

**DANGEROUS BUILDING ORDINANCE
TOWN OF _____, VERMONT**

SECTION 1. AUTHORITY. This ordinance is adopted by the selectboard of the Town of _____ under authority granted in 24 V.S.A. §§ 2291 (13), (14), and (15) and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from dangerous buildings and structures in the Town of _____.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

A. **Dangerous Building.** 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. **Building Safety Officer.** The officer appointed by the _____ Selectboard to enforce this ordinance. The Building Safety officer may hold any other office in the Town of _____. 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. In the event that the Building Safety Officer is unavailable, or has a conflict of interest, the _____ shall perform the functions of the Building Safety Officer.

SECTION 4. ABATEMENT OF DANGEROUS BUILDINGS.

A. **Building Safety Inspection.** Upon receiving information that any building or structure in the Town of _____ may be a Dangerous Building, the Building Safety Officer shall cause the building or structure to be inspected.

1. Written notice of intent to conduct an inspection shall be given to the owner of the building or structure at least seventy-two (72) hours prior to the inspection. A copy of this ordinance shall be attached to the notice.
2. 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
3. If the owner of a building or structure fails or refuses to consent to the inspection, the Building Safety Officer shall obtain a search warrant from the Vermont District Court for the purpose of conducting the inspection.

4. The Building Safety Officer may retain such law enforcement officers, fire officials, engineers and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

B. Building Safety Order. If, upon inspection, the Building Safety Officer determines that a building or structure is a Dangerous Building, the Building Safety Officer shall issue a Building Safety Order. The Building Safety Order shall:

1. Identify the hazardous conditions that cause the building or structure to be a Dangerous Building.
2. Identify the actions that must be taken by the owner to secure the Dangerous Building and abate the hazardous conditions identified in the order, including, where appropriate, removal of the Dangerous Building.
3. Set a date by which the actions to secure the Dangerous Building 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.

The Building Safety Order shall be served upon the owner of the Dangerous Building by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be mailed to the Town of _____ Selectboard.

C. Appeal.

1. A person aggrieved by a Building Safety Order may appeal such Order to the Town of _____ Selectboard within fifteen (15) days of service of the Order. The notice of an appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.
2. Within thirty (30) days of service of the notice of appeal, the Selectboard shall hold a hearing on the appeal. The Selectboard shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Building Safety Order and may contain such additional requirements as the Selectboard deems necessary and appropriate to implement the purpose of this ordinance.

D. Penalty and Enforcement.

1. If the owner fails comply with a Building Safety Order, the owner shall be considered to be in violation of the Order and this ordinance. The violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the _____ County Superior Court, at the election of the Building Safety Officer.

2. A civil penalty of not more than \$_____ per violation (*note: may be up to \$500 per violation*) may be imposed for violation of this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
3. 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(s). The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing.
4. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of _____ may pursue all appropriate injunctive relief.

SECTION 5. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of _____ and all applicable laws of the State of Vermont.

SECTION 6. 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 7. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the _____ selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

 DATE

SIGNATURES

Adoption History

1. Agenda item at regular selectboard meeting held on _____.
2. Read and approved at regular selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]

NOTICE OF INTENT TO CONDUCT BUILDING SAFETY INSPECTION

TOWN OF _____, VERMONT

To: _____

From: _____
Building Safety Officer
Town of _____, Vermont

Pursuant to information received on _____, the Building Safety Officer of the Town of _____ will conduct an inspection of the building or structure located at _____ on _____, 200_ at ____ a.m./p.m.

The purpose of this inspection is to determine whether the building or structure is a Dangerous Building as defined in the Town of _____ Dangerous Building Ordinance. A copy of the Ordinance is attached hereto.

We anticipate that the inspection will take approximately ____ hours. Law enforcement officers, fire officials, engineers and other persons necessary to assist with the building safety inspection may accompany the Building Safety Officer at the inspection.

If you fail or refuses to consent to the inspection, the Building Safety Officer may obtain a search warrant from the Vermont District Court for the purpose of conducting the inspection.

If you have any questions about this notice, the inspection, or the attached ordinance, please do not hesitate the Building Safety Officer at _____.

Date: _____

BUILDING SAFETY ORDER

TOWN OF _____, VERMONT

To: _____

From: _____
Building Safety Officer
Town of _____, Vermont

On _____, 200_, the Building Safety Officer of the Town of _____, Vermont, conducted a Building Safety Inspection of the following building or structure: _____

Upon inspection, it has been determined by the Building Safety Officer that this building or structure is a Dangerous Building as defined in Section 3.A. of the Town of _____ Dangerous Building Ordinance.

The following hazardous conditions were identified that cause the building or structure to be a Dangerous Building: _____

The following actions must be taken to secure the Dangerous Building and abate the hazardous conditions: _____

The foregoing actions must be completed by _____, 200_.

If you fail to comply with this Building Safety Order, you shall be considered to be in violation of the Order and Building Safety Ordinance. The violation shall be a civil matter that may be enforced in the Vermont Judicial Bureau or in the _____ County Superior Court, at the election of the Building Safety Officer.

A civil penalty of not more than \$_____ per violation may be imposed for violation of this Order. Each day that the violation continues shall constitute a separate violation of this Order. The Town of _____ may pursue injunctive relief to ensure compliance with this Order and abatement of the hazardous conditions identified in this Order.

You have the right to appeal this Order to the Town of _____ Selectboard by filing a written notice of appeal with the _____ Selectboard within fifteen (15) days of service of the Order. The notice of an appeal must be in writing and shall set forth a brief statement of the basis of the appeal. You have the right to be represented by legal counsel at the hearing.