schedule of fees. This fee is to cover all personnel and materials costs directly associated with the mitigation of the hazardous material or chemical incident. For every hour each apparatus is involved in the mitigation of the hazardous material or chemical incident after the initial hour, which commences upon the initial response of said apparatus, an additional fee shall be levied from the person or persons responsible for the incident. There shall be no proration of this fee. All cumulative time spent on mitigation response shall be rounded up to the next hour for purposes of assessing this fee only.

Cross references. Rubbish and waste,

Prohibition, see section 2151.
see 20 V. S. A. § 39 subsection (e).

2055. Temporary discontinuance of use of furnace, oil burner, boiler, flue or chimney

Said fire chief or his or her designee or fire marshal or his or her designee shall also direct the owner or occupant of any building or premises in the City to discontinue, temporarily, the use of a furnace, oil burner, boiler, flue, or chimney which such fire chief or his or her designee or fire marshal or his or her designee shall deem unsafe to be used, and shall at once notify the fire marshal and the building safety officer of his or her action, and the fire marshal and the building safety officer shall at once examine the premises in question and order the owner or user of such furnace, oil burner, boiler, flue, or chimney to make such alterations or repairs of the same as such officers shall deem necessary for protection against fires, and when such alteration is so made to the acceptance of said fire marshal and the building safety officer, they shall permit the owner or user of such furnace, oil burner, boiler, flue, or chimney to resume the use of the same. Any person feeling aggrieved by the action of said fire marshal or building safety officer in determining whether such alteration or repairs should be made, may appeal in writing to the City Council, who may make such order in the premises to said fire marshal or building safety officer as said board shall deem wise; but pending such an appeal the owner or user of said furnace, oil burner, boiler flue, or chimney shall not resume the use of the same.

Cross references. Unsafe buildings,
see section 741 et seq.

2056. Refusal to permit entry

No person shall refuse to allow said fire chief or fire marshal to enter upon or into his or her premises or buildings for the purposes provided in this chapter, or attempt to prevent the inspection aforesaid or obstruct such official in carrying out the provisions of this chapter. If requested, the fire chief or fire marshal or his or her designee when making such inspection, shall show the owner or person in charge of such buildings or premises, official City owned and issued identification that clearly states the person requesting entry onto the premises or into buildings is the fire chief or fire marshal or his or her designee.

2057. Penalties

If a person who neglects or refuses for the space of 24 hours to comply with or obey a lawful order of the fire chief, or fire marshal, he or she shall be fined in accordance with the City of Saint Albans schedule of fees and he or she shall be subject to an additional fine in accordance with the City of Saint Albans schedule of fees for each and every day he or she shall so neglect or refuse, after the expiration of said 24 hours.

2058. Performance of work by official

If a person shall neglect or refuse to comply with or obey a lawful order of the fire chief or of the fire marshal, such official may in his or her discretion, after the expiration of the aforesaid 24 hours, do the work required by such order or cause the same to be done, and the expense therefore with full costs may be recovered of the person so neglecting or refusing, in a suit brought in the name of the City, declaring, upon this chapter, against such person for labor performed and materials furnished; but after said fire chief or fire marshal shall commence the work required by said order, such person shall not be liable to the additional penalty provided in the preceding section.

CHAPTER 4

Rental Registry Program

SECTIONS

- 2101. Rental registry required, defined.
- 2102. Administration.
- 2103. Registry information required.
- 2104. Inspection cycle.
- 2105. Inspection requirements.
- 2106. Scheduling inspections.
- 2107. Certificate of habitability.
- 2108. Issuance of a certificate of habitability.
- 2109. Issuance of a conditional certificate of habitability.
- 2110. Fees.
- 2111. Penalties.
- 2112. Transfer of ownership inspection required, defined.
- 2113. Appeals

2101. Rental registry required.

All residential dwelling unit owners shall file an annual rental registry application identifying their residential dwelling units for each building located in the City of Saint Albans. For the purposes of this ordinance residential dwelling units are defined as a residential dwelling unit with independent cooking and bathroom facilities as regulated under the occupancy classifications of existing one and two-family dwellings, and existing apartments. This definition does not include a building used only as an owner occupied single family residence. The City of Saint Albans fire marshal, building safety officer, health officer, and zoning administrator are responsible for ensuring that all public buildings located within the City are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants. Additionally, all property owners will ensure each residential dwelling unit is inspected and that Certificates of Habitability are issued a minimum of every four (4) years.

2102. Administration.

Administration and enforcement of this ordinance is the responsibility of the fire marshal, health officer, building safety officer and zoning administrator, and other individuals authorized to perform inspections by the City manager. For the purposes of this ordinance, said officials; fire marshal, health officer, and zoning administrator, shall hereby be referred

to as code officials, enforcement officers, and the code enforcement department, and such terms shall include the qualified designee of any such official or department.

2103. Registry information required.

- 1.) Residential dwelling unit owners must provide the following information to the code enforcement department.
 - a.) The address of the property.
 - b.) The number of residential dwelling units at that address.
 - c.) The mailing address of each residential dwelling unit.
 - d.) The number of bedrooms.
 - e.) The name, address, and phone number of the property owner, corporation, or registered corporate agent.
 - f.) The name, address, and phone number of any property management agent.
 - g.) The name, address, and phone number of a local emergency contact and/or a designated person within the state responsible for services on the property.
 - h.) Upon purchase or transfer of each property containing one or more residential dwelling units, the purchaser shall file a new rental registry application with the code enforcement department.
 - i.) Prior to the occupancy of any newly constructed residential dwelling unit or any conversion of the use to a residential dwelling unit, the property owner shall file a rental registry application with the code enforcement department.
 - j.) It shall be a violation of this ordinance for a property owner of any residential dwelling units within the City to fail to register as required by this section.
 - k.) Property owners of any residential dwelling units shall have a continuing obligation to notify the code enforcement department of any changes in the information required above during the periods between filings of the rental registry application.

2104. Inspection cycle.

For the purposes of planning and scheduling, the property owner of any residential dwelling units are subject to inspection pursuant to this ordinance and to the schedule described as follows. The rental registry fee is required annually for each building. Every four (4) years an inspection for each residential dwelling unit is required. A certificate of habitability will be issued based on the results of said inspection, as appropriate. Program adopted in the year 2010, District 1, initiates program due date for registration as July 1, 2010, with a one year

inspection cycle that expires on June 30, 2011. The district schedule shall follow henceforth based on these initial dates. The code enforcement department will make district boundary adjustments as residential dwelling unit distributions change to ensure balanced scheduling load for inspections is maintained. The code enforcement department will inform the property owners of rental housing units affected by a district boundary change by mail.

2105. Inspection requirements.

Code officials, enforcement officials, and other individuals authorized to perform inspections by the City Council and/or City manager shall make scheduled, periodic inspections, of all residential dwelling units within the City.

2106. Scheduling inspections.

- 1.) The code enforcement department shall schedule with the property owner or his/her agent the date and time of each inspection. The owner or agent shall arrange for the inspection within sixty (60) days of the initial request, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections. During the inspection the owner or agent shall provide access to the residential dwelling units and all common areas to include basements and other spaces.
- 2.) For attempts to schedule an inspection which do not result in an inspection within the two (2) months of the first (1st) request, it shall constitute a violation of this ordinance subject to forfeiture and/or withdrawal of any Certificates of Habitability.
- 3.) If the enforcement officer has reason to believe that an emergency situation exists tending to create an immediate danger to health, safety, or welfare of the occupants of any residential dwelling unit or the general public, said official may enter, examine, and inspect the residential dwelling unit at any time.
- 4.) Persons requesting inspections for buildings lacking proper Certificates of Habitability records with the code enforcement department in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspection requests will be scheduled as soon as possible and no later than sixty (60) days from the receipt of a written request.

2107. Certificate of habitability.

It shall be a violation of this ordinance for an owner of a residential dwelling unit within the City to rent or allow any person to occupy any residential dwelling unit without a Certificate of Habitability issued by the

code enforcement department. The Certificate of Habitability verifies that the entire property meets all applicable codes, ordinances, and permit requirements. No residential dwelling unit shall be occupied or used, in whole or in part, for any purpose whatever, until a Certificate of Habitability has been issued. A Certificate of Habitability shall only be valid a maximum of four (4) years from issue date. This section shall go into effect for each district as per the following schedule:

- 1.) District 1: June 30, 2011
- 2.) District 2: June 30, 2012
- 3.) District 3: June 30, 2013
- 4.) District 4: June 30, 2014

2108. Issuance of a certificate of habitability.

- 1.) Upon completion of the initial inspection, pursuant to this ordinance, of a residential dwelling unit, if said property is found to be in compliance with the codes adopted by the City, referenced in Chapter 6, Title 7 of this ordinance, the code enforcement officer shall issue a Certificate of Habitability, which shall expire four (4) years from the date of issuance.
- 2.) Upon completion of the initial inspection of a residential dwelling unit, if an individual unit is cited for five (5) or less minor non life-threatening violations of the adopted code referenced in Chapter 6, Title 7 of this ordinance, and if all violations have been corrected within the time set for compliance by the code enforcement officer, said officer shall issue a Certificate of Habitability which shall expire four (4) years from the date of issuance.
- 3.) Upon completion of the initial inspection of a residential dwelling unit, if any individual unit is cited for more than five (5) minor non life-threatening violations of the adopted code referenced in Chapter 6, Title 7 of this ordinance, the code enforcement department shall issue a Conditional Certificate of Habitability for that residential dwelling unit, which shall expire within, and no more than one (1) year from the date of issuance.
- 4.) Re-inspections for verification by the code enforcement officer that the abatement and mitigation actions have been completed on violations identified on the initial inspection shall not require a fee. Re-inspections for verification by the code enforcement officer that the abatement and mitigation actions have NOT been completed on violations identified on the initial inspection shall be assessed additional fees identified in the City of Saint Albans schedule of fees.
- 5.) Upon completion of the initial inspection of a residential dwelling unit or any subsequent re-inspections, if any individual unit is cited for any of the following conditions the code enforcement officer shall declare the residential dwelling unit uninhabitable and deny the issuance of a Certificate of Habitability:

- a.) The physical condition or use of any residential dwelling unit constitutes a public nuisance;
 - b.) Any physical condition, use or occupancy of any residential dwelling unit or its appurtenances that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;
 - c.) Any residential dwelling unit that has unsanitary sewage or plumbing facilities;
 - d.) Any residential dwelling unit that is designated as unsafe for human habitation or use;
 - e.) Any residential dwelling unit that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb, or property;
 - f.) Any residential dwelling unit in which plumbing, heating, fire protection systems, fire detection systems, or other facilities required by the adopted code referenced in Chapter 6, Title 7 have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
 - g.) Any residential dwelling unit that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrollable growth of vegetation, or which has active infestations of pests and/or rodents.
 - h.) Any residential dwelling unit that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the residential dwelling unit.
 - i.) Any residential dwelling unit that is determined to be a health hazard as defined by the State of Vermont Rental Housing Code and/or the declaration of the sworn Health Officer.
- 6.) The code enforcement department shall issue a Certificate of Habitability for a term of four (4) years for a newly constructed residential dwelling unit upon final inspection by a code enforcement officer.
- 7.) Nothing in this Ordinance shall preclude the inspection of said residential dwelling unit more frequently than the term of the Certificate of Habitability.
- 8.) A Certificate of Habitability may be revoked if a subsequent inspection determines that any residential dwelling unit is no longer in compliance with the provisions of the adopted code referenced in Chapter 6, Title 7.

- 9.) Prior to the issuance of the Certificate of Habitability, all registration and inspection fees shall be paid to the City of Saint Albans.
- 10.) Upon request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Habitability. All residential dwelling units located in the City of Saint Albans are required to have a Certificate of Habitability on file with the code enforcement department, without which it is a violation of this ordinance.
- 11.) The code enforcement officer shall have the discretion to place a residential dwelling unit on a more frequent inspection cycle for repeat violation and noncompliance.

2109. Issuance of a conditional certificate of habitability.

The code enforcement department may issue a Conditional Certificate of Habitability whenever the code enforcement officer is unable to inspect a residential dwelling unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

2110. Fees.

- 1.) An annual application fee in accordance with the City of Saint Albans schedule of fees shall be charged the owner of every building containing one or more residential dwelling units. The said property owner shall file along with the fee an annual rental registry application in order to identify all residential dwelling units, agents, and emergency contacts. The annual fee shall be assessed per building due by 30 days from receipt of invoice for said application fee.
- 2.) Pursuant to this ordinance an inspection of all residential dwelling units within each building will be required in order for a Certificate of Habitability to be issued. In order to comply with this ordinance the property owner shall file the rental registry application each year and on every fourth (4th) year pay an inspection fee in accordance with the City of Saint Albans schedule of fees per residential dwelling unit, in lieu of the annual yearly rental registry application fee. These fees are due net 30 days from receipt of invoice for said inspection fee.
- 3.) Re-inspection fee for non-compliance: Re-inspections for non-compliance with all applicable codes, established and adopted standards to protect the health, safety, and welfare of the occupants and re-inspections for Certificates of Habitability issued for less than the four (4) year cycle shall be assessed a fee in accordance with the City of Saint Albans schedule of fees per residential dwelling unit each time they are re-inspected until a four (4) year Certificate of Habitability is issued.

2111. Penalties.

A residential dwelling unit for which a rental registry fee is required in this ordinance that has not been paid shall be considered a violation of this ordinance and subject to penalties set forth in the City of Saint Albans schedule of fees. In addition, if the code enforcement department determines that a property owner has failed to pay the rental registry fee due under this ordinance, the code enforcement department shall mail to such property owner a statement showing the balance due and shall add thereto a late payment fee. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) per year from the due date until date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the residential dwelling unit is situated and may be enforced within the time and manner provided for collection of taxes on property.

2112. Transfer of ownership inspection required, defined.

The seller of any public building or structure, as defined in Section 2052, subsection 1 of this ordinance, transferred by sale or exchange shall certify to the buyer that the dwelling has been inspected and certified by the code enforcement department. This certification shall be signed and dated by the seller and filed in the land records at the time of recording the transfer. If the buyer notifies the seller within ten days by certified mail from the date of conveyance that the building or structure lacks a transfer of ownership inspection certificate, the seller shall comply with this section within ten (10) days of notification. A fee for the transfer of ownership inspection shall be levied in accordance with City of Saint Albans schedule of fees.

2113. Appeals.

All persons who wish to appeal the findings of the Fire Chief, Fire Marshal, Building Safety Officer, Enforcement Officer, or other Fire Department Officer pertaining to a building, fire, and/or life safety inspection shall do so in writing, setting forth specific reasons for the appeal, and deliver it to the City Manager. This appeal shall be delivered to the City Manager within 14 (fourteen) days of the issuance of inspection findings or said inspection findings shall be deemed final. Upon receipt of a written appeal the City Manager shall convene the Fire Inspection Appeal Board.

The Fire Inspection Appeal Board shall be comprised of the City Manager and two additional members, who may or may not be members of the City Council, one of whom may be the owner of a public building. The two members shall be annually appointed by the City Council beginning with the inception of this ordinance and

annually thereafter during the City Council's organizational meeting following the annual City Meeting.

CHAPTER 5

Reserved

CHAPTER 6

Protection, Prevention, and Alarm Systems

SECTIONS

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- 2124. Permission required connecting to municipal system.
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- 2131. Carbon monoxide alarms.
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- 2134. False alarms prohibited; penalty.
- 2135. Posting of occupant load in assembly occupancies.

2120. Fire code adopted.

- 1) There is hereby adopted by the City the Vermont Fire and Building Safety Code as currently adopted by the State of Vermont. Except as to the extent that any sections thereof have been either deleted or modified by the terms of the currently adopted Vermont Fire and Building Safety Code, the City also adopts the editions of the NFPA 1 Fire Prevention Code and NFPA 101 Life Safety Code currently adopted by the State of Vermont.
- 2) In the event there is a conflict between the provisions of the code adopted by reference in this section and the other provisions of this Code or ordinances of the City, the more stringent regulation shall prevail.

State law references: Authority of municipality to adopt codes by reference, 24 V.S.A. § 3101(c).

2121. Compliance with codes required.

- 1) All fire protection, prevention, and alarm systems shall comply with the Vermont Fire and Building Safety Code currently in effect.

- 2) In the event there is a conflict between the provisions of the codes adopted by reference in this section and the provisions of the City Code of Ordinances, the more stringent regulation shall prevail.

2122. Authority having jurisdiction defined.

For the purposes of this ordinance, "authority having jurisdiction," as defined in the NFPA 1 Fire Prevention Code shall mean and include the State of Vermont Division of Fire Safety, City of Saint Albans fire chief, City of Saint Albans fire marshal, or their designees.

2123. Master fire alarm box.

- 1) For purposes of this division, "master fire alarm box" shall mean the master control box at each site which will initiate automatic emergency notification to the fire department.
- 2) The location of the master alarm box at each site shall be approved by the fire chief, fire marshal, or his/her designee. No person shall have access to a master box unless authorized by the fire department. The fire department shall be given at least a twenty-four (24) hour advance notice for any prescheduled drills, maintenance or testing.

2124. Permission required connecting to municipal system.

No person shall install or connect any alarm system to the municipal fire alarm system without first obtaining final approval from the chief of the fire department, the fire marshal or his/her designee.

2125. Installation and maintenance; fees.

The cost of any connection to the municipal fire alarm system, as well as all other costs due to the installation of any master box, shall be borne by the party installing the system. All installation and maintenance work on a master box and/or alarm system shall be performed by state-licensed fire alarm installers and shall be subject to the approval of the fire marshal. An initial connection fee shall be paid to the City by the owner of the property upon which the master box or alarm system is installed. A reprogramming fee shall be paid by the owner for any modification to an existing master box that requires reprogramming and testing by the fire marshal or his/her designee. An annual connection fee shall be paid to the City by the owner of the property upon which the master box or alarm system is installed. It shall be the property owner's responsibility to maintain the master box on his or her premises in working condition and good repair at all times.

2126. Fire alarm system malfunctions; fees.

- 1) Defined: For the purposes of this section, a fire alarm system malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of an alarm signal to the fire department.
- 2) Fees: A fee in accordance with the City of Saint Albans schedule of fees shall be imposed for a false alarm due to a system malfunction. Additional offenses shall each increase the fee to be paid.

2127. Damage to master fire alarm boxes; fees.

- 1) Prohibited. No person shall destroy, deface or in any way damage any fire alarm box or any part thereof so as to prevent or delay its proper or timely use.
- 2) Fees: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees and the person responsible shall also be liable for the cost of repairs or replacement of the damaged property.

2128. Intentional false alarms.

Any intentional misuse of a fire alarm box that results in a false fire alarm from that property to the City fire alarm system shall be a violation of this ordinance and may result in the property owner being held responsible for the costs to the City from the response to such alarm and/or for a fee in accordance with the City of Saint Albans schedule of fees.

2129. Secure key boxes; fees.

- 1.) All public buildings with a fire alarm and/or an automatic sprinkler system shall be required to install secure key boxes or a so-called Knox Box. Existing public buildings with a fire alarm and/or an automatic sprinkler system not currently in compliance shall comply with this requirement within one year of the effective date of this section.
- 2.) The building owner shall be required to install in the key box all master keys to offices, electrical rooms, elevator equipment and all keys needed to reset any fire alarm system.
- 3.) If requested by the fire department, building owners shall be required to supply additional sets of keys as needed by the fire department to allow more than one team of firefighters to have access to areas of the building.

- 4.) If requested by the fire department, more than one Knox Box may be required to facilitate multiple points of entry in large facilities.
- 5.) Fees: A violation of this section after said one year period from the effective date of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees. After said fee has been levied against a non-compliant building owner each month of subsequent non-compliance with this ordinance shall be treated as a separate violation and shall be punishable by a separate fee.

2130. Secure fire department connections; fines.

- 1) Any public building having a sprinkler system shall be required to have locking fire department connection caps installed on each said fire department connection.
- 2) Fines: A violation of this section after said one year period from the effective date of this section shall be punishable by a fines in accordance with the City of Saint Albans schedule of fees and fines. After said initial fine has been levied against a non-compliant public building owner each month of subsequent non-compliance with this ordinance shall be treated as a separate violation and shall be punishable by a separate fine.

2131. Carbon monoxide alarms.

- 1) Carbon monoxide alarms which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, multiple unit dwelling, and other occupancies in which there are rooms or spaces in which sleeping is permitted. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer's instructions and state law.
- 2) In all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, or multiple unit dwelling, anyone installing smoke alarms pursuant to section 2131; subsection 1, after the effective date of this section shall install either a combination smoke alarm/carbon monoxide alarm device or separate devices that provide smoke and carbon monoxide detection and alarm. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer's instructions and state law.

- 3) The seller of a residential dwelling transferred by sale or exchange shall certify to the buyer that the dwelling is provided with the carbon monoxide alarms required in subsection 1. This certification shall be signed and dated by the seller and filed in the land records at the time of recording the transfer. If the buyer notifies the seller within ten days by certified mail from the date of conveyance that the dwelling lacks a carbon monoxide alarm or that the alarm is not operable, the seller shall comply with this section within ten (10) days of notification.

2132. Opening hydrants; fines.

- 1) No person shall open any hydrant, or draw water therefrom, except the public works director, superintendent of streets, or persons under their direction, or the officers of the fire department and members of the fire department under their direction for fire suppression purposes.
- 2) Fines: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees.

2133. Obstructions to hydrants; fines.

- 1) No person shall, by means of a tree, lumber, brick or building material of any kind, or other article of hindrance, obstruct the access to any hydrant connected with any water pipe within any street, alley or public place.
- 2) Fines: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees.

2134. False alarms prohibited; fines.

Any person who shall intentionally give or cause to be given a false alarm of fire or other public safety emergency shall be punished by a fine in accordance with the City of Saint Albans schedule of fees and fines and subject to prosecution under Vermont State Law.

2135. Posting of occupant load in assembly occupancies.

Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Occupant loads shall be calculated in accordance with the adopted codes referenced in Section 2120 subsection 1 of this ordinance, by the Department of Public Safety upon request of the property owner or authorized agent. An annual

administrative fee shall be charged by the City of Saint Albans in accordance with the City of Saint Albans schedule of fees for the maintenance of the occupant load calculation and shall be due upon the anniversary of the initial occupancy load calculation. A new occupant load certificate shall be issued by the Department of Public Safety upon any permanent change in configuration of the room or space of an assembly occupancy that already has an approved occupant load certificate. Issued occupant load certificates shall serve as the approved official record for all posted occupant loads. Once an occupant load is calculated the number of occupants allowed to enter the room or space shall not exceed the posted occupant load. If a posted occupant load is exceeded the building owner shall be fined in accordance with the City of Saint Albans schedule of fees and the event being attended may be halted by the Department of Public Safety or the City of Saint Albans.

CHAPTER 7

OTHER PROHIBITED ACTIVITIES

SECTIONS

- 2151. Rubbish and other waste.
- 2152. Open fires prohibited; fees
- 2153. Outside fire endangering buildings or noxious to others.

- 2151. Rubbish and other waste.

No person shall put or place, or cause to be put or placed, within 20 feet of any building or structure rubbish, paper, shavings, waste, cartons or boxes, except in a container approved by the fire chief or fire marshal of the fire department.

Cross references. Removal of fire hazard and hazardous materials; fees see section 2054.

- 2152. Open fires prohibited; fines

- 1) No person shall build an outside fire, open or contained in an incinerator, fireplace or other receptacle, or permit the same to remain burning at any time in the City without obtaining written or verbal permission from the chief of the fire department, fire marshal, or designee, nor except upon the terms and conditions of such permit. Provided, that nothing herein contained is meant to conflict in any manner with state statutes governing this subject. Provided further, that this section shall not be applicable to outside cooking units.
- 2) No person shall make an open fire in a street, common or other public place except by permission of the City Council or the mayor.
- 3) Upon being issued written or verbal permission to burn no person shall make an open fire within 25 feet of a building, structure, wooded area, standing brush, or tall grass. Also, the allowed fire must be attended by some responsible person who shall see the fire is extinguished before leaving it.
- 4) Fines: Each day's violation of any part of this section shall constitute a separate offense, and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the City of Saint Albans schedule of fees and fines. Any subsequent violations will be penalized by additional

finest accordance with the City of Saint Albans schedule of fees and fines.

2153. Outside Fire endangering buildings or noxious to others

- 1) No person shall build, permit to be built, upon premises under his or her use or control, any outside fire, whether the same be open or confined, in a manner, in a location, or of materials which will endanger the safety of any existing building or structure, or which will be noxious or injurious to others. Upon complaint to the fire department that any building or structure is being so endangered, or to the health officer that such noxious or injurious condition exists, such fire department official or health officer shall make investigation, and issue to any person found to be in violation of the subsection his or her written or verbal order to cease or desist, or to take such action with respect thereto as may be necessary to prevent or correct such dangerous, noxious or offensive condition.
- 2) A person who neglects or refuses to comply with or obey a lawful order as defined in Section 2152; subsection 1, shall be subject to a fee in accordance with the City of Saint Albans schedule of fees and fines.

CHAPTER 8

Reserved

CHAPTER 9

Reserved